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2024

Institutional Racism in the United States Revisited

Carmichael Peters
Chapman University, cpeters@chapman.edu

Louis L. Knowles
louknowles47@hotmail.com

Rodè F. Cramer
Chapman University, rodecramer@gmail.com

Glennan Keldin
Chapman University, keldin@chapman.edu

Hayley Nelson
Chapman University, hnelson@chapman.edu

See next page for additional authors
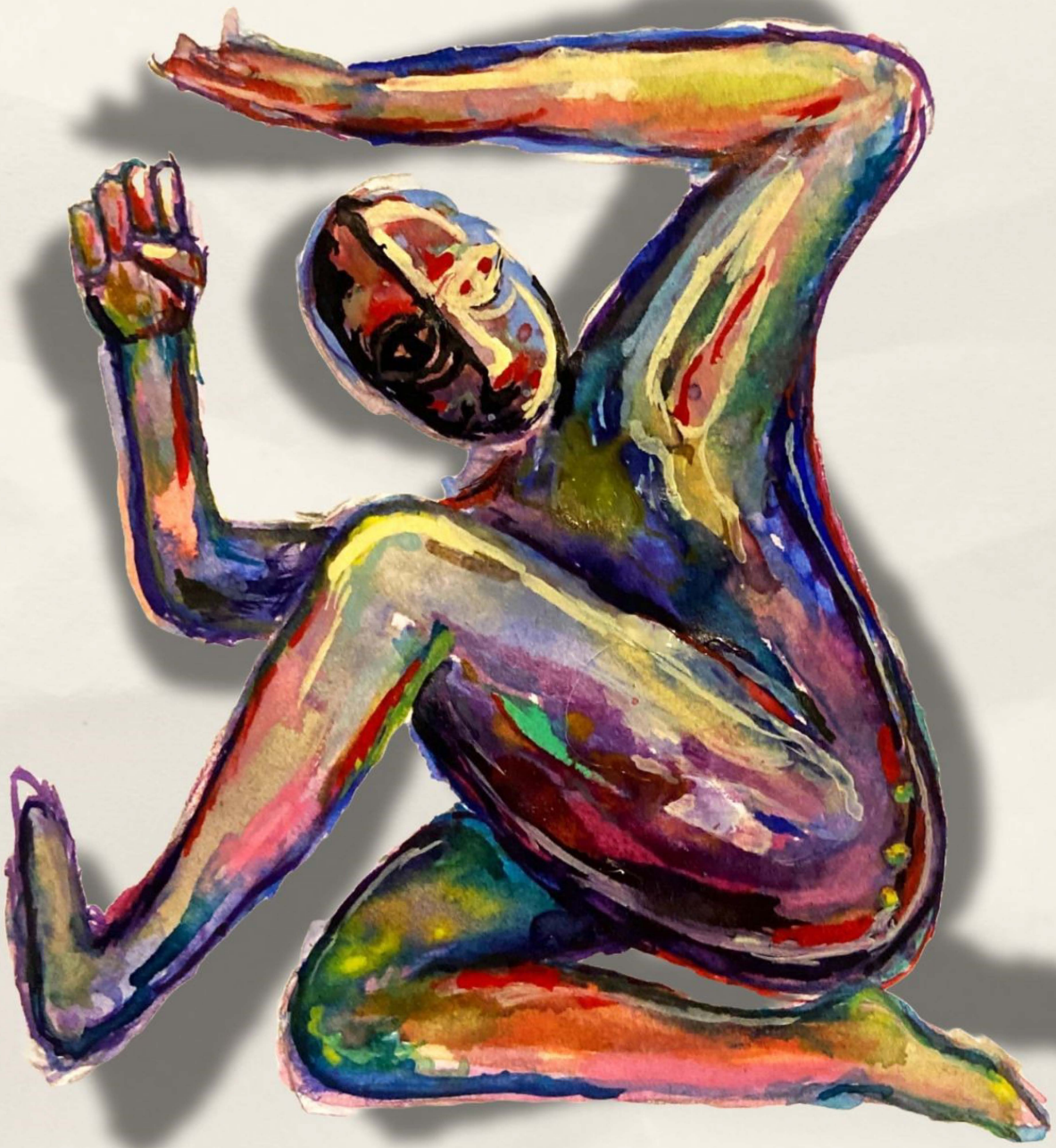
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Recommended Citation

Authors

Carmichael Peters, Louis L. Knowles, Rodè F. Cramer, Glennan Keldin, Hayley Nelson, and Lucia Beatty

INSTITUTIONAL
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IN THE UNITED STATES *REVISITED*

INSTITUTIONAL RACISM IN THE UNITED STATES
REVISITED

EDITOR-IN-CHIEF
LOUIS L. KNOWLES, DMin

PROJECT DIRECTOR
CARMICHAEL PETERS, Ph.D.

PRINCIPAL AUTHORS:

RODÈ F. CRAMER, MPH
GLENNAN KELDIN, BA
HAYLEY NELSON, BA, BFA

ASSOCIATE EDITOR: *SUSANNA B. BRANCH, MA*

CONTRIBUTING ADVISORS:

ANDREW HOROWITZ, BA
PAMELA LAWRENCE (HOROWITZ), MD

COVER AND CHAPTER ART: *LUCIA BEATTY, BA*

2020-2021 STUDENT CONTRIBUTORS

Sofia Bain
Natalie Brown
Chris Cobb
Samori Cullum
Elizabeth Eicher
Sasha Espinosa
Jackie Gold
Bobby Houston
Sam Ross
Amalie Seyffert
Joie-May Silvers
Chloe Stricker
Nishaad Trivedi

1969 CONTRIBUTORS TO: "INSTITUTIONAL RACISM IN AMERICA"

Owen Blank
Jim Davis
Paul Drews
Sue Mithune Duncan
Jacquelyn Griffith
Sue Haley
Andrew Horowitz
Louis L. Knowles
Kenneth Prewitt
Peter Ware

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Prologue

In the fall of 1967, some undergraduate students at Stanford University in Palo Alto chose to live in impoverished East Palo Alto, a city intentionally separated from affluent Palo Alto by Highway 101. Such use of highways to raze Black neighborhoods[1] and to reinforce a kind of residential apartheid different "from that imposed on [any other] group"[2] was a common practice of local governments. In any event, these students chose to live there in order to experience for themselves the wretched plight and the defiant aspirations of the poor, disadvantaged Black residents of that sub-city. Their project was supported through United Campus Ministries and Mid-Peninsula Community House, a service and action organization sponsored by the Presbyterian Synod of the Golden Gate and an ecumenical array of local congregations. The students met weekly in the living room of their East Palo Alto residence with Kenneth Prewitt, a young professor of political science at the University of Chicago who was visiting Stanford at the time. The group interpreted their experiences through the lens of Stokely Carmichael's and Charles Hamilton's recently published book: *Black Power: The Politics of Liberation in America*. The combination of their day-to-day experiences in the community and the insights drawn from Carmichael and Hamilton awakened in them a sense of moral urgency for change in the long-standing values, beliefs, and institutions of the White community, which they believed were responsible for the unnecessary sufferings of racial injustice. Consequently, they wrote *Institutional Racism in America*, which was edited by Kenneth Prewitt, and Louis Knowles, a member of the seminar who went on to doctoral studies at the University of Chicago Divinity School. The objective of these writers was to raise the consciousness of their intended audience, namely, White people, by revealing how the inhumane suffering of Black folks in the US was so normalized in legislative statutes, social policies, and governmental practices that racial justice required radical institutional change.

Since *Institutional Racism in America* was first published in 1969. much has changed and much has remained the same. One of the most significant changes is that racism, in many quarters, is no longer either explicitly sanctioned by law or overtly authorized by custom. What has not changed is the abiding institutionalization of racism in our politics, policies, and practices. However, this institutionalization has achieved such subtlety that nary a mention of, or reference to, race can be found anywhere. This allows for what Andrew Hacker calls 'the racial equality syndrome', which he describes as the belief by most Whites "that in the last generation, Blacks have been given more than a fair chance and at least equal opportunity, if not outright advantages."[3] Derrick Bell declares this illusory syndrome to be comforting to Whites because it allows them to easily dismiss accusations of individual acts of racism, to deny the existence of the ideological underpinning of racism itself, namely, the racial narcissism of white supremacy, and to boldly declare that we now live in a post-racial society. The necessary condition for the kind of institutional change called for in *Institutional Racism in America* cannot be achieved, therefore, without first acknowledging that we do not, in fact, live in a post-racial society and then by carefully analyzing the cleverly concealed ideology which prevents such a society from becoming a fact–an ideology which essentially holds that something is wrong with Blacks as a group because they are stamped from the beginning as racially distinct and inferior to Whites.

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[1] Richard Rothstein, *The Color of Law* (New York: Liverlight Publishing Corporation, 2017), 130-131.

[2] Andrew Hacker, *Two Nations: Separate, Hostile, Unequal* (New York: Scribner, 2003), 47.

[3] Hacker, 4.

Ibram Xolani Kendi's groundbreaking book, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* published in 2017, has been widely reviewed and extolled for its staggering, intellectual account of the ideology of white supremacy and its effects in the US. He is now widely regarded as one of the preeminent scholars on race. Surprisingly, his analysis of this ideology and the three historical forms of engagement with this ideology (segregationist, assimilationist, and antiracist) reveal the authors of the 1969 text to be avant-garde antiracist. Not surprisingly, like many contemporary people wanting to understand how racism pervades and endures in the US, the authors of the updated research inspired by *Institutional Racism in America* find his intricate account of the history of racism compelling. Consequently, they have intentionally adopted his antiracist perspective and use his exploration of the ideological roots and effects of racism to understand and frame their research. A brief introduction to elements of his work woven in their update is therefore helpful.

Kendi has identified two basic justifications for the ideology of white supremacy. He traces the first to Aristotle's climate theory concocted to show that ancient Greeks were superior to all non-Greeks, because unlike the extreme hot and cold climates which produced "intellectually, physically, and morally inferior [non-Greek] people…[Greeks were situated] in their supreme, intermediate climate, as the most beautifully endowed superior rulers and enslavers of the world."[4] Those born in this intermediate climate, this golden mean between extremes, "have the right to command, and those who are born [in the extremes] are born to obey."[5] Consequently, the enslaved are "by nature incapable of reasoning and live a life of pure sensation."[6] Whites who subscribe to the climate theory tend to be assimilationists, who "believed that Black people had been nurtured by the hot sun into temporary inferiority, but were capable of becoming White if they moved to a cooler climate."[7]

Kendi identifies the second justification as derived from Genesis 9:18-29, according to which Noah cursed his youngest son Ham and Ham's descendants to slavery because Ham had looked upon his drunken father's nakedness. That curse not only caused Ham and his descendants to be darker in color than, and genetically inferior to, others but also caused their enslavement to be divinely sanctioned. Whites who subscribe to the curse theory tend to be segregationists, who "believed that Black people were naturally and permanently inferior, and totally incapable of becoming White."[8]

Kendi isolates three historical responses to the ideology of white supremacy in the US: segregationist, assimilationist, and antiracist. His account of these is as follows. Segregationists claim that they are merely re-presenting "God's work, nature's design, science's plan, or plain common sense"[9] and are therefore not at all racist; yet somehow, they manage to blame Black people, and not God, nature, science, or common sense for the racial disparities Blacks suffer. They also support their position by arguing in favor of polygenesis: the view that the different human races subsist as distinct species because humans descended from several unrelated

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[4] Ibram X. Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (New York: Bold Type Books, 2017), 17.

[5] Kendi, 17.

[6] *The Politics of Aristotle* (Oxford: Clarendon Press, 1964), 91253b.

[7] Kendi, 32.

[8] Kendi, 32.

[9] Kendi, 5.

ancestors, which is why "Black people are biologically distinct and inferior to White people."[10]

Assimilationists regard the segregationist assertion that racial disparities stem from Blacks' biological inferiority to be racist and reject it. Instead, they blame racial discrimination for racial disparities and argue that slavery, in particular, and racial discrimination, in general, have made Black "cultures, psychologies, and behaviors"[11] so inferior that Blacks, through racial uplift, must adopt "White cultural traits and/or physical ideals"[12] if they are to overcome their racial inequalities.[13] Hence, any failure to enjoy the benefits of Whiteness becomes the fault of Blacks who refuse to assimilate. In apparent support of assimilation, Andrew Hacker observed that "white' as an "appellation has shown itself to possess remarkable elasticity"[14] in the history of the US, as more and more people from Europe, the Middle East, Asia, and Latin America are considered "white". However, he quickly adds that "in the past and now, [there has been and is] a particular reluctance to absorb people of African descent…because being 'black' in America bears the mark of slavery…. Put most simply, the ideology that has provided the rationale for slavery by no means disappeared."[15] Obviously, so long as the ideology of white supremacy exists, the racial uplift of assimilation encourages Blacks to aspire to an intentionally denied ideal, which reveals assimilation to be nothing but segregation light, nothing but a trick on racial justice. But perhaps the most sinister effect of assimilation occurs when Blacks internalize those unattainable ideas and ideals by striving to attain them. W. E. B. Du Bois, bell hooks, and others have pointed out how Black folks striving for what they are not by suppressing who they *are* shatters their souls. W. E. B. Du Bois wrote that such striving results in

> …no true self-consciousness, but only lets [one] see [oneself] through the revelation of the other world. It is a peculiar sensation, this double-consciousness, this sense of always looking at one's self through the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity. One ever feels [one's] two-ness,–an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder.[16]

In this double-consciousness of racial uplift, a fabricated outer-self conceals the authentic inner-self behind a veil of shame and self-loathing, a veil fashioned when seeing oneself through the eyes of one's despisers. In the world of assimilation, being a successful Black person comes down to living with an abiding sensation of self-estrangement and accepting mendacity as one's sanctioned and safe way to be in that world–both of these have devastated Blacks in the intersecting domains of public and private life.

Kendi borrows a term from Angela Davis's September 1979 speech at the Oakland Auditorium to name the third response to the ideology of white supremacy. In that speech, Angela Davis declared, "In a racist society it is not enough to be non-racist, we must be antiracist."[17] The

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[10] Kendi, 3.

[11] Kendi, 7.

[12] Kendi. 3

[13] In effect, Blacks are encouraged to aspire to be what they are not (Whiteness) by being ashamed or loathing what they are (Blackness).

[14] Hacker, 12.

[15] Hacker, 16, 18.

[16] W. E. B. Du Bois, *The Soul of Black Folks* (Chicago: A.C. McClurg & Co., 1904), 3.

[17] Angela Davis, "Get Tough with East Bay Nazis" in *Sun Reporter*, September 20, 1979.

activism of antiracist thinking did not originate with Angela Davis. She simply named a form of acting and thinking which for six centuries, according to Kendi, has persistently contended with the racist acting and thinking of segregationists and assimilationists. Although it is easy to state the antiracist creed in rather simple terms, its implementation has never been easy or permanently successful because of constant and formidable opposition by the segregationist and assimilationist powers that rule. Yet, for six centuries, antiracists have carried on with the stubborn conviction that they "are only undefeated/Because [they] have gone on trying."[18] In broad strokes, this creed is rather simple: human beings typically are endowed with the same inherent capacities (like the capacity to communicate); they have the innate right for these capacities to be cultivated in each individual to the fullest extent possible by different cultures in different ways;[19] Black people are treated as inferior by racist discriminatory institutions and practices without discernment, transforming them into inferior beings; Blacks for good reason must reject any form of integration based on assimilation; and, racism would only end with the eradication of its foundational ideology along with its instantiations in the policies and practices of social institutions.

As indicated earlier, by choosing to allow Carmichael's and Hamilton's *Black Power* to frame their understanding of the condition of Black people in the US, the writers of *Institutional Racism in America* adopted an antiracist orientation, which steadily guided their analysis of five dominant institutions in the US: "educational, economic, political, legal, and medical."[20] Consistent with antiracist thinking, the writers began by distinguishing, without separating, the overt acts of racism committed by White individuals against Black individuals from the covert racism in the normal, respectable operations of institutions. Predictably, they found that unlike individual acts of overt racism, which can be captured by recording devices in the act of their commission, covert racism of institutions is rarely identifiable in specific individual acts, but rather typically involves such subtle and familiarly pervasive procedures as not to be at all striking and, therefore, receives little or no public attention or censure; in other words, it effectively hides right out in the open. Although these two are distinct, they are similar in their effect and in their intent, which may be intentionally masked or innocently unconscious on account of socialization. Considering this distinction and similarity, the authors insisted that although racial justice requires a change in the attitude of individuals, it needs an even more fundamental antiracist change in the segregationist and/or assimilationist culture of institutions, and they define institutions as "fairly stable social arrangements and practices"[21] which govern our collective actions while socializing our individual lives.

Finally, the writers touched on the harmful trifecta of interlocking doctrines supporting the ideology of white supremacy. The first, Social Darwinism, resulted from Herbert Spencer's misusing of Darwin's theory of evolution by reducing "natural selection" to "survival of the fittest" and, in that way, providing a language, a conceptual framework and, thereby, a philosophical rationalization for racism and classism. According to this doctrine, people genetically pass on fit and unfit qualities, such as industriousness and shiftlessness, to their

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[18] T. S. Eliot, "The Dry Salvages" in *The Complete Poems and Plays 1909-1950* (New York: Harcourt, Brace & World, inc., 1971).

[19] See Martha Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education* (Cambridge, Massachusetts: Harvard University Press, 1997).

[20] *Institutional Racism in America*, eds. Louis L. Knowles and Kenneth Prewitt (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1969), 8-9.

[21] Knowles and Prewitt, 5.

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descendants, which account for social, economic, and racial superiority and inferiority. The second, Manifest Destiny, is based on an unsigned 1845 article in the *Democratic Review* which claimed that divine providence entrusted the North American continent south of the Canadian border to the rule of White Anglo-Saxons and that the resulting nation is called to the special divine mission of civilizing indigenous and other populations by subjecting them to the Christian faith. The third, Rudyard Kipling's White Man's Burden, tasks White people with civilizing people of color at home and abroad, who, like perpetual children, are coarse and incapable of self-governance and, therefore, must be subjected for their own good to the rule of Whites.

Honestly facing the tension between the urgency to do something about racial injustice in the US and the difficulty of knowing what exactly to do as Whites, the writers followed what Malcolm X had directed White antiracists to do, namely, to fight "on the battle lines of where America's racism really is–and that's in their own home communities."[22] Therefore, as indicated earlier, these writers focused their work on raising the consciousness of Whites to the fact that their advantages resulted from "the accumulated gains of past discrimination"[23] which imposed upon Blacks crushing disadvantages. Their research detailed the way practices and governmental policies in five institutions maintained and fostered said discrimination. It debunked the assimilationist view that because we live in a post-racial society, individual racism is "the principal problem, …which…could be remedied by persuasion and education."[24] It established that in the struggle for racial justice, there is no neutral ground. And it asserted, what the writers had learned from Black antiracists, namely, that Blacks were in charge of the struggle for racial justice in the Black community–agents of their own liberation. To their credit, at no point did the writers of *Institutional Racism in America* stop at the mere description of racism and how it is retained in, and conveyed by, "fairly stable social arrangements and practices." Perhaps they knew that to do so, to describe a deadly social malady without advocating for a meaningful proportional prescription, would not only be morally reprehensible but most likely leave ample room for assimilationist palliatives.

At this point, it seems reasonable to ask: why, after so many years since the publication of *Institutional Racism in America*, is the subject now being revisited? One credible response: if publicly verifiable data expose individual acts of racism to be rooted in dysfunctions in "fairly stable social arrangements and practices," and there is now a particular act of racism, then publicly verifiable data should establish that act as rooted in such dysfunctions. What provoked the current update was a shockingly violent moment of transparency in the stillness of a pandemic lockdown: a horrible individual act of racism. On May 25, 2020, a man was arrested after a store clerk alleged that he made a purchase using a counterfeit $20 bill. The Minneapolis Police Department posted the following report:

> May 25, 2020 (MINNEAPOLIS) On Monday evening, shortly after 8:00 pm, officers from the Minneapolis Police Department responded to the 3700 block of Chicago Avenue South on a report of a forgery in progress. Officers were advised that the suspect was sitting on top of a blue car and appeared to be under the influence. Two officers arrived and located the suspect, a male believed to be in his 40s, in his car. He was ordered to step from his car. After he got out, he physically

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[22] Malcolm X and Alex Hayley, *The Autobiography of Malcolm X* (New York: Ballantine, 1999), 369.
[23] Kendi, 385.
[24] Kendi, 400.

resisted officers. Officers were able to get the suspect into handcuffs and noted he appeared to be suffering medical distress. Officers called for an ambulance. He was transported to Hennepin County Medical Center by ambulance where he died a short time later. At no time were weapons of any type used by anyone involved in this incident. The Minnesota Bureau of Criminal Apprehension has been called in to investigate this incident at the request of the Minneapolis Police Department. No officers were injured in the incident. Body worn cameras were on and activated during this incident. The GO number associated with this case is 20-140629.[25]

End of police story. No police officer was going to contradict that sanitized account, although it was a lie; this is an established "social arrangement and practice" in police departments nationwide. The police officers involved in the murder of that man, George Floyd, would have gotten away with that lie but for Darnella Frazier, a 17-year-old bystander, who had gone with her 9-year-old cousin, Judeah Reynolds, to Cup Foods to buy snacks. When Darnella saw what was going down with George Floyd, she positioned herself near the back of a squad car, turned on her cellphone, and recorded Derek Chauvin kneeling on George Floyd's neck for more than nine minutes, at the end of which George Floyd was dead. She uploaded her video at 1:46 a.m. on May 26 to Facebook and Instagram. The Minneapolis Police Department did not remove its original post until after Darnella's video was posted and widely circulated.[26]

Posted videos by Darnella Frazier and others reveal how two instruments of technology– the smartphone and the internet–developed long after the publication of *Institutional Racism in America,* can be tools in advancing the struggle for racial justice. Frazier's smartphone video recording posted on social media made indisputable the reality and cruelty of individual racism; the posted video juxtaposed with the original police report showed how institutional racism functions by masking or sanitizing its public face. In this digitalized age, technological developments, whether intended or not, can be tools for transparency and accountability by making critical information readily and widely accessible.

It is precisely because of such access that the writers of this revision are mindful of social and conceptual-political complexities, some not directly attended to in *Institutional Racism in America,* and others nonexistent when that work was published. In revising the earlier work on the educational, economic, political, legal, and medical institutions, they are mindful of these complexities from an antiracist perspective.

The primary social complexity which these new writers face is their recognition of the sheer diversity of the populations who have been forced to the maligned margins of this society in the past as well as the diversity of the newcomers to those margins. This recognition argues for a linguistic sensitivity which directs them to avoid terms used in the original work such as "ghetto" and "American": the former because when referring to Black communities it did not carry its typical meaning of a community, for any number of reasons, living in a segregated part of a city but of an urban area blighted with crime, violence, and extreme poverty; the latter because it is hegemonic to use "American" when referring to one country in the Americas. Finally, because of this diversity on the margins, it is incumbent upon them to show how their research on the five institutions of the earlier work justifies the continued focus on discrimination directed at Blacks.

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[25] https://www.famous-trials.com/george-floyd/2720-original-mpd-statement-on-floyd-a-medical-incident.

[26] Robert Samuels and Toluse Olorunnipa, *His name is George Floyd: One Man's Life and the Struggle for Racial Justice*, Penguin, 2022, 234.

However, in this work and at the time of its writing, the terms "Black Americans" and "White Americans" have been utilized to refer to United States residents who are Black or White. These terms are commonly used in many references in this text and are intended to provide consistency to readers. It is understood that these demographic identifiers may change in the future.

The conceptual-political complexities are indeed many, but the most salient informing their work are the call for reparation, Critical Race Theory (CRT), the Black Lives Matter Movement (BLM), and Make America Great Again (MAGA). The first of these, reparation, is based on a basic humanitarian principle that requires an entity (nation, state, cooperation, etc.) to redress gross and systematic violations of human rights through the administration of some form of compensation to the victims. The call for the United States to compensate its Black citizens is based on these facts: that the US government intentionally violated the human rights of Blacks, which includes but is not restricted to the spiritual and physical sufferings of slavery, the loss of citizen rights, privileges, and opportunities, and the loss of earnings and property; that the US knew that it benefited from said violation; and that the US accepted and retained those benefits down to the present. The history of reparation for Blacks began with General William Tecumseh Sherman's "forty acres and a mule" Special Field Order in 1965, progressed through Dr. Martin Luther King, Jr.'s declaration in 1963 that the architects of the US had reneged on a promissory note[27] so he was going to the nation's capital to demand economic reparation–"to get our check"[28] and the interest on it–and recently conveyed in Ta-Nehisi Coates' "The Case for Reparation" in *The Atlantic*.

When "the heady advances of the civil rights era of the 1960s had stalled and, in many respects, were being rolled back,"[29] lawyers, activists, and legal scholars took note and, in the 1970s, began "a scholarly and politically committed movement in law"[30] about the relationship of race, racism, and power. Eventually, two of Derrick Bell's former Harvard law students, Kimberlé Crenshaw and Mari Matsuda, organized the first national conference on Critical Race Theory outside Madison, Wisconsin, on July 7-12, 1989. The conference was entitled "New Developments in Critical Race Theory." However, Malik Simba points to Derrick Bell's *Race, Racism and American Law* published in 1970 as "the opening statement for what would emerge as Critical Race Theory."[31] In this book, Bell is primarily concerned with the racism of Whites against Blacks in the US, but the book is not limited to racism against Blacks. "He has one chapter concerning racism against other non-whites, with particular commentary on the problems of Indians, Chinese, Japanese, and Mexicans, and on racism in other countries."[32] In broad strokes, CRT holds that race is not a biological fact but a socially constructed reality; that racism is not aberrational acts by "bad apples" but the normal way society does its business in its

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[27] *The Essential Writings and Speeches of Martin Luther King, Jr.*, ed. James M. Washington (New York: HarperCollins Publishers, 1986), 217.

[28] https://www.youtube.com/watch?v=-Zl9kTY0dos&t=19s.

[29] Richard Delgado and Jean Stefancic, *Critical Race Theory: An Introduction* (New York: New York University Press, 2017), 4.

[30] Critical Race Theory: *The Key Writings that Formed the Movement*, eds. Kimberlé Crenshaw, Neil Gotanda, Gary Feller, & Kendall Thomas (New York: The New Press, 1995), xiii.

[31] https://www.blackpast.org/african-american-history/critical-race-theory-a-brief-history/.

[32] Reviewed Work: *Race, Racism and American Law* by Derrick A. Bell, Review by: A. Leon Higginbotham, r. Source: University of Pennsylvania Law Review, April 1974, Vol. 122, No. 4 (April 1974), pp. 1044-1069 Published by: The University of Pennsylvania Law Review Stable URL: https://www.jstor.org/stable/3311421), 1046.

institutions (educational, economic, political, legal, and medical) through which it replicates itself; that racism serves the interest of Whites, so "large segments of society have little incentive to eradicate it;"[33] that racial stereotypes and classifications change over time; "that because of their different histories and experiences with oppression, black, American Indian, Asian, and Latino writers and thinkers may be able to communicate to their white counterparts matters that the whites are unlikely to know."[34] CRT became a battleground "in the larger cultural wars over racial and gender diversity and affirmative action but ultimately over the entire debate about what constitutes racial justice in the United States"[35] in 1993 when Republican US Senators used Lani Guinier's published works on CRT to oppose her nomination to be Assistant Attorney General for the Civil Rights Division of the US Department of Justice.

Finally, the Black Lives Matter movement: On February 26, 2012, 17-year-old Trayvon Martin was murdered by civilian George Zimmerman, the neighborhood watch coordinator in his gated community where Martin was staying as a guest, and who was acquitted of that murder on July 13, 2013. Posts on Facebook by supporters of his acquittal blamed Black people for their condition. Alicia Garza's visceral reaction when reading these posts led her and two other Black women, Patrisse Cullors and Opal Tometi, to launch a movement that rejected centuries of racist declarations in word and deed that Black lives do not matter. That movement, Black Lives Matter, quickly grew into a loosely organized "movement filled with young people operating in local BLM groups across the nation, often led by young Black women."[36] The looseness of BLM defies a definition beyond its affirmation that all Black lives matter regardless of sexuality, gender, class, ability, disability, religious beliefs or disbeliefs, location, or immigration status.

These three conceptual-political "movements" have stoked a rage, which, according to Carol Anderson, "is not about physical violence, but rather…works its way through the courts, the legislatures, and a range of governmental bureaucracies."[37] In a society portrayed as post-racial, characterized supposedly by "the racial equality syndrome," this rage "doesn't have to wear sheets, burn crosses, or take to the streets. Working in the halls of power, it can achieve its ends far more effectively, far more destructively."[38] It hides right out in the open on television networks, talk radio, from political leaders, legislatures, and political parties. This rage is segregationist racism on steroids, and it has many targets, but among its most prominent are reparation for Blacks, CRT, and BLM. This is the world of MAGA, the slogan of Donald Trump's successful presidential campaign and the blueprint for the retrenchment of segregation.

The willingness of these new writers to engage in this enterprise amidst all these complexities and controversies echoes the courageous activism for social justice of the earlier writers of *Institutional Racism in America*.

-Carmichael Peters, Ph.D., Project Director, June 2023

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[33] Delgado and Stefancic, 9.

[34] Delgado and Stefancic, 11.

[35] https://www.blackpast.org/african-american-history/critical-race-theory-a-brief-history/.

[36] Kendi, 503.

[37] Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (New York: Bloomsbury, 2017), 3.

[38] Anderson, 3.

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Foreword: Where This Publication Came From, and Where It Should Take You

This work, like its predecessor published in 1969, *Institutional Racism in America*,[39] is a response to the enduring injustices and human suffering caused by racism in US society. The purpose of the original work initiated over 50 years ago remains the same today: to expose and analyze the intricate web of policies and practices that continue to oppress Black people in every dimension of life, leaving the United States as a nation in which people of color continue to endure a lower standard of living, worse housing and health care, inferior education, and unjust treatment in politics and the administration of justice.

In both 1969 and 2023, the necessary research and writing was done by a team of undergraduate college students, mostly young White people, who were motivated by a deeply felt desire to promote racial justice wherever and whenever they could. The commitment of these young people is rooted in the shared conviction that institutional racism not only does serious damage to Black lives, but that it also creates a vast and largely unrecognized field of misconceptions, fear, and hate that distort social and political life for all of us, whatever our racial and ethnic identity may be. Furthermore, discriminatory laws and social customs directed at Black people for the past 400 years have become a template for White hostility toward and mistreatment of many other racial and ethnic groups as well as those who are of differing gender and sexual identity.

Providing direction and support for the students in both seminars were highly motivated academics prepared to lead the students beyond the safe confines of traditional doctrines and theories into exploration of real-world conditions as revealed in the work of cutting-edge scholars and journalists. In 1968 faculty leadership was provided by Dr. Kenneth J. Prewitt, a young political scientist teaching at Stanford University while on leave from the University of Chicago. In 2020-2023, Professor Carmichael Peters, director of the University Honors Program at Chapman University, designed and taught the seminar out of which this publication emerged, continuing over the next two years to oversee work on this book.

The 2020 Chapman seminar and this publication would not have happened were it not for the vision of Andrew Horowitz, one of the Stanford undergraduate students who helped write the 1969 book and who serves as a trustee of Chapman University. In the aftermath of the murder of George Floyd at the hands of Minneapolis police in 2020 and the national uprising that this event triggered, Horowitz felt that a seminar and writing process similar to what he had experienced in 1969 could be replicated at Chapman.

Both in 1968 and 2021, the nation was going through a turbulent time marked by violence. The murder of Dr. Martin Luther King in 1968 and the murder of George Floyd 52 years later left the nation in a state of shock. Demonstrations took place throughout the country. People were seeking answers to a national crisis that were not easily found. Horowitz believed that a process involving contemporary student researchers could again help people understand the workings of institutional racism and point toward productive action. Horowitz approached Dr. Daniele Struppa, president of Chapman University, who wholeheartedly supported the idea of organizing such a seminar utilizing the enthusiasm and intellectual abilities of Chapman students.

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[39] *Institutional Racism in America*, eds. Louis L. Knowles and Kenneth Prewitt (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1969).

In both 1968-1969 and 2020-2023, seminar participants took inspiration from contemporary publications by prominent Black scholars. In 1969 students were powerfully taken by the analysis found in the book *Black Power: The Politics of Liberation* by Stokely Carmichael (Kwame Ture) and Charles V. Hamilton. This 1968 publication introduced and explained the term "institutional racism" to the world. Carmichael and Hamilton also appealed to White people concerned about racism to examine White-dominated institutions and to fight racism as they found it there. In 2020 Chapman students were deeply moved by the history and analysis of current racist conditions offered by Dr. Ibram X. Kendi in his books, *Stamped from the Beginning* and *How to be an Antiracist*. His analysis of nonracist versus antiracist stances as well as three different historical responses to race–segregationism, assimilationism, and antiracism–provided Chapman students with a mandate to be not only scholars but also advocates and changemakers.

In addition to Andrew Horowitz and his wife, Dr. Pam Lawrence Horowitz, several other veterans of the 1968-1969 Stanford seminar, including myself, were privileged to participate in the Chapman seminar sessions via Zoom. On the one hand, it was sobering for these senior seminar participants to revisit the reality of racism and its effect on communities of color. We found ourselves wondering how the country could have made so little progress in righting the wrongs of the past, leaving much of the Black community in more or less the same exploited condition it endured 50 years ago. On the other hand, it was a moving experience to see a new generation of young, activist student scholars carry on the struggle to end institutional racism. It was also inspiring to become familiar with the great wealth of recent research and publications on issues of race, much of it by African American scholars who have made their way into the ranks of top researchers and educators and who now constitute a brilliant army of investigators who will not allow the truth about race relations to be hidden ever again.

We are living through a crisis of confidence in terms of the accuracy of information offered in the public square. As the internet expands, it is becoming increasingly difficult to distinguish between true statements that are supported by reliable sources and falsehoods that emerge from the world of rumors and outright lies. Especially with a topic like racism around which there is a vast universe of denial and entrenched mythology, it is critical in a publication such as this one to base statements on information from sources that are identifiable, reliable, and have withstood the test of peer review. This book includes an extensive collection of footnotes that allow readers to check sources to verify facts and assertions.

I speak for all those associated with the creation of this work when I say that you are invited to read this book, to learn from it, to use it as a reference in your own research, and to join the struggle to achieve true and lasting racial justice, not there but here, not tomorrow but today.

-Louis L. Knowles, Editor-in-Chief, December 2023

Positionality Statement

While the majority of the core editorial team members self-identify as White, two self-identify as Multiracial. The Chapman University students who participated in the Race Matters class and authored the research papers which contributed to this book were of diverse racial and ethnic backgrounds including Black, White, Latin@, Asian, and Multiracial or Multiethnic. Further, other contributors, readers, and subject-matter experts who supported and participated in this project were also of diverse racial and ethnic backgrounds. Regardless of racial or ethnic background, all who participated in this endeavor did so out of a commitment to live and work as antiracists, doing what is in their power to end racist policies and practices in institutions and organizations of US society. As James Baldwin stated, "the story of the Negro in America is the story of America–or, more precisely, it is the story of Americans... Our dehumanization of the Negro then is indivisible from our dehumanization of ourselves" (Baldwin, 1955).

Baldwin, J. (1955). Many Thousands Gone. In *Notes of a Native Son*. Beacon Press.

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Understanding "Incongruous" Data

This work incorporates an enormous amount of data collected from many sources. Readers will see differing statistics stated on comparable topics, and this may seem incongruent in a document based on legitimate research, However, it is important to understand that statistical data outcomes are derived from the use of quantitative assumptions and study methods set by the principal investigators of every research project. These rules, carefully set in advance, focus research so that final data only provides information about the specific questions being explored during particular times in the study. Therefore, readers are reminded that statistical outcomes are the result of a study's research context and methodology. Similar questions may result in disparate data depending on a variety of factors existing between studies. Curious and questioning readers are encouraged to use the resources listed in this book to verify assertions and perform new investigations that expand their understanding and allow them to reach their own conclusions.

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Using This Digital Resource

Chapter Summaries for Quick Reference for Researchers

Chapter 1: The Institutional and Ideological Roots of Racism
> This chapter provides the reader with the context necessary to create a foundation on which to ground their understanding of the following chapters. The chapter disproves the claim that the United States (US) is a "post-racial," society, one in which racial discrimination is obsolete, and one's race no longer impacts one's quality of life. It provides definitions of both "institutions" and "racism," as well as examples to illustrate how "institutional racism" operates. The chapter employs historical analysis to trace the presence of white supremacy over centuries, beginning in Greece in the 300s BCE, moving on to the colonization of the Americas, the era of slavery, the Civil Rights Movement, and, most recently, the murder of George Floyd. The chapter emphasizes that "white supremacy must be analyzed as an ambient, omnipresent social construct," and why this perspective is crucial to understanding and recognizing the sources, functions, and consequences of institutional racism.

Chapter 2: Racial Practices in Economic Life
> This chapter illustrates how institutional racism has shaped the US economy. By first establishing the significance of the term "wealth," the chapter explains why it is devastating that the racial wealth gap was as large in 2022 as in 1950 and analyzes the factors that have allowed such inequality to persist. Beginning with the exclusion of Black people from engaging in free enterprise, the chapter provides a detailed account of dominant institutions denying Black people the opportunity to create and build wealth by starting and running businesses. From entrepreneurs to agricultural workers, the allocation of bank loans and government subsidies is remarkably unequal along racial lines. The chapter demonstrates the established trend that rates of unemployment and underemployment are consistently higher among Black workers than White workers. When Black workers are employed, they encounter inconsistent schedules, unreliable job security, and inferior working conditions more than their white counterparts.
>
> As participants in the economy, Black people are exploited not only as workers but also as consumers. Businesses geared to extract the maximum profit from customers with few other options prey on poor residents of "food deserts." When credit financing institutions assign higher interest rates to Black customers, they make it more difficult to build a good credit score, making it more expensive to get a mortgage, credit card, or insurance policy. Homeownership is also a key element in building generational wealth. However, historical racist practices such as redlining and blockbusting ensured racial disparities in homeownership for centuries.
>
> This chapter ends with proposed solutions to close the racial wealth gap. Addressing the historical source of economic inequality, reparations would be monetary payments made to descendants of people who were forced to perform uncompensated labor under slavery, or legally discriminated against in the Jim Crow Era. Black capitalism focuses on building up Black economic power by employing principles of capitalism from within the Black community. At the same time, affirmative action policies aim to increase diversity in specific organizations. The chapter concludes by emphasizing that closing the racial wealth gap would benefit the prosperity of the entire nation.

Chapter 3: The Unequal Education of Students in the United States
> This chapter examines how unequal access to education based on race has been a reality since the beginning of public education in the US. Through a history of Supreme Court rulings (including *Plessy v. Furguson* in 1896 which established the legal justification for "separate but

equal" education, *Brown v. The Board of Education* in 1954 which declared racial segregation in public schools unconstitutional, and *Milliken v. Bradley* in 1974 which allowed school districts to determine their own boundaries), this chapter provides historical examples of racial attitudes influencing access to and quality of public education, meaningfully referencing a 2020 study which found that racial segregation in US public schools increased by 35% between 1991 and 2020.

The chapter illustrates why racial segregation in school districts leads to an unequal distribution of educational resources. Public education is funded in large part by local sources, including local property taxes. Higher property taxes create more funding for local public schools. Due to residential segregation, schools in lower-income neighborhoods with majority Black student populations lack many of the resources found in schools serving majority White middle- and upper-income communities. The chapter analyzes obstacles that stand between Black students and access to quality education, despite decades of interventions. These obstacles include the lack of opportunities for community participation in decisions about schools, an assimilationist approach to education, a prevalent bias toward White culture in standardized testing, ability grouping that perpetuates educational inequality, and teachers' racial attitudes being projected onto their students. The chapter ends with a brief exploration of the racial aspects of private and charter schools and concludes with the assertion that racial and socioeconomic integration of educational institutions positively contributes to overall academic achievement.

Chapter 4: The Miseducation of Students in the United States

This chapter demonstrates how institutional racism has infiltrated the US education system. Beginning with the subject matter of history, this chapter considers the way the era of slavery, Reconstruction, and the Civil War are treated by state standards for education, highlighting the most problematic recurring themes, including a lack of proper context and an avoidance of the ideology of white supremacy. The chapter investigates the factors that led to this problematic approach to historical education eventually becoming solidified in state standards. After the Civil War, Southern interest groups (such as the United Daughters of the Confederacy) were able to exploit racial attitudes and regional identities to effectively control the national narrative surrounding slavery, Southern secession, and the Civil War, and were subsequently able to institutionalize this warped narrative in the education system by weaponizing public pressure. Additionally, this chapter analyzes how racism and white supremacy have their fingerprints on global history education and English and Language Arts education. Finally, this chapter discusses Critical Race Theory, the controversy surrounding the topic, and its potential value as a remedy for institutionalized miseducation.

Chapter 5: Disenfranchisement and Voter Suppression

Through an exploration of the history of political representation in the US, this chapter proves that "a basic tolerance for a compromised Republic in the interest of racial slavery was established at the nation's founding" and explores how that fundamental failure allowed for centuries of political dysfunction. First, the chapter demonstrates how the nation's founding documents failed to define what exactly constitutes citizenship. During the era of slavery, the implication that Black people in the US were not considered "Americans" by White leaders was evident in the Three-Fifths Clause, the Dred Scott decision of 1857, and President Lincoln's plan to follow emancipation with mass emigration. During the Reconstruction Era, the success of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution was short-lived. The Black political participation provided by these amendments was, briefly, a genuine reality, until the Compromise of 1877 effectively negated such protections.

With enfranchisement for Black citizens enshrined in the Constitution, White leaders turned their attention to institutionalized, "race-neutral" forms of voter suppression including poll taxes, grandfather clauses, and blatant voter intimidation. During the Civil Rights Era, Black citizens regained some political power through the Voting Rights Act of 1965, but this power was swiftly thwarted by tactics such as gerrymandering, voter identification laws, and the joint efforts of the War on Drugs and the disenfranchisement of ex-felons. Moving into the current moment, this chapter analyzes the contemporary state of voter suppression through cases such as *Shelby County v. Holder* (2013(and *Husted v. A Phillip Randolph Institute* (2017), exploring how insufficient oversight allowed politicians to disrupt institutional processes such as the purging of voter rolls and the vote-by-mail system, resulting in the chaos of the 2020 election and a massive loss of public faith in the alleged democratic ideals of the country.

Chapter 6: Racism in the Administration of Justice

This chapter provides a detailed analysis of racial bias in the institutions on which we rely to deliver justice and maintain social order in the US. A brief history of policing systems in the US demonstrates how the role of police officers in modern culture finds its roots in the slave patrol of the early seventeenth and eighteenth centuries. The chapter then illustrates how the role of police remains meaningfully racialized, as Black people are disproportionately arrested, injured, and killed by police. Moving on to an analysis of the structures of delivering justice, the chapter highlights how written policies as well as institutional norms are largely shaped around, and function in accordance with, the interests of dominant White culture. Political and legal officials can then obscure the extent to which race governs these institutions by deploying coded language that emphasizes a "colorblind" or "race-neutral" explanation of racially disparate outcomes of the criminal justice system.

Further illustrating these disparate outcomes, the chapter traces the influence of race on systems of policing from the slave codes of the era of institutionalized slavery and the Thirteenth Amendment (which prohibited slavery except as punishment for a crime), through the Black codes and vagrancy laws of the Reconstruction Era, calls for "law and order" during the Civil Rights Era, the War on Drugs of the late twentieth and early twenty-first centuries, and, finally, our current era of mass incarceration. The presence of profound racial, cultural, and economic biases in the criminal justice system, along with the exclusion from society experienced by those branded "criminals," supports the claim that far more justice would be delivered if the policing institutions in the US pivoted from a punitive approach to criminal justice to a more restorative approach. The chapter ends with proposed solutions for where and how such changes should be made.

Chapter 7: Institutional Racism in Healthcare

In the United States, how we experience illness, injury, and death aligns with how we live–unequally, based on race and class. As a direct result of systemic racism, Black people in the United States experience higher rates of morbidity (suffering from a disease or medical condition) and mortality (death from a particular disease or medical condition) than most other racial and ethnic groups in the nation. This chapter begins by comparing morbidity and mortality rates among non-Hispanic White and Black people in the United States to illuminate the persistent racial disparities in health. This is followed by an exploration of some of the ways systemic racism contributes to these disparities and concludes with proposals for action provided by medical and public health experts.

Chapter 1: The Institutional and Ideological Roots of Racism
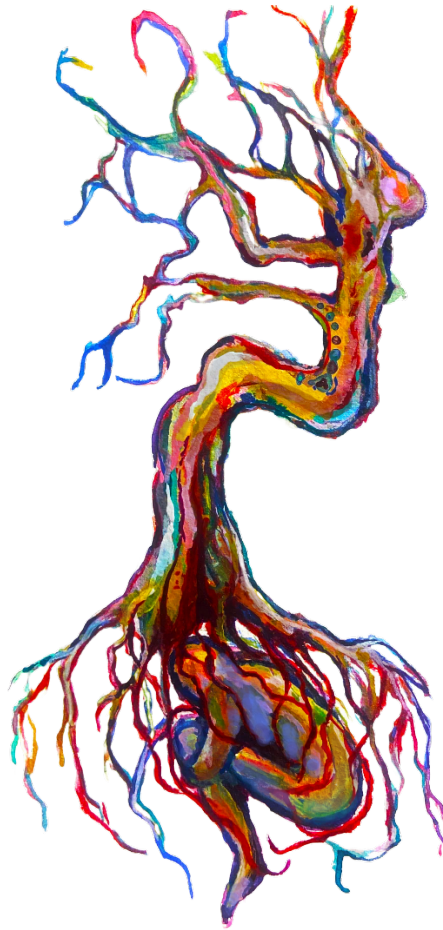
"It is time for this country to pay the debt it began incurring four hundred years ago, when it decided that human beings could be purchased and held in bondage. What happened in 1619... set in motion the defining struggle of American life, between freedom and oppression, equality and racism, between the lofty ideals of democracy and the fight to make them real. We must confront this four-hundred-year war between these opposing forces, and then we must make a choice about which America we want to build for tomorrow. The time for slogans and symbolism and inconsequential actions has long passed. Citizens inherit not just the glory of their nation, but its wrongs, too. A truly great country does not ignore or excuse its sins. It confronts them, and then works to make them right. If we are to be redeemed, we must do what is just: we must, finally, live up to the magnificent ideals on which we were founded."

> Nikole Hannah-Jones, "Justice," in *The 1619 Project: a new origin story,* created by Nikole Hannah-Jones and the New York Times Magazine (New York: One World, 2021), 476.

Chapter 1: The Institutional and Ideological Roots of Racism

The Myth of a Post-Racial Society

Since the publication of *Institutional Racism in America* in 1969, there have been many signs of apparent progress in relations between the races. Legally sanctioned segregation in public facilities has disappeared. Black actors and directors have become established in Hollywood and are among the highest-paid and most popular members of their professions. A Black female TV host, Oprah Winfrey, has become a billionaire with great influence over what the nation reads and buys. US voters have elected a Black man to the office of US President, and a Black, South Asian woman to the office of US Vice President. Two of our largest and most important cities, Los Angeles and New York, have Black mayors. With all of these indicators of racial progress, it is beguiling to believe that we live in a post-racial society, a society in which our race does not impact our material and social conditions. It is easy to imagine ourselves as a society in which people are "not judged by the color of their skin but by the content of their character."[40] In a nation that has been led for two terms by a Black President, how can one claim that racist barriers to success still exist?

To understand the fallacy of this attractive picture of a country of racial justice and harmony, one must look beneath the shiny surface to the inner workings of the economy, the educational and health industries, the administration of criminal justice, and other essential sectors of society. In 2009, when Barack Obama first walked into the Oval Office, he was faced with a country enduring the Great Recession. This economic calamity created the widest wealth gap between Black and White US residents since the government began recording such data.[41] In other words, while the White population caught a bad economic cold, the Black community came down with economic pneumonia. Over a decade later, when Kamala Harris became the first person of color to be elected to the Vice Presidency, the Black-White economic divide remained as large as it had been in 1968[42] when *Institutional Racism in America* was written. This contradiction perfectly illustrates our culture's ability to make progress in perceived race relations, while ignoring racist institutional practices that negatively affect millions of Black Americans every day.

Misrepresenting individual success stories as proof of overall racial progress allows White Americans to view the enduring problems of poverty, crime, and high unemployment in the Black community as the result of negative personal and cultural traits rather than persistent racist practices in a White-dominated society. For instance, if Oprah Winfrey can become a billionaire, then other Black people can surely pull themselves out of poverty if they are willing to work hard enough. If Barack Obama can become President of the United States, then surely the way is open for full democratic participation for all. If Black Americans remain poor, then surely it must be the result of individual and cultural weaknesses. However, research and careful examination of the evidence shows the lie in this reasoning. Legal scholar Michelle Alexander asserts, based on years of study: "The current system of control depends on black

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[40] Martin Luther King, Jr., *I Have a Dream*, New York, NY: HarperOne, 1991.

[41] Ibram X. Kendi, "Progress" in *The 1619 Project: a new origin story,* created by Nikole Hannah-Jones and *The New York Times Magazine*. New York: One World, 2021, 424.

[42] Leslie Alexander and Michelle Alexander, "Fear," in *The 1619 Project: a new origin story,* created by Nikole Hannah-Jones and *The New York Times Magazine*, New York: One World, 2021, 120.

exceptionalism; it is not disproved or undermined by it. . .the key to our collective self-image is the assumption that mobility is always possible, so failure to move up reflects on one's character."[43] This is a blissful and willful misconstruing of reality and endangers the integrity of a common reality by ignoring the ways in which White culture and racist assumptions continue to dominate every significant institution in the US.

White people in the United States cherish the enduring myth that national institutions, both public and private, reward individuals who work hard and are honest without regard to race. As the following chapters will demonstrate, the Black lived experience of all major institutions, including education, health, law, private enterprise, and housing is dramatically different from the experience of White Americans. While we no longer observe legally sanctioned racism in public places such as water fountains, public restrooms, and voting booths, de facto discrimination is evident in an ever-expanding river of academic studies, personal testimonies, and documentary presentations. Drawing on the best studies and descriptions, this book demonstrates that Black Americans consistently receive lower-quality education and medical care than White Americans while experiencing much higher rates of unemployment, incarceration, police brutality, and political disenfranchisement. This book demonstrates how disadvantages faced by Black Americans interact to greatly increase the chances that the ambitious and hard-working Black individual will *not* achieve success.

In truth, the United States (US) is far from being a post-racist society. Racial barriers to success have not disappeared, they have become more institutionalized and, thus, unlike individual acts of overt racism, less visible to the public. Previously, if an establishment was hiring employees, they declared that they were only looking for White people to fill the position. Today, such a declaration would be identified as employment discrimination, which is illegal. So, although establishments must allow anyone to apply for a job, they will likely not hire previously convicted felons, a disproportionate number of whom are Black men due to the over-policing of Black neighborhoods. The result of these intersecting factors is lower employment rates in Black communities and, consequently, less wealth in Black families, with no specific, legitimate policy that can be seen to blame. (See Chapter 2 for a comprehensive report on racism in economic life.)

Furthermore, schools may no longer be legally segregated, but standardized tests used to evaluate academic intelligence are skewed towards the White experience and have been proved to be more difficult for students from communities of color. These tests are used to "track" students' educational careers. Consequently, schools may appear to be integrated because of the diversity of students who enter the front doors but are segregated once inside because of tracking. The result is lower educational achievement for Black students and more segregated schools. In the absence of any authorized policy that is directly responsible for this segregation, the fault is placed on students' inability to perform well. The mechanisms which produce racial disparities now operate largely out of sight and, therefore, out of mind. This is the insidiousness of institutional racism: its invisibility. (Read Chapter 3 for a detailed description of racism in the field of education.)

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[43] Ibid, 16.

The original text that inspired this book used the term "institutional racism," coined by Stokely Carmichael and Charles V. Hamilton in 1967, to look at how institutional policies create consequences that perpetuate and worsen racial disparities.[44] Dr. David Ansell uses the term "structural violence" in a similar fashion to emphasize that the *structures* of our laws, policies, and practices create unequal advantages, and the outcomes are as tangible and physical as direct violence.[45] Though the terms are different, both describe the same phenomena: the detrimental consequences of institutional practices. For the purposes of this book, the term "institutional racism" also implies "structural violence." Furthermore, scholar Ibram X. Kendi describes three prevailing perspectives on race relations on which this text will rely: segregationism, assimilationism, and antiracism. Each perspective derives from a different base assumption about the source of racial disparities and, thus, corresponding explanations for why racial disparities persist.

Institutions

To understand "institutional racism," one must consider what institutions are and how they function. Institutions are "fairly stable social arrangements and practices through which collective action is taken."[46] For example, medical institutions use the talents and resources of their employees to provide healthcare to the public. Business institutions attempt to target society's needs and desires so as to satisfy them. Educational institutions serve to transmit culturally and technically relevant knowledge to new generations. Legal and political institutions determine what rules are necessary in a society and the logistics of enforcing those rules.

Institutions are important to a society because they provide common, public continuity. When, as collectives, institutions are entrusted to budget "how social goods and services are distributed,"[47] they can establish and maintain practices that reward some segments of society and penalize others. Institutions reward by distributing medical care, wealth, formal education, training, employment, legal protection, status and influence, justice, and housing, and conversely penalize by withholding these goods and services. Given that every human being has different needs and aims, it is impossible to distribute these resources in a perfectly equitable way. However, the more equitable a society is, the less likely that the outcomes of institutional policies will disproportionately impact any particular group, positively or negatively. When assessing the fairness of institutional policies and practices, it is vital to focus on *outcomes*, rather than intentions. This is because intentions cannot be measured objectively and because the primary goal of institutional change is to improve outcomes.

All human beings, regardless of race, typically share the same capacities. So, there exists a fairly equal distribution of talents within each racial group, as long as all members of all races are given by society the opportunity and resources needed to discover their capacities and to cultivate them well.[48] If US institutions were not biased in any way, we could expect to see

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[44] Knowles and Prewitt, *Institutional Racism in America*, 4.

[45] David A. Ansell, *The Death Gap: How Inequality Kills*, Chicago, Illinois: The University of Chicago Press, 2017.

[46] Knowles and Prewitt, *Institutional Racism in America*, 5.

[47] Ibid, 5.

[48] Andrew Hacker, *Two Nations: Black & White, Separate, Hostile, Unequal*, New York: Scribner, 2003.

proportional participation across identity categories. In other words, if Black people make up 13% of the overall population, we could expect approximately 13% of doctors, teachers, and politicians to be Black. Similarly, we could expect only 13% of convicted criminals and people experiencing homelessness to be Black. The following chapters will demonstrate that this is not at all the case.

The fact that the racial demographics of most US institutions do not represent the racial demographics of the entire population is evidence that racial bias is inherent to our institutional practices. This is why prescribing diversity is not an effective solution to institutional racism, because a non-white "token" person used to claim that a group is diverse may be allowed to occupy a position of power as long as they do not threaten the power structure itself. As an example, President Obama played by the rules of White institutions of higher education, law school, and national politics, and succeeded. But his individual achievement did not necessarily challenge how these institutions operate.

A tragically clear example of how generations of institutional racist practices affect individual lives is the story of George Floyd and Derek Chauvin. On May 25, 2020, George Perry Floyd Jr. was killed by Derek Chauvin, a Minneapolis Police Officer, while being arrested for the alleged crime of paying for a purchase with a counterfeit $20 bill at a convenience store. The Minneapolis Police Department released a press release the following day, which reported:

> On Monday evening, shortly after 8:00 pm, officers from the Minneapolis Police Department responded to the 3700 block of Chicago Avenue South on a report of a forgery in progress…. Two officers arrived and located the suspect, a male believed to be in his 40s, in his car. He was ordered to step from his car. After he got out, he physically resisted officers. Officers were able to get the suspect into handcuffs and noted he appeared to be suffering medical distress. Officers called for an ambulance. He was transported to Hennepin County Medical Center by ambulance where he died a short time later.[49]

End of police story. No officer was going to contradict that story. That was the untruth the police officers involved in George Floyd's murder were going to get away with, and that lie would have become the official account of the incident if not for Darnella Frazier, a 17-year-old bystander, who recorded on her cellphone what Chauvin was doing to George Floyd. Even when officers threatened her with mace, she held her ground and she kept recording. She had gone with her 9-year-old cousin, Judeah Reynolds, to Cup Foods store to buy snacks. She moved Judeah inside the store for shelter while she positioned herself near the back of a squad car and used her cell phone to record Chauvin kneeling on Floyd's neck for more than nine minutes.[50] Former officer J. Alexander Kueng knelt on Floyd's back while colleagues Thomas Lane knelt upon and held onto his legs,[51] and Tou Thao kept an observing, upset crowd at bay.[52] Chauvin grabbed a can of chemical irritant and shook it at bystanders while kneeling on Floyd.[53] After paramedics arrived and asked Chauvin to get off of Floyd, Chauvin remained

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[49] Robert Samuels and Toluse Olorunnipa, *His name is George Floyd: One Man's Life and the Struggle for Racial Justice*, Penguin, 2022, 247.

[50] Ibid, 240.

[51] Ibid, 235.

[52] Ibid, 241.

[53] Ibid, 241.

kneeling on Floyd's neck while a paramedic checked Floyd's neck for a pulse: none was found. Only when emergency responders had prepared the gurney did Chauvin finally take his knee off of Floyd's limp body. Floyd was then transferred to a hospital, where he was pronounced dead.[54]

The authors of Floyd's biography, *His Name is George Floyd: One Man's Life and the Struggle for Racial Justice*, acknowledge, "The foundations of [Floyd's] story were laid centuries before his birth, with successive generations of ancestors battling the evils of slavery, abusive sharecropping, legal segregation, and intergenerational poverty."[55] Floyd spent his life trying to do well in underfunded schools, follow his athletic and creative passions, rise out of poverty, and overcome addiction, all while providing support for his friends and family. From the nineteenth-century "black codes" which made it illegal for his ancestors to learn to read, to the twentieth-century "war on drugs" that criminalized Floyd's drug dependency, the broad set of institutionalized policies established over hundreds of years tragically impacted the trajectory of Floyd's life.[56]

Floyd's ancestors were enslaved in North Carolina, granted freedom in 1865, and experienced brief land ownership only to be deprived of this source of wealth through fraudulent tax auctions.[57] With few options for work, Floyd's great-grandfather's labor was exploited under the system of sharecropping.[58] Floyd's family faced incredible difficulties producing intergenerational wealth to pass down to their children. George Floyd was born in 1973 and grew up in Houston, Texas. He was raised by a single mother in "a deteriorating neighborhood increasingly characterized by government neglect," with a population that was 99% Black and most residents living well below the poverty line.[59] He lived in a "food desert"[60] and attended underfunded, majority-Black or all Black schools.[61] In the era of mass incarceration, Floyd was detained by the police over 20 times (all for non-violent offenses) and spent almost a third of his adult life behind bars.[62] At the age of 46, George Floyd's life ended under the knee of Derek Chauvin, a police officer arresting him for a nonviolent crime.

A broad set of institutional policies also influenced the life trajectory of Derek Chauvin. Unlike Floyd's experience, Chauvin's family "had a chance to ride the crest of American opportunity."[63] His ancestors immigrated from Europe, settled in Detroit, and started a bookbinding company that would serve as the family business for generations, tracing the familiar, societally approved pattern of "European migration followed by manual labor and upward mobility."[64] Chauvin was born in 1976 and grew up in a suburb outside of St. Paul,

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[54] Ibid, 243-244.
[55] Ibid, xi.
[56] Ibid, xiii.
[57] Ibid, 39.
[58] Ibid, 44.
[59] Ibid, 15.
[60] Ibid, 25.
[61] Ibid, 19.
[62] Ibid, xii.
[63] Ibid, 135.
[64] Ibid, 136.

Minnesota. He was raised by his stay-at-home mother and accountant father.[65] He attended Park High School in Cottage Grove, Minnesota, a public school whose student population in 2023 is 68% White and 7% Black.[66] After studying law enforcement, Chauvin joined the military police and later, the Minneapolis police force.

When Floyd and Chauvin's paths finally crossed on May 25, 2020, their encounter ended with Chauvin unnecessarily using a neck restraint to pin Floyd to the ground while Floyd struggled to breathe due to a compressed airway and which eventually caused his death.[67] Institutional practices undoubtedly contributed to Chauvin's proclivity to use physical force. "Between the time the Minneapolis Police Department started tracking them in 2014 and May 2020, there were at least 295 uses of the neck restraint by its officers–nine of which were employed by Chauvin. Not one of Chauvin's incidents resulted in a reprimand or a public investigation."[68] Institutional patterns gave Chauvin little reason to fear punishment. In 2016, The Minneapolis newspaper *Star Tribune* calculated that "more than 200 people in Minnesota had been killed by police officers since 2000. Only one of those officers–a Somali American named Mohammed Noor, who killed a white woman–had ever been convicted."[69]

Both George Floyd and Derek Chauvin were born in the US in the 1970s. Their respective experiences with generational wealth, education, employment, and law enforcement were the result of centuries of institutionally racist policies that deprived Black communities while allowing White communities to thrive. When compounded together, these institutional policies created the conditions for the encounter between Floyd and Chauvin to end in the death of yet another Black life.

Racism

The other component of "institutional racism" is racism. Ibram X. Kendi works to redefine "racist" as an adjective to define *actions* rather than a noun describing a person. He contends that using "racist" as a noun denies the human capability to contradict oneself, to learn, to grow, and to employ personal agency. A person can act in a way that reaffirms the racial hierarchy and, in the next moment, could choose to take action to dismantle that hierarchy. Kendi defines a racist idea or action as "one that regards one racial group as inferior or superior to another racial group in any way."[70]

Kendi distinguishes three different responses to the racial divide that have been developed by society over the history of the nation: segregationism, assimilationism, and antiracism. Each response draws on a distinct analysis of the causes of racial inequality.

Segregationism assumes that racial inequalities are the result of immutable biological and cultural differences. This concept sees Black people as "a permanently inferior racial group" that can never be developed, and consequently, sees aspirations for racial equality as

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[65] Kim Barker and Serge F. Kovaleski. "Officer Who Pressed His Knee on George Floyd's Neck Drew Scrutiny Long Before." *New York Times*, July 18, 2020. https://www.nytimes.com/2020/07/18/us/derek-chauvin-george-floyd.html.

[66] "Park High School," Public School Review, 2023. https://www.publicschoolreview.com/park-high-school-profile/55016#:~:text=68%25%20of%20Park%20High%20School,of%20students%20are%20American%20Indian.

[67] Samuels and Olorunnipa, *His name Is George Floyd,* 243.

[68] Ibid, 153.

[69] Ibid, 283.

[70] Ibram X. Kendi, *How to be an Antiracist*. (New York: Penguin Random House LLC, 2019), 5.

intrinsically unreasonable. Based on the belief that Black people are unchangeably inferior due to inherited intellectual shortcomings and disordering pathologies, this perspective is racist. According to segregationism, the fact that racial disparities exist and persist is evidence of innate differences between races and is justification for policies that maintain barriers between racial groups.[71] When people in the United States encounter the term "racism," it is segregationism that most often comes to their minds.

Assimilationism assumes that racial inequalities are the result of the Black community's inferior culture and behavior, but also holds that these patterns can be changed. According to assimilationism, the route to racial equality is through behavioral enrichment programs that can help a racial group "develop."[72] This approach centers White society as the ideal model and encourages all other groups to emulate it to the best of their abilities. When considering possible solutions to racial disparities, "assimilationists constantly encourage Black adoption of White cultural traits and/or physical ideals."[73] Assimilationist arguments claim that if racial minorities improved their behavior and their culture, they could share in the same prosperity enjoyed by White people.

Assimilationist approaches to racial progress rely on what Kendi calls *uplift suasion*, the idea that White people could be persuaded away from racist beliefs if they saw Black people improving their behavior, lifting themselves out of their diminished position in society by mirroring the superior behavior and values of the dominant White culture. However, when upwardly mobile Black people do experience success, they are often dismissed as extraordinary exceptions. Claiming that "negative" Black behavior is partially or entirely responsible for racial disparities places the blame for antagonistic race relations squarely on the shoulders of Black people, despite the preponderance of evidence that White people and White society have active roles in constructing the racist systems out of which they expect Black people to uplift themselves.[74] Thus, while more optimistic and realistic than segregationism, assimilationism is illogical and racist.

To the extent that assimilationists recognize the harmful impacts of institutional policies, they do so only in order to explain cultural inferiority. According to assimilationism, Black people are less intelligent and less sophisticated not because of innate biological differences, but because they have been discriminated against for centuries. For example, a popular assimilationist belief is that slavery–or racial oppression, more broadly–has "imbruted" Black people, rendering their cultures, psychologies, and behaviors inferior.[75] Thus, assimilationists believe that racial disparities exist and persist due to *both* racial discrimination by White people *and* the cultural inferiority of Black people.

Assimilationist solutions to racial discrepancies do not seek to alter institutions such as higher education, professional workplaces, or voting systems. Rather, they encourage individuals to alter personal behavior to have an easier time navigating established institutions. In this, assimilationism displays its historical amnesia, disregarding the racialized conditions under which these institutions were constructed. This race-blind, or "colorblind" attitude, that

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[71] Ibid, 24.

[72] Ibid, 24.

[73] Ibram X. Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America*. New York: Nation Books, 2016, 3.

[74] Ibid, 124-125.

[75] Ibid, 7.

racial identity is *not* an obstacle to success beyond the realm of individual influence, naively disregards the existing uneven societal playing field. Institutional policies have diverted centuries of economic, social, and cultural capital away from Black communities and toward White communities, both intentionally and unintentionally.

This imbalance, along with its lasting effects, cannot be ignored. It is not enough to simply "allow" Black people to participate in institutions. It is not enough for the rules of the game to suddenly be the same for everyone, even if such a change were possible. Martin Luther King, Jr.'s metaphor describes racial colorblindness as follows:

> The Negro should be granted equality, they agree; but he should ask for nothing more. On the surface, this appears reasonable, but it is not realistic. For it is obvious that if a man is entered at the starting line in a race three hundred years after another man, the first would have to perform some impossible feat in order to catch up with his fellow runner.[76]

In marked contrast to segregationism and assimilationism, antiracism is "the idea that racial groups are equals and none needs developing," leading to actions that reduce racial inequity.[77] Antiracism identifies unfounded, unjust racist beliefs as the source of racial disparities and contends that inequality persists due to social forces which operate outside the realm of conscious behavior and individual action. Antiracist arguments for racial progress seek to alter how dominant institutions are structured. Antiracism recognizes distinctions between racial groups without separateness, focusing on inequality between groups rather than the successes and failures of individuals.

Richard Rothstein takes an antiracist approach to residential segregation in his book *The Color of Law*, emphasizing that the US government played an active role in segregating neighborhoods and bears a responsibility toward desegregating them.[78] The same holds true for public and private institutions which, by custom, are automatically oriented to serve White people. To be antiracist, these institutions must take proactive measures to help those whom they have systematically disenfranchised. According to antiracist principles, racial justice must be active, not passive, and specific, not general.

To view different attitudes towards race relations in action we can compare two historical examples: the Moynihan Report and the Kerner Commission Report. In 1965, the Assistant Secretary of Labor Daniel Patrick Moynihan issued a report titled *The Negro Family: The Case For National Action*. Better known as the Moynihan Report, this heavily publicized work noted that by any measure one cared to use, Black people in the US were worse off than White people. However, rather than identifying and analyzing the social and institutional practices that created racial disparities, Moynihan chose to focus on the difficulties Black people faced when it came to forming stable families.

Moynihan concluded that "at the heart of the deterioration of the fabric of Negro society is the deterioration of the Negro family."[79] The report promoted the theory that Black mothers

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[76] Martin Luther King Jr., *Why We Can't Wait* (Boston: Beacon Press, 1964).

[77] Kendi, *How to be an Antiracist*, 24.

[78] Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York: Liveright Publishing Corporation, 2017).

[79] Daniel Patrick Moynihan, "The Negro Family: The case for National Action," Stanford University, accessed 21 May 2021, https://web.stanford.edu/~mrosenfe/Moynihan%27s%20The%20Negro%20Family.pdf, 5.

were responsible for the disintegration of the Black family, and therefore, the consequent failure of Black people to succeed in the US. This was declared without acknowledging that hundreds of years of state-imposed hardship and unequal treatment made success nearly impossible.[80] Inevitably, this analysis led to a popular belief that the fundamental problems afflicting Black Americans were to be found in their own culture, not in the policies and practices of White society.

In effect, Moynihan argued that economic conditions in the Black community are the result of Black social and cultural pathologies. An alternative explanation might suggest that issues plaguing the Black community are not caused by individual choices but are instead the *result* of racial disparities in virtually all institutional sectors of our society.

Moynihan presumptuously asserted that a universal Black family exists. It does not. There has been an increase in single motherhood in Black families, but "the white out-of-wedlock birth rate now exceeds the Black figure for 1960, around the time it was branded 'pathological.'"[81] Sociologist Andre Cherlin notes that there is no evidence that "absence of a father was directly responsible for any of the supposed deficiencies of broken homes." If anything, the stress experienced by these families stems from the lack of a second income and the unique burden of being Black in the US.[82]

Furthermore, one factor adding to the rate of Black single motherhood is the United States' colossal prison system. "Among Black men ages 20 to 29, almost one in three is under some form of criminal justice oversight" and "one in three Black men can expect to go to prison in his lifetime."[83] The mass incarceration machine has economic, social, and health-related consequences for prisoners and former prisoners, their (usually) female caregivers, and their children. Black families have had to confront insurmountable institutional obstacles to achieving upward mobility. This real struggle could not be more removed from what has been labeled "Black pathology." If any unchecked pathology is responsible for the struggle involved in confronting institutional obstacles, it is the corrosive ailment of institutional racism.

Using Black pathology to justify racial disparities leads to one of two erroneous conclusions. The first is that Black inferiority is innate. If Black people are inferior by nature, then nothing can be done about social conditions. The other conclusion is that Black people possess the capacity to succeed but have simply not applied this ability to the extent that White people have. This second conclusion suggests that Black people could experience more prosperity only if they emulate White society, White culture, White families. Thus, the Moynihan Report is, at best, assimilationist, and at worst, segregationist.

The Kerner Commission Report stands in stark contrast to the Moynihan Report. In 1967, US President Lyndon B. Johnson created the Kerner Commission to investigate the causes of highly destructive protests that had recently occurred in Detroit and Newark. Unlike the Moynihan Report released two years earlier, the Kerner Commission's Report concluded that institutions made by and for White people were largely responsible for the "tinderbox of

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[80] Dorothy Roberts, "Race," in *The 1619 Project: a new origin story,* created by Nikole Hannah-Jones and *The New York Times Magazine*, New York: One World, 2021, 56.

[81] Hacker, *Two Nations*, 106-107.

[82] Cherlin quoted in Hacker, *Two Nations*, 94, 97.

[83] David A. Ansell, *The Death Gap: How Inequality Kills* (Chicago: The University of Chicago Press, 2017), 91.

rage and despair that would certainly result in more uprisings if drastic action was not taken."[84] The researchers stated, "What white Americans have never fully understood but what the Negro can never forget–is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it."[85]

When considering a solution, the Kerner Commission advised against investing in law enforcement to maintain law and order. Rather, the report found, "absent a massive investment in poor Black communities, rebellion and 'white retaliation' would render racial inequality a permanent feature of American life."[86] Unlike previous attempts by the government to address racial disparities, the Kerner Commission Report directly implicated White society in the unequal conditions that led to the civil disturbances of the 1960s. Also, unlike previous political approaches, the report warned that to avoid future unrest, institutional action must be taken to consciously repair the social and economic damage done by White supremacy. By recognizing that nothing was fundamentally wrong with Black culture, but rather that White society had imposed crushing challenges on Black life, the Kerner Commission Report took an antiracist approach to race relations. The proposed solutions suggested unprecedented institutional action but stopped short of calling for any significant institutional reform. Even so, its warning went largely ignored and instead, White politicians turned to massive investments in punitive control over Black people.[87]

With this basic understanding of institutional racism in the United States and the three major perspectives on racial disparities, we can grasp how deeply embedded segregationism and assimilationism are in our national history and recognize how modern institutions have inherited and perpetuate racist assumptions and practices.

The Historical Roots of White Supremacy

When European colonizers first arrived in the Americas in the fifteenth century, they brought with them the ideology of White supremacy. This perspective assumed that European Christians, a group which was almost exclusively White, were natural-born leaders, and that all other peoples were natural-born followers. White supremacy has been used throughout history to justify imperialism, slavery, and segregation, and it is an ideology on which US institutions were built, rendering them inherently racist.

In his book, *Stamped from the Beginning*, historian Ibram X. Kendi maps out a detailed history of racist ideas in Europe and America. Beginning in the 300s BCE (Before Common Era), Kendi recounts how the Greek philosopher Aristotle

> …concocted a climate theory to justify Greek superiority, saying that extreme hot or cold climates produced intellectually, physically, and morally inferior people who…lacked the capacity for freedom and self-government…and viewed the "ugly" extremes of pale or dark skins as the effect of the extreme hot or cold climates. All of this was in the interest of normalizing Greek slaveholding practices and Greek rule over

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[84] Alexander and Alexander, "Fear," in *The 1619 Project,* 118.

[85] Kerner, Otto et al. Report of the National Advisory Commission on Civil Disorders. Washington, D.C.: U.S. Government Printing Office, 1968.

[86] Alexander and Alexander, "Fear," in *The 1619 Project,* 119.

[87] Ibid.

the western Mediterranean. Aristotle situated the Greeks, in their supreme intermediate climate, as the most beautifully endowed superior rulers and enslavers in the world.[88]

Aristotle's climate theory gained popularity in Greco-Roman culture in the following centuries. In the early Common Era (CE), Roman thinkers contributed new rationales for slavery based on Judeo-Christian religious scriptures. The "curse theory" was derived from Genesis 9:18-29. Kendi cites early Tunisian intellectual, Ibn Khaldun, who wrote in 1377 about "curse theorists" who believed that "Negroes were the children of Ham, the son of Noah, and that they were singled out to be black as the result of Noah's curse, which produced Ham's color and the slavery God inflicted upon his descendants."[89] In particular, Kendi cites sixteenth-century English travel writer George Best's interpretation of Genesis, in which,

> Noah orders his white and "Angelike" sons to abstain from sex with their wives on the Ark, and then tells them that the first child born after the flood would inherit the earth. When the evil, tyrannical, and hypersexual Ham has sex on the Ark, God wills that Ham's descendants shall be "so blacke and loathsome … that it might remain a spectacle of disobedience to all the worlde."[90]

Thus, as Kendi summarizes, "for early Christian theologians … God ordained the human hierarchy."[91] Later, as the European slave trade matured, so did curiosity about racial disparities. "The argument about the cause of inferior Blackness–curse or climate, nature or nurture–would rage for decades."[92]

By the mid-1400s, Eastern European pagan communities which had been the source regions of White slaves for centuries "had built forts against slave raiders" and converted to Christianity, causing the quantity of Western Europe's pagan slave market to plunge "at around the same time that the supply of Africans was increasing."[93] In Gomes Eanes de Zurara's biography of Prince Henry of Portugal, *The Chronicle of the Discovery and Conquest of Guinea*, he framed the African slave-trading ventures of Portuguese leaders as missionary expeditions.[94] Zurara labeled the people taken captive by the Portuguese as barbarians in need of religious and civil salvation.[95] While some historical chronicles claim that Portugal engaged in the slave trade as a moral and ethical calling, Kendi points out that "in 1466, a Czech traveler noticed that the king of Portugal was making more money selling captives to foreigners 'than from all the taxes levied on the entire Kingdom.'"[96] Due to the Portuguese monopoly on the African slave trade, along with the production and circulation of inside knowledge, the Portuguese became the primary source of industrial insight into Africa and the African people for the original slave traders and enslavers in Spain, Holland, France, and England.[97]

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[88] Ibram X. Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (New York: Nation Books, 2016), 17.
[89] Ibid, 21.
[90] Ibid, 32.
[91] Ibid, 17.
[92] Ibid, 32.
[93] Ibid, 23.
[94] Ibid, 23.
[95] Ibid, 24.
[96] Ibid.
[97] Ibid, 25.

When Columbus's ships reached the shores of North America in 1492, Spanish colonists enslaved indigenous American peoples, "Transferring their racist construction of African people onto Native Americans."[98] After encountering natives of the "newly discovered" land who not only were not Christian but also were unaware of the Christian God, colonizers announced a "self-proclaimed mission to civilize and Christianize"[99] the natives. For the colonists, the "*principal and maine ends … were first to preach and baptize into Christian Religion … a number of poore and miserable soules.*"[100] Colonizers viewed the natives' ignorance of the Christian God as further confirmation of native inferiority and, consequently, White superiority. Thus, they undertook the mission of widespread Christianization.

They quickly encountered unexpected resistance from the indigenous peoples, who did not consider the colonizers' religion and culture as superior to their own. This refusal to be "saved" only reaffirmed to the colonists that the Native American race was evil. According to colonists, since Native Americans were only capable of reaching the stage of "savage," they should not impede the westward expansion of White civilization. Seeing native inhabitants as nothing more than an obstacle to progress, "it became clear that conquering was, on balance, less expensive and more efficient than 'civilizing.'"[101] By 1516, European settlers in the West Indies were met with a labor shortage after the population of Native Americans had been largely enslaved, killed by imported infectious diseases, or murdered. Consequently, a priest named Bartolomé de Las Casas wrote to Spain and "suggested importing enslaved Africans to replace the rapidly declining Native American laborers."[102]

The ensuing genocide of indigenous peoples in the Americas, spanning centuries, is a testament to the full destructive power of White supremacy. The true scope is impossible to know but estimates place the pre-Columbian population of indigenous Americans within the borders of the contiguous US between 800,000 and 1.8 million. By 1890, the first year "Indians" were counted in the US Census, they numbered just below 250,000.[103] The Church moved quickly to justify this by claiming that "the disappearance of the non-white race in the path of expansionist policies was widely interpreted as God's will."[104] This belief was buttressed by the prevalence of the Social Darwinian theory of evolution at the time. Social Darwinism extended processes of biological evolution to the development of societies and civilizations. Thus, colonizers thought that interactions with Native Americans, characterized by conflict and struggle, proved that the "stronger, more advanced, and more civilized" would naturally triumph over the "inferior, weaker, backward, and uncivilized" peoples. "The nature of a society or nation or race was presumed to be the product of natural evolutionary forces."[105]

Throughout the nineteenth century, European colonizers used the concept of Manifest Destiny to justify their supposed authority over the land despite the presence of Native peoples. Inspired by the Doctrine of Discovery, "a longstanding belief that Christian nations had the

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[98] Ibid.

[99] Knowles and Prewitt, *Institutional Racism in America*, 7.

[100] Ibid, 8.

[101] Ibid.

[102] Kendi, *Stamped from the Beginning*, 26.

[103] Russell Thornton, *American Indian Holocaust and Survival: A Population History since 1492* (University of Oklahoma Press, 1942), 26.

[104] Knowles and Prewitt, *Institutional Racism in America*, 8.

[105] Ibid.

right to rule over non-Christian nations and their property,"[106] Manifest Destiny was "the idea that white Americans were destined, either by natural forces or by Divine Right, to control at least the North American continent."[107] Confidence in Manifest Destiny provided colonizers with moral and theological justification for genocide. They believed that any expansion of White Christian society was not only natural, according to Social Darwinism, but also inevitable, according to Manifest Destiny. This conviction motivated the conquest of all modern US territory (including Hawaii and Alaska), and it was entirely segregationist.

Where non-white races could not be exterminated, colonizers embraced the idea of "the white man's burden." Whereas the concept of Manifest Destiny was a segregationist doctrine, that of the White man's burden was assimilationist. But it was no less racist, as it stemmed from the same belief that White superiority divinely bestowed White people with the right to rule.

To illustrate this theory, "The White Man's Burden" is a poem by Rudyard Kipling (1899), excerpted here:

> Take up the white Man's burden—
> Send forth the best ye breed—
> Go send your sons to exile
> To serve your captives' need;
> To wait in heavy harness
> On fluttered folk and wild—
> Your new-caught, sullen peoples,
> Half devil and half child.
>
> Take up the white Man's burden—
> In patience to abide,
> To veil the threat of terror
> And check the show of pride;
> By open speech and simple,
> An hundred times made plain.
> To seek another's profit,
> And work another's gain….
>
> Take up the white Man's burden—
> And reap his old reward:
> The blame of those ye better,
> The hate of those ye guard—
> The cry of hosts ye humour
> (Ah slowly!) to the light:--
> "Why brought ye us from bondage,
> "Our loved Egyptian night?"…
>
> Take up the white Man's burden--
> Have done with childish days--
> The lightly proffered laurel,

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106 Tiya Miles, "Dispossession" in *The 1619 Project: a new origin story,* created by Nikole Hannah-Jones and *The New York Times Magazine*, New York: One World, 2021, 141.

107 Knowles and Prewitt, *Institutional Racism in America*, 10.

The easy, ungrudged praise.
Comes now, to search your manhood
Through all the thankless years,
Cold-edged with dear-bought wisdom,
The judgment of your peers![106]

As a political policy, the White man's burden meant that "the white race, particularly Anglo-Saxons of Britain and America, should accept the (Christian) responsibility for helping the poor colored masses to find a better way of life," namely a White way of life.[108] Kipling urged the United States to take up the "burden" of ruling a colonial empire, the way Britain and other European nations had done. As naturally endowed leaders, they had an obligation to rule over their "captives," who were considered "half devil and half child."

This paternalistic perspective is a key characteristic of assimilation. In an assimilationist approach, White culture is considered exemplary, and "saving" others by bringing them into that culture is considered noble since non-white people would be unable to reach the same standards of civilization on their own. According to Indiana Senator Albert J. Beveridge, "the sovereign tendencies of our [White] race are organization and government."[109]

The ideology of White supremacy which supported imperialist expansion also supported domestic slavery. If White people were indeed natural rulers, they had the authority not only to control other nations but also other people as well. People of color were considered childish, underdeveloped, and less mentally complex than the White leaders of the country. Therefore, it only "made sense" for non-white people to perform the menial, physical labor White people did not want to do. White culture, it was thought, was the most developed, therefore the judgment of White leaders was the soundest. According to this logic, White people should be responsible for making decisions and governing the country, while others should be responsible for working to sustain economic growth. Like the Native American genocide, White people put a remarkable amount of effort into actively constructing a system of African slavery that benefitted themselves, then claimed it was simply an expression of the laws of nature.

The enduring relationship between colonialist principles and white supremacy cannot be overlooked. Sociologist Evelyn Nakano Glenn argues that "settler colonialism should be seen not as an event but as an ongoing structure."[110] In contrast to classic colonialism, which aims to exploit resources that will benefit the metropole, "settler colonialism's objective is to acquire land so that colonists can settle permanently and form new communities."[111] Scholar Lilia Monzo explains, "Settler colonialism differed from colonialism in general in that the colonizer opted to make the colonized lands *their* lands. This brutal enterprise has involved a continuous process of elimination of Indigenous peoples and their ways of life."[112]

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[108] Knowles and Prewitt, *Institutional Racism in America*, 12.

[109] Quoted in Thomas F. Gossett, *Race: The History of an Idea in America*, Dallas, SMU Press: 1963, 318.

[110] Evelyn Nakano Glenn, "Settler Colonialism as Structure: A Framework for Comparative Studies of US Race and Gender Formation." *Sociology of Race and Ethnicity* 1, no. 1 (2015): 57. https://doi.org/10.1177/2332649214560440.

[111] Ibid.

[112] Lilia D. Monzó, "Colonialism, Migration, Pandemic: The Immutable Evidence that Capitalism Is Racist and Misogynist," *Monthly Review 72, no.* 3 (2020), 10. https://doi.org/10.14452/MR-072-03-2020-07_5.

Glenn describes the European settlers' approach to eliminating indigenous inhabitants from the land they wished to control. "Conceiving of indigenous peoples as less than fully human justified dispossessing them and rendered them expendable and/or invisible. The land occupied or used seasonally by indigenes was conceived of as *terra nullius* (empty land or land belonging to no one) and therefore available for taking by white settlers."[113] Thus, European settlers engaged in genocidal warfare against Native Americans to gain control over the land. Then, to extract value from and profit from the land, settlers formulated systems of labor exploitation, including slavery. Glenn writes,

> These simultaneous processes of taking over the land (by killing and erasing the peoples with previous relationships to that land) and importing forced labor (to work the land as chattel slaves to yield high profit margins for the landowners) produced the wealth upon which the US nation's world power is founded … What emerged was a triadic system that brought together the industry of the white settler, the land of dispossessed Native Americans, and the forced labor of enslaved Africans to produce European and white American wealth.[114]

Thus, according to Glenn, while acknowledging significant differences in experiences of subordination and oppression, (for example, only Black people were "subjected to chattel slavery, which is a condition of social death and subjection by slave law that even those who worked under conditions of extreme coercion did not share"[115]) we can also note that there exist "social, economic, and political underpinnings that link racisms."[116]

White supremacy's circular logic (that White people are superior because White culture is superior, and White culture is superior because White people are superior) made it all the more difficult to question. By obscuring it with logical fallacies and claims of divine intervention, White colonists succeeded in making the ideology of white supremacy virtually invincible. Constantly reaffirming the myth of White superiority required constructing an entire belief system which was then firmly entrenched in the bedrock of the United States. Michelle Alexander argues that, as systems of social control evolve, they become perfected, "arguably more resilient to challenge, and thus capable of enduring for generations to come."[117] Thus, we must consider how expressions of white supremacy have evolved over time, paying particular attention to the covert, yet devastating, nature of institutionalized white supremacy.

As an illustration, Alexander points out that while it is common to think of the Jim Crow South as an explicitly racialized system, a number of public policies were officially considered race blind. After the Civil War and Emancipation Proclamation ended institutionalized slavery in the United States, it became clear that political elites could no longer ignore large swaths of the population that supported the fight for racial justice. To shield themselves from accusations of racism, lawmakers crafted policies that were officially, purportedly "colorblind." Although these laws said nothing explicit about race, they implicitly permitted racial discrimination. This was possible because public officials charged with

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[113] Glenn, "Settler Colonialism as Structure," 60.
[114] Ibid, 61-61.
[115] Ibid, 71.
[116] Ibid, 63.
[117] Alexander, *The New Jim Crow*, 28.

enforcing laws "were granted tremendous discretion, and they exercised that discretion in a highly discriminatory manner."[118]

Once it became clear that a law's race-neutral language did not ensure race-neutral outcomes, individuals turned to their right to accuse law enforcement officials of racism and brought cases to court. As a result, legal institutions further evolved to protect themselves against such claims. By requiring proof that an individual *intentionally* exercised racial discrimination, rather than evidence of a policy's discriminatory impact (outcome), the courts strengthened the immunity of white supremacy, making it remarkably difficult to successfully challenge racial bias in the law. Alexander notes that our understanding of racism is often shaped by "the most extreme expressions of individual bigotry, not by the way in which it functions naturally, almost invisibly (and sometimes with genuinely benign intent), when it is embedded in the structure of a social system."[119] Taking on the false assumption that racism is always obvious, intentional, and malicious prevents us from recognizing the pervasiveness of white supremacy, which allows racism to hide in plain sight.

White supremacy is not a system confined to past colonialism. Unfortunately, it has come to the forefront of twenty-first-century culture in demonstrable events: in former US President Donald Trump's anti-immigrant 2016 campaign (the "Muslim ban") and Unite the Right Rally in 2017, the Tree of Life shooting in 2018, the El Paso Walmart shooting targeting Latinos in 2019, the "All Lives Matter" and "Blue Lives Matter" counterprotests in 2020, and the storming of the US Capitol by citizens flying the Confederate flag (among other racist imagery) in 2021. These recent events reveal that white supremacy is alive not only in subtle institutional entrenchment but also in public encouragements and celebratory outbreaks. If these blatant encouragements and outbreaks were their only instances, no expansion of our understanding of white supremacy would be required. However, its subtle entrenchment in our public and personal lives demands examination.

Defining white supremacy as an extremist, terrorist ideology positions its existence to that of being a "fringe outgroup" and does not inspire the majority of White US residents to examine themselves and the institutions in which they participate. Few, if any, institutions publicly identify themselves as White supremacist, but the ethical focus must be on outcomes, not intentions or claims. This is not to say that White supremacist terrorists do not exist or are not a problem, but rather that white supremacy doctrines are insidious and more pervasive than overt terrorism. The notion of a racial hierarchy with Whiteness at the top has been built into the US and its institutions over centuries.

Notably, throughout US history, some racial categories have changed. Originally only encompassing Anglo-Saxons, Whiteness eventually applied to fellow Europeans such as German Americans, and then Irish Americans and Italian Americans. As new immigrant groups came to the US, White society assimilated already-in-residence groups to maintain a White majority and the image of the US as a White nation. This illustrates how the social construction of Whiteness is malleable as long as it can be defined as superior. Michelle Alexander characterizes this as "'preservation through transformation'…the process through which white privilege is maintained, though the rules and rhetoric change."[120]

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[118] Ibid, 250.
[119] Ibid, 228.
[120] Ibid, 27.

Andrew Hacker emphasizes this, stating, "The question is not 'Who is white?' It might be more appropriate to ask, 'Who *may* be considered white?' since this suggests that something akin to permission is needed."[121] Because Whiteness is defined by its essential "superiority," it must exist in contrast to something. Dominant White society, therefore, necessitates an undercaste. Blackness, at the bottom of white supremacy's racial hierarchy, is the opposition, the undercaste, the essential antithesis of Whiteness.

White supremacy is not only directed at Black people. Each type of racism is unique, but all function to align White residents at the top and pit other races against each other. Over the course of US history, racist policies have been issued against Irish, German, Italian, Chinese, Japanese, Jewish, and virtually every new immigrant group. In the twenty-first century, there has been widespread anti-Muslim racism after the Arab attack on New York City and Washington DC on September 11, 2001 ("9/11"), anti-Latino racism fueled by Trump's nationalism during his Presidency, and anti-Asian racism after the COVID-19 viral pandemic was reported as having originated in China in 2019. However, it has been "the white man's relationship with the Black man which has led to the most powerful expressions of institutional racism in the society."[122] Investigating anti-Black racism reveals the vicious nature of racism in the US as well as the role racism has played throughout the country's history in relation to all oppressed groups.

White supremacy must be analyzed as an ambient, omnipresent social construct used by a privileged group to understand and navigate the world. Kendi argues that there is a causal relationship wherein racial discrimination rooted in "economic, political, and cultural self-interest" leads to racist ideas and hate.[123] The enslavement of African people was certainly rooted in the economic benefit of "free" labor. However, as the institution expanded and more people depended on its profits, White leaders promoted racist beliefs explaining why Black people were specifically suited for slavery instead of admitting that they might be arbitrarily forcing one group to labor for another without civil rights or economic compensation. Additionally, leaders of the new colonies deemed European immigrants to be poor candidates for slavery to avoid interfering with the stream of voluntary immigration from Europe. "Plantation owners thus viewed Africans, who were relatively powerless, as the ideal slaves."[124]

As the Atlantic slave trade became a larger source of revenue, White thought leaders promoted myths that proved Africans' "suitability for slavery" including that they had tougher skin that could withstand higher temperatures, and smaller skulls that rendered them less adept at the arts and sciences.[125] These racist myths implied that enslaved people were more physically aggressive and less intelligent. We might realize from reading public thought published at the time that the intention of this ideology may not have been to dehumanize and discriminate against a specific race. The intention could have been to create explanations that supported the system in place so that those who benefitted from it could defend its preservation. Nevertheless, the outcome was, in fact, racist dehumanization and discrimination.

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[121] Hacker, *Two Nations*, 11.

[122] Knowles and Prewitt, *Institutional Racism in America*, 9.

[123] Ibram X. Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (New York: Nation Books, 2016), 9.

[124] Alexander, *The New Jim Crow*, 29.

[125] Ibram X. Kendi, *Stamped from the Beginning*, 180.

According to Michelle Alexander, "Every system of control depends for its survival on the tangible and intangible benefits that are provided to those who are responsible for the systems maintenance and administration."[126] For the planter elite, the tangible benefits of maintaining slavery included the economic capital that could be accrued through forced labor. And, there were also meaningful intangible benefits. Alexander explains how the planter class extended special privileges, or "racial bribes," to poor White people through segregation laws and slave codes. "These discriminatory barriers were designed to encourage lower class whites to retain a sense of superiority over blacks, making it far less likely that they would sustain interracial political alliances."[127] Though their socio-economic conditions did not improve, for poor white people, "the racial bribe was primarily psychological."[128]

If racist ideas are rooted in the self-interest of White people as Kendi suggests, it is important to highlight that self-interest itself is an example of racial narcissism. The fact that US institutions center the White experience and presuppose Whiteness as the expected default or as "normal" is racially narcissistic. To suggest that racial inequalities are accidental or unexpected is based on the assumption that White culture is without flaws, or that flaws are circumstantial rather than inherent.

This naïve narrative delivers an individualistic view of success and pathology in itself. Furthermore, racial narcissism allows white supremacy to be self-perpetuating. White-dominated institutions, founded on the ideology of white supremacy, reward and penalize members of society unequally. Those racial inequalities are used as proof of White superiority, all without White people ever considering if White society can be mistaken, ignorant, reductive, malicious, inconsiderate, or, indeed, narcissistic. With this self-perpetuating process locked in place, white supremacy has become a social fact.

In sociology, a "social fact" is an invention, a constructed idea that becomes "real" in the sense that it affects the social lives of all individuals.[129] It can be thought of as a binding social category, such as class or gender.[130] Once a social construct becomes a social fact, the construct imposes itself upon the culture. White supremacy is a social fact because it has its fingerprints all over contemporary social institutions and practices, yet most people are unaware of the ways in which racist assumptions impact their everyday lives. When driving through a majority-Black neighborhood, a White child (even one who has, by all accounts, been raised to value racial equality) may feel uneasy—perhaps threatened, perhaps concerned. Relieved to return to their majority-White suburb, they may be unaware of what exactly made them uncomfortable, but starkly aware that they were out of place in a Black neighborhood. This is evidence of racism as a social fact. "Studies have shown that [cognitive] racial schemas operate not only as part of conscious, rational deliberations, but also automatically–without conscious awareness or intent."[131] Racially explicit policies may have been adjusted, but the legacy of white supremacy, left unchecked, has taken on a life of its own.

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[126] Alexander, *The New Jim Crow*, 92.

[127] Ibid, 42.

[128] Ibid, 44.

[129] Eduardo Bonilla-Silva, "The Essential Social Fact of Race," *American Sociological Review* 45, no.2 (1999): 899-901. Accessed 23 May 2021, doi:10.2307/2657410.

[130] Bonilla-Silva, "The Essential Social Fact of Race," 899-901.

[131] Alexander, *The New Jim Crow*, 134.

To avoid talking about white supremacy overlooks the root of racism. Tackling policy issues without grasping their ideological roots will not solve problems, but only allow the same problems to take new forms. Ignoring and not naming white supremacy has gotten US society no closer to establishing racial equity. We may have moved away from Jim Crow and "redlining" communities to identify Black neighborhoods as undesirable places to live and work, but we have entrenched educational inequality based on wealth and a prison-industrial complex that criminalizes poverty. White power holders will continue to invent increasingly subtle institutional penalties for Black Americans as long as the conceptual basis of white supremacy is not recognized and addressed.

Racism has to be understood as a White problem, not because all (or only) White people are racist. Rather, it is crucial to recognize that white supremacy's existence as a social fact makes it impossible for people to live in the world without participating in racist systems, whether we mean to or not. As products of society, we have all unintentionally internalized at least some notions of white supremacy through the process of socialization, and we exist on a continuum of colluding with or challenging these beliefs. White people must examine and dismantle internalized white supremacy to dismantle systems that perpetuate white supremacy in US institutions. Otherwise, no amount of Black success will ever allow Black people to experience equality with White people.

Conclusion

Since 1969, the book *Institutional Racism in America* has remained a fundamental text to anyone studying race in the US. The claim that racial disparities are maintained by White-dominated institutions remains entirely relevant and is considered only slightly less radical in 2023. Racial inequality in the US will not improve if we continue as we have. The original text highlighted that "to ignore the network of institutional controls through which social benefits are allocated may be reassuring, but it is also bad social history."[132]

Michelle Alexander illustrates our understanding of institutional racism with the mental image of a bird in a cage: "If one thinks about racism by examining only one wire of the cage, or one form of disadvantage, it is difficult to understand how and why the bird is trapped. Only a large number of wires arranged in a specific way, and connected to one another, serve to enclose the bird and ensure that it cannot escape."[133] That is why the following chapters in this work examine racism in multiple areas, including the economy, education, politics, and medicine. Though not exhaustive, this work's editors intend that, together, these chapters will begin to reveal the ways the wires of society are arranged to enclose and entrap Black people in the United States.

As we study the information presented in these chapters, the reader is encouraged to observe the consequences of the US tradition of creating political policy based on white supremacy. Recognize "the unbroken links between slavery, Black codes, lynching, and our current era of mass incarceration."[134] Examine the US government's dismaying creativity at letting slavery evolve into new, less identifiable forms of institutionalized oppression. Reflect on history with the willingness to feel surprised, uncomfortable, or ashamed, for the sake of being honest with ourselves.

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[132] Knowles and Prewitt, *Institutional Racism in America*, 13-14.

[133] Alexander, *The New Jim Crow*, 228.

[134] Bryan Stevenson, "Punishment" in *The 1619 Project: a new origin story,* created by Nikole Hannah-Jones and *The New York Times Magazine*, New York: One World, 2021, 282.

As centuries of history have shown, improvement does not happen if the dominant strategy to solve the "race issue" is assimilationist or pathologizing. Black people are agents with community resources that have allowed for their survival despite racist efforts for over 300 years in an antagonistic society. Black power and Black self-determination are crucial to antiracist efforts because society must recognize the reality that Black people are equal in every capability to White people.

Our responsibility is to challenge institutions that disproportionately disadvantage Black people as well as the underlying racial narcissism ingrained in our understanding of society. The United States will gain enormous productive strength and social integrity once we commit ourselves to principles of constructing antiracist understandings of race relations and actively antiracist institutions.

Additional Resources

Book

The Soul of America: The Battle for Our Better Angels (2018) by Jon Meacham.

Our current climate of partisan fury is not new, and in The Soul of America the author shows us how what Abraham Lincoln called the "better angels of our nature" have repeatedly won the day. The author writes that each era in our national life has been shaped by the contest to lead the country to look forward rather than back, to assert hope over fear, a struggle that continues even now.

Podcasts

Throughline Podcast with hosts Rund Abdelfatah & Ramtin Arablouei.

This history podcast aims to contextualize current events by exploring the historical events that contributed to them. Its episodes have outlined the history of modern political debates, civil rights issues, and domestic and international policy. Some recommended episodes: The Whiteness Myth (February 9, 2023); James Baldwin's Shadow (February 1,2024); James Baldwin's Fire (September 17, 2020); Nikole Hannah-Jones and the Country We Have (July 28, 2022); The Modern White Power Movement (June 2, 2022); The Shadows of the Constitution (May 12, 2022); The Invention of Race (November 19, 2020); America's Caste System (August 6, 2020); A Race To Know (April 2, 2020); White Nationalism (May 9, 2019)

Jon Meacham Interview: On the Struggles that Define America (YouTube)
https://www.youtube.com/watch?v=Xl9PQk1C9gQ.

Video

Michelle Ferrari and Jelani Cobb, "The Riot Report: A presidential commission defied expectations by telling a hard truth," May 21, 2024, WGBH Educational Foundation, https://www.pbs.org/wgbh/americanexperience/films/riot-report/.

When Black neighborhoods in scores of cities erupted in violence during the summer of 1967, President Lyndon Johnson appointed the National Advisory Commission on Civil Disorders— informally known as the Kerner Commission. The bipartisan commission's 1968 report offered a shockingly unvarnished assessment of American race relations. This video explores this pivotal moment in the nation's history and the fraught social dynamics that simultaneously spurred the commission's investigation and doomed its findings to political oblivion.

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Chapter 2: Racism in the Economy

"Witnessing the horrors of slavery drilled into poor white workers that things could be worse, and American freedom became broadly defined as the opposite of bondage. This had the effect of making 'all nonslavery appear as freedom,' as the economist historian Stanley Engerman has written. It was a freedom that understood what it was against but not what it was for, a malnourished and mean kind of freedom that kept you out of chains but did not provide bread or shelter or a means to get ahead. It was a definition of freedom far too easily satisfied, a freedom ready with justifications and rationalizations as to why some were allowed to live like gods while others were cast into misery in poverty, a freedom ready with the quick answer: '*Hey, this is a capitalist society, a capitalist system, and capitalist rules.*'"

> Matthew Desmond, "Capitalism," in *The 1619 Project: a new origin story,* created by Nikole Hannah-Jones and *The New York Times Magazine* (New York: One World, 2021), 184.

Chapter 2: Racism in the Economy

The United States of America has one of the world's strongest economies,[135] yet it is at the same time "one of the most unequal societies in the history of the world."[136] Many of the problems discussed in this book are exacerbated by the unequal distribution of this abundant wealth. The wealth gap between classes in the US grows every year, as has been documented by the Organization for Economic Co-operation and Development (OECD), an international organization established in 1948 comprised of 38 countries with advanced economies. According to the OECD, 1% of the population owns 40% of all wealth in the US, "while a larger share of working-age people (those 18 to 65) live in poverty than in any other nation belonging to the OECD."[137]

Institutional practices entrenched in racism have contributed to this unequal distribution of wealth based on race. If racism was not a factor, we could logically assume that "households of all races would be equally represented at all points in wealth distribution in proportion to their population shares. That is, households in the bottom 10 [percent] of the wealth distribution [would] have the same racial composition as those in the top 10 percent."[138] However, that is not the case, as demonstrated by a large body of research presented in this chapter.

The Wealth Gap

The term "wealth" refers to the total accumulated value of assets, such as money or property, that a person or household owns, including what has been accrued over generations. "Income" refers to earnings from a job or a self-owned business, usually calculated on a monthly or annual basis. Wealth protects against short-term economic shocks such as a temporary loss of income. It serves as a funding source for ownership of real property, education, business ventures, retirement, and provides security when passed down to future generations. Wealth is therefore used as the measure of a person's or household's economic stability and prosperity.

Although White Americans make up the largest group of people who are uninsured and impoverished in the US,[139] the percentage of Black Americans in this same group is disproportionate to their percentage of the total population. Black people are overrepresented in the lower segments of wealth distribution and underrepresented at the top. Alexandra Killewald, a professor of sociology at Harvard, explained that due to a historical pattern of economic bias that disadvantages Blacks, "income is unequal, but wealth is even more unequal."[140] Black

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[135] The United States has the highest Gross Domestic Product and second highest Purchasing Power Parity in the world as of 2021 according to worldbank.org.

[136] Nikole Hannah-Jones, "Democracy," in *The 1619 Project: A New Origin Story,* created by Nikole Hannah-Jones and the New York Times Magazine (New York: One World, 2021), 166.

[137] Ibid, 167.

[138] Aditya Aladangady and Akila Forde. "Wealth Inequality and the Racial Wealth Gap." Federal Reserve, October 22, 2021. https://www.federalreserve.gov/econres/notes/feds-notes/wealth-inequality-and-the-racial-wealth-gap-20211022.html.

[139] Heather McGhee, *The Sum of Us*, (New York: One World, 2021), xi.

[140] Liz Mineo. "Racial Wealth Gap May Be Key to Other Inequalities." Harvard Gazette, June 3, 2021. https://news.harvard.edu/gazette/story/2021/06/racial-wealth-gap-may-be-a-key-to-other-inequities/.

Americans earn an average income that is 30% less than their White counterparts,[141] and the typical White household has *ten times* as much wealth as the typical Black household.[142] To understand this measurement another way, Black households made up under 15% of the population in 2020 but owned only 2.9% of the wealth.[143] White Americans have had opportunities to accumulate wealth which have been denied to Black Americans over centuries of institutionally racist government policies. The ways in which Blacks have been deprived of the opportunity to build, maintain, and pass on wealth will be discussed in detail below.

This chapter establishes how institutional racism was, and remains, the persistent cause of economic racial inequality in the US. According to several studies, including one conducted by the National Bureau of Economic Research, the racial wealth gap is as large in 2022 as it was in 1950.[144] The significant gap in wealth between Black and White American citizens has changed little over the past fifty years because the economy is maintained by White institutions that have scarcely changed.

The Exclusion of Black People from Free Enterprise

The United States has, by tradition, been considered a land of opportunity– particularly as related to economics, wealth accumulation, and entrepreneurship. Yet, there is a long, well-documented history of the White business world intentionally excluding Black people from free enterprise. The most familiar example of this exclusion is slavery, forced labor that supported the US economy for over 200 years. Even after the Thirteenth Amendment was passed in 1865 abolishing the legality of slavery, the US continued to benefit from an economy that exploited Black workers by delivering low wages and conditional employment for critical work while denying economic growth opportunities to Black people.

The United States' historical dependence on slavery negatively impacted the country's economic development in the long term. This holds on both national and local levels. In 2007 Harvard professor Nathan Nunn published research showing that counties in the US South that had relied on the labor of enslaved people in 1860 had lower per capita incomes in the present compared to counties that had not relied on slave labor. Nunn's local research built on a global study conducted by economists Stanley Engerman and Kenneth Sokoloff, which concluded that slave labor led to power being concentrated in the hands of a small elite. Therefore, societies that started with the extreme economic inequality of slave labor typically produced institutions "that were more restrictive in providing access to economic opportunities" for nearly all workers over time, regardless of race.[145] A nation's historical reliance on slavery, as well as

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[141] Palash Ghosh. "Black Americans Earn 30% Less than White Americans, While Black Households Have Just One-Eighth Wealth of White Households." *Forbes*, Forbes Magazine, November 9, 2022. https://www.forbes.com/sites/palashghosh/2021/06/18/blacks-earn-30-less-than-Whites-while-black-households-have-just-one-eighth-of-wealth-of-White-households/?sh=1d4b8a35550c.

[142] Liz Mineo. "Racial Wealth Gap May Be Key to Other Inequalities."

[143] Aditya Aladangady and Akila Forde. "Wealth Inequality and the Racial Wealth Gap.".

[144] Steve Maas. "Exploring 160 Years of the Black-White Wealth Gap." NBER, August 2022, https://www.nber.org/digest/202208/exploring-160-years-black-White-wealth-gap.

[145] Heather McGhee, *The Sum of Us,* (New York: One World, 2021), 20.

economic suppression of the percentage of the population that was enslaved (and their descendants), eventually negatively affected its average national income in 2000.[146]

In 1969 there were 50,000 Black-owned businesses in the US when *Institutional Racism in America* was published, and the authors noted then:

> If Black people owned businesses in proportion to their representation in the population, there would be ten times as many Black businesses, or 500,000. The discrepancy is actually greater than these figures indicate; many of the 50,000 enterprises listed as Black-owned are proprietorships which can best be described as marginal in nature.[147]

Catching up with data 50 years later in 2019, there were approximately 134,000 Black-owned businesses with more than one employee. The increase from 50,000 to 134,000 Black-owned businesses over a half-century gives an illusion of growth and progress; however, 134,000 businesses account for only 2% of US businesses.[148] If this number was proportional to their representation in the population, there would be 872,200 Black-owned businesses creating approximately 7 million jobs and $733 billion in sales and revenue.[149]

Although a 2002 survey found that Black people are inspired to start businesses at twice the rate of White people,[150] research indicates that the biggest contributor to racial disparity in business ownership is "stronger barriers to entry" such as lack of access to sufficient capital for Black business startups.[151] Entrepreneurs face racial discrimination when attempting to finance businesses even though it would benefit the national economy if Black entrepreneurs were given the same opportunity as their White counterparts.

Entrepreneurs typically receive loans from banking institutions to establish or expand a business. One such institution, Morgan Stanley, created the Multicultural Innovation Lab in 2017 to understand the gap in available funding for White-owned businesses versus businesses owned by people of color. While the data shows that women- and minority-owned businesses yield "returns [which] consistently match the market yield rate," the study found that Morgan Stanley investors are twice as likely to *believe* that women- and minority-owned businesses perform below market average.[152] In the study, White male entrepreneurs received, on average, approximately $106,000 of capital in their first year compared to Black entrepreneurs who

[146] Nathan Nunn. "Slavery, Inequality, and Economic Development in the Americas: An Examination of the Engerman-Sokoloff Hypothesis," in *Institutions and Economic Performance* ed. Elhanan Helpman (Cambridge, MA: Harvard University Press, 2008), 148-180. https://scholar.harvard.edu/files/nunn/files/domestic_slavery.pdf.

[147] Louis Knowles and Kenneth Prewitt, *Institutional Racism in America,* (Englewood Cliffs, NJ: Prentice-Hall Inc, 1969), 15.

[148] Andre M. Perry et al. "Black-Owned Businesses in U.S. Cities: The Challenges, Solutions, and Opportunities for Prosperity." Brookings. Brookings, March 31, 2022. https://www.brookings.edu/research/black-owned-businesses-in-u-s-cities-the-challenges-solutions-and-opportunities-for-prosperity/.

[149] Gabe Horwitz et al. "Entrepreneurial Inequality in America," Alliance for Entrepreneurial Equity, May 10, 2022. https://www.aeequity.org/product/entrepreneurial-inequity-in-america.

[150] Köllinger P, Minniti M. Not for lack of trying: American Entrepreneurship in Black and White. Small Bus Econ. 2006;27:59–79.

[151] Ibid.

[152] Morgan Stanley. "The Trillion Dollar Blind Spot," Morgan Stanley, December 11, 2018. https://www.morganstanley.com/content/dam/msdotcom/mcil/growing-market-investors-are-missing.pdf.

received $35,200.[153] As in many sectors of US society, while there has been some growth in Black enterprise in the past half-century, it is nowhere near the rate of growth needed to close the existing wealth gap.

The COVID-19 pandemic of 2020 impacted Black-owned businesses more negatively than White-owned businesses. Robert Fairlie, professor of economics at the University of California, Santa Cruz, conducted a study on the impact of the pandemic on small businesses. From February to April 2020, there was a 41% decline in the number of Black-owned businesses, strikingly the largest decline of any racial group.[154] By contrast, there was a 17% decline in White-owned businesses.[155] Black-owned businesses were more likely to be in metropolitan locations with high rates of COVID-19 cases, leading to reduced numbers of available employees as well as clients and customers.

The federal government created the Paycheck Protection Program (PPP) to provide loans to small businesses struggling with the pandemic, but a joint study conducted by New York University and Michigan State University found that "Black-owned businesses received loan amounts that were approximately 50% lower than observationally similar White-owned businesses."[156] One reason for this racial inequality is that the Small Business Association (SBA) distributed the PPP loans largely through banks, which shows a historical habit of racial discrimination.[157]

The National Community Reinvestment Coalition conducted an audit of banks in Washington DC in April-May 2020.[158] As part of this study, they deployed 63 pairs of Black and White role-playing "testers" indicating similar financial profiles to see if they would be treated differently. During 44% of test loan applications, Black testers were "more likely to be discouraged from applying for a loan or were more likely to be steered towards a home equity line-of-credit product rather than SBA loan products made available by PPP."[159] Black entrepreneurs have reported that they are three times more likely to not apply for a bank loan because they assumed they would be denied, and this belief is not unfounded. Even when controlling for credit score, Black-owned start-ups are three times less likely than White start-ups to report that "their loan requests are always approved."[160]

Historically, one of the most significant, revenue-generating industries in the US has been agriculture. Indeed, for its first two centuries, the US economy became a player on the

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[153] Ibid.

[154] Robert Fairlie. "The Impact of Covid-19 on Small Business Owners: Continued Losses and the Partial Rebound in May 2020." Working Paper w27309, National Bureau of Economic Research, Cambridge, MA. https://doi.org/10 .3386/w27309.

[155] Ibid.

[156] Rachel Atkins et al. "Discrimination in lending? Evidence from the Paycheck Protection Program." Small Business Econ 58, no. 2 (2022): 843-865 10.1007/s11187-021-00533-1.

[157] Ibid.

[158] Anneliese Lederer et al. "Lending Discrimination within the Paycheck Protection Program." National Community Reinvestment Coalition, 18. https://www.ncrc.org/lending-discrimination-within-the-paycheck-protection-program/ .

[159] Rachel Atkins et al. "Discrimination in lending? Evidence from the Paycheck Protection Program.".

[160] Robert Fairlie. "Financing Black-Owned Businesses." Stanford Institute for Economic Policy, May 2017. https://siepr.stanford.edu/publications/policy-brief/financing-black-owned-businesses.

global economic stage because of its flourishing agricultural production, much of which was produced by the labor of enslaved people. Currently, agricultural production in the US accounts for 5% of the country's Gross Domestic Product (GDP) and 10% of employment.[161] In 1990, 13% of farmers were Black. In 2022, only 1.4% of farmers were Black.[162] This startling drop points to federal policies that have prevented Black farmers from participating in the agricultural land market on an equal footing to this day. Going as far back as the unfulfilled promise of "40 acres and a mule" to newly freed slaves during the Reconstruction period of the late nineteenth century, discriminatory institutional policies have denied Black farmers full participation in the global agricultural superpower that their ancestors helped to create.

To address this inequity through activism, in 1995 John Boyd, Jr., a fourth-generation farmer, created the National Black Farmers Association (NBFA). The NBFA's mission statement explains that Boyd was compelled to create the organization, "after encountering the US Department of Agriculture's discriminatory practices first-hand and meeting many more Black farmers who shared this experience."[163] In 1997, a class action discrimination suit was filed by Black farmers who alleged that they were denied loans and government subsidies that had been awarded to White farmers. The court "recognized discrimination against 22,363 Black farmers but the NBFA would later call the agreement incomplete because more than 70,000 qualifying Black farmers were excluded. Nevertheless, the settlement was deemed to be the largest-ever civil rights class action settlement in American history."[164] In 2008, Black farmers who had not been included in the 1997 lawsuit filed another discrimination lawsuit, which ended with US President Barack Obama creating "legislation that set aside $1.15 billion to resolve the outstanding Black farmers' cases."[165] The NBFA continued its activism by protesting the 2022 Super Bowl's food and drink supplier, PepsiCo, due to the company's history of "denying Black farmers contracts to provide corn, potatoes, and other crops used in its production process."[166]

The Black Worker

"Underemployment" is when a worker is employed in a job that does not use their full skills or abilities.[167] Examples include people working part-time who want to work full-time, or a skilled technician taking an unskilled, low-wage job when they are not able to get higher-skilled work for which they are qualified, and which would pay a higher wage. "Unemployment" indicates a

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[161] Daniel Aminetzah et al. "Black Farmers in the US: The Opportunity for Addressing Racial Disparities in Farming."McKinsey & Company, November 10, 2021. https://www.mckinsey.com/industries/agriculture/our-insights/Black-farmers-in-the-us-the-opportunity-for-addressing-racial-disparities-in-farming#:~:text=While%20the%20role%20of%20the,14%20percent%20100%20years%20ago.

[162] Ibid.

[163] The National Black Farmers Association. "About Us." https://www.blackfarmers.org/about.

[164] Ibid.

[165] Ibid.

[166] Ibid.

[167] "Underemployment." Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/underemployment. Accessed 3 Aug. 2023.

lack of jobs, while underemployment indicates a lack of opportunities. Black workers have historically and persistently been overrepresented in both categories.[168]

The rate of unemployment is consistently higher for Black workers compared to White workers. From 1972 to 2004, the average rate of Black unemployment was 12.4%, and White unemployment was 5.4%.[169] As *Institutional Racism in America* explained in 1969, "since 1954, despite the unprecedented period of sustained economic growth, the Black unemployment rate has been continuously above the 6% 'recession' level. This level is used to signal serious economic difficulties when it is prevalent for the entire workforce." This level remains stable to this day, except for the year 2019 when the rate of Black unemployment fell to 5.2%. In early 2020, at the start of the COVID-19 pandemic, the Black unemployment rate jumped to 16.8% while White unemployment climbed to 12.3%.

Black workers make up 11.9% of the US workforce. In many essential industries, Black workers are over-represented, comprising 26% of the public transit industry; 18.2% of the trucking, warehouse, and postal service industries; and 17.5% of the healthcare industry.[170] These essential jobs require workers to report to a job site. The COVID-19 pandemic of 2020 generally placed jobs into one of three new categories: jobs that were no longer possible, jobs deemed essential, and jobs that could be done remotely from home or a location other than a customary workplace or office.[171] While all US residents faced higher rates of unemployment by April 2020, Black workers' employment was more likely to be found in the first two job categories.[172] One in six Black workers lost their job between February and April 2020,[173] while those who remained employed were "more likely to be in the front-line jobs that are categorized as 'essential'–forcing them to risk their own and their family's health to earn a living."[174] People with essential jobs continued to support the nation's infrastructure by working in food production, transportation, or sanitation, for example. Consequentially, the necessary conditions of these jobs meant that employees were not able to isolate themselves at home and experienced greater exposure to COVID-19 infection from co-workers and the public.

There also is a significant difference between racially diverse communities in terms of the responsibility of caring for children and aging or disabled family members at home during these emergencies. A 2019 study published in the *Population and Development Review* found that Black families were twice as likely as White families to live in multigenerational

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[168] Kenneth A Couch and Robert Fairlie. "Last Hired, First Fired? Black-White Unemployment and the Business Cycle." *Demography*, Population Association of America, Feb. 2010, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3000014/.

[169] Ibid.

[170] Elise Gould and Valerie Wilson, "Black Workers Face Two of the Most Lethal Preexisting Conditions for Coronavirus-Racism and Economic Inequality." *Economic Policy Institute*, June 2020, https://www.epi.org/publication/Black-workers-covid/?utm_source=Economic%2BPolicy%2BInstitute&utm_campaign=d19000b56e-EMAIL_CAMPAIGN_2019_02_22_11_12_COPY_01&utm_medium=email&utm_term=0_e7c5826c50-d19000b56e-59178089&mc_cid=d19000b56e&mc_eid=%5B0db97eaadf.

[171] Ibid.

[172] Ibid.

[173] Ibid.

[174] Ibid.

households where at least one family member is unemployed.[175] A multigenerational household will typically have a greater financial burden for caregiving compared to a household that does not care for children and/or older family members.

Even before the pandemic, a median-income Black family with two children could spend up to 56% of their income on childcare.[176] The cost of childcare is a significant economic strain and scheduling challenge. Pre-pandemic, Black parents "experienced childcare-related job disruptions" such as applying for a new job or having to turn down a job offer at approximately twice the rate compared to White parents.[177] Black mothers are disproportionately affected compared to their White counterparts. In 2021, 64% of Black mothers aged 18-34 were single mothers compared to 16% of White mothers in the same age group.[178] Black women are, therefore, significantly more likely to be the breadwinner for their households, yet young Black mothers "face elevated poverty rates, lack of access to affordable childcare, gender and racial discrimination in the labor market, and devaluation of their labor."[179]

It must be observed that successfully reducing high unemployment rates for Black workers will not be sufficient if underemployment is not also addressed. For example, in Pittsburgh, Pennsylvania, from 2013 to 2018, the rate of Black employment rose from 63% to 73%. Despite this positive increase in employment, the Black median household income in Pittsburgh did not change.[180] This is likely due to two factors: Black underemployment and Black employees being paid less than White employees in commensurate jobs. "In 2019, the median Black worker was paid 32.2 percent less in hourly wages than the median White worker, up from 28.6 percent in 1973."[181] Put another way, Black men are paid an average of $0.71 an hour, and Black women are paid $0.63 an hour for every $1 an hour paid to White men.[182] In 1969 *Institutional Racism in America* reported that "The Riot Commission reports [using 1966 data] that if non-white employment were upgraded proportionately to the level of white employment, about $4.8 billion in additional income would be produced."[183] If the Black

[175] Park, Sung S., Emily E. Wiemers, and Judith A. Seltzer. "The Family Safety Net of Black and White Multigenerational Families." *Population and Development Review* 45, no. 2 (2019): 351–78. http://www.jstor.org/stable/45174499.

[176] Cristina Novoa. "How Child Care Disruptions Hurt Parents of Color the Most." The Center for American Progress, June 29, 2020. https://www.americanprogress.org/article/child-care-disruptions-hurt-parents-color/.

[177] Ibid.

[178] Shengwei Sun. "For Young Black and Single Mothers during COVID, Employment Does Not Equal Security." Institute for Women's Policy Research, 2022. http://www.jstor.org/stable/resrep39496.

[179] Ibid.

[180] Alan Berube, "Black Household Income Is Rising across the United States." *Brookings*, Brookings, 3 Oct. 2019, https://www.brookings.edu/blog/the-avenue/2019/10/03/Black-household-income-is-rising-across-the-united-states/.

[181] Josh Bivens, "The Promise and Limits of High-Pressure Labor Markets for Narrowing Racial Gaps." *Economic Policy Institute*, Aug. 2021, https://www.epi.org/publication/high-pressure-labor-markets-narrowing-racial-gaps/?utm_source=Economic%2BPolicy%2BInstitute&utm_campaign=293eb44716-EMAIL_CAMPAIGN_2019_02_22_11_12_COPY_01&utm_medium=email&utm_term=0_e7c5826c50-293eb44716-59178089&mc_cid=293eb44716&mc_eid=0db97eaadf.

[182] Courtney Connley. "Why Black Workers Still Face a Promotion and Wage Gap That's Costing the Economy Trillions." *CNBC*, CNBC, 4 May 2021, https://www.cnbc.com/2021/04/16/Black-workers-face-promotion-and-wage-gaps-that-cost-the-economy-trillions.html.

[183] Louis Knowles and Kenneth Prewitt, *Institutional Racism in America*, 20.

pay gap had closed 20 years ago, it would have generated an estimated $2.7 trillion today.[184] The racist pay gap has resulted in huge losses of capital and opportunities for Black workers, and therefore, the entire US economy.

Another contributing factor is racist hiring practices. Black men are typically the last hired during a strong economy and first fired during a weak economy.[185] One Harvard study using data from the 1990s to 2015 found that racial discrimination against Black job applicants had not changed within those 25 years, even when controlling for level of education, gender, study methodology, occupational groups, and local labor market conditions. The study was able to conclude that, since the 1990s, White applicants received on average 36% more callbacks to move forward in the hiring process than comparable Black applicants.[186]

There have been many discrimination cases that demonstrate the findings of this study, such as the case of college graduate Kalisha White who suspected her Target retail job application was ignored due to her race. She reapplied with the name Sarah Brucker, a presumed "white-sounding" name, and got an interview.[187] In 2019 researchers at the University of California, Berkeley, and The University of Chicago conducted a study in which it sent over 80,000 sham job applications to 108 of the largest US employers. Twenty-three of the employing companies were found to discriminate against Black applicants. They found that on average, on analogous applications, the one featuring a presumed "Black name" lowered the chance of employee contact by two percentage points.[188] This is indicative of a nationwide expectation of competency and professionalism based on Whiteness. In other words, it is easier to get hired if you are perceived as White.

As discussed earlier, Black workers hold a greater proportion of low-paying, essential jobs that habitually involve inferior working conditions. During the 2020 Black Lives Matter marches, many companies and institutions released statements about their commitment to diversity, including McDonald's restaurants. Yet, Nicole Regaldo, Deputy Director at the American Civil Liberties Union (ACLU), published a 2020 report on the mistreatment McDonald's inflicted on its "majority Black and Brown workforce."[189] The study found that during the COVID-19 pandemic, the fact that nearly 80% of McDonald's employees did not have a paid sick leave benefit posed a life-threatening problem to workers and their families. Employees at a San Francisco McDonald's protested when they were told to use coffee filters as face masks to avoid COVID-19 infection, and that (counterintuitively) being "essential

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[184] Courtney Connley, "Why Black Workers Still Face a Promotion and Wage Gap That's Costing the Economy Trillions.".

[185] Kenneth A. Couch and Robert Fairlie. "Last Hired, First Fired? Black-White Unemployment and the Business Cycle."

[186] Quillian, Lincoln, et al. "Hiring Discrimination against Black Americans Hasn't Declined in 25 Years." *Harvard Business Review*, 30 Aug. 2021, https://hbr.org/2017/10/hiring-discrimination-against-Black-americans-hasnt-declined-in-25-years

[187] Eduardo Porter. "Who Discriminates in Hiring? A New Study Can Tell." New York Times, July 29, 2021. https://www.nytimes.com/2021/07/29/business/economy/hiring-racial-discrimination.html

[188] Patrick M. Kline et al. "Systematic Discrimination Among Large U.S. Employers." Working Paper 29053, The Quarterly Journal of Economics 137, no. 4 (2022): 1963-2036 https://doi.org/10.1093/qje/qjac024

[189] Nicole Regaldo. "McDonald's is Hiding Policies That Perpetuate Systemic Racism Behind Woke-washing." ACLU, July 20, 2020. https://www.aclu.org/news/racial-justice/mcdonalds-is-hiding-policies-that-perpetuate-systemic-racism-behind-woke-washing.

workers" did not guarantee access to adequate personal protective gear. Despite the lack of resources given to employees, McDonald's shareholders were paid "nearly $2 billion" in the first few months of the pandemic.[190] Due to the pandemic in 2020, McDonald's CEO and executives took a pay cut. However, Chief Executive Officer (CEO) Chris Kempczinski made $10.8 million in salary, approximately 1,189 times more than the average McDonald's employee who made $9,124 income in the same year.[191] Several lawsuits filed in 2020 related to racial discrimination against Black employees by franchise owners and racist verbal harassment on the job. Suits were also filed by executive employees who alleged that "the chain fired African American leadership, pushed Black franchisees out and lost African American customers as part of a broader racial discrimination problem at the company."[192] While it appears that companies wanted to make public statements in support of Black Lives Matter, companywide policies did not reflect the antiracist beliefs they claimed to support.

In 2020, 64% of all entry-level employees in the US were White. Tellingly, at each promotional level, the percentage of White workers increases, with Whites making up 85% of executive-level employees. Only 2% of all executives are Black.[193] These statistics show that increasing the diversity of entry-level jobs does not dismantle the institutional racism that is increasingly evident as one climbs up the corporate ladder. "Increasing diversity" is not a one-and-done solution to inequality. As *Institutional Racism in America* explained in 1969:

> Too often a Black person must act "white" in order to obtain a job, although his ability to conform to white culture may have little to do with whether he can perform the task for which he is hired. The Black worker faces the same battery of problems with respect to promotion that he did when he originally sought employment.

Fifty years later, this explanation remains accurate. For meaningful, real-world action, "increasing diversity" must not occur on a superficial level. The unequal circumstances inherent in the US work environment that privileges White workers will not be relieved by simply hiring more Black workers or promoting more Black workers. Actual diversification will be achieved through the identification and removal of policies and practices designed to benefit only White workers. While there are laws to protect applicants and employees from racial discrimination, there are loopholes and excuses constantly used to exclude Black applicants.

One such excuse is the stereotype of the "hard-to-find" qualified Black candidate. The belief that there is "a limited pool of black talent to recruit from,"[194] as Wells Fargo CEO Charles Scharf explained in a companywide memo, is an often-repeated idea that is simply not true. Employers say they are searching for "the most qualified candidate"; however, the label of

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[190] Ibid.

[191] Amelia Lucas. "McDonald's CEO made more than $10.8 million last year." CNBC, April 8, 2021. https://www.cnbc.com/2021/04/08/mcdonalds-ceo-chris-kempczinski-made-more-than-10point8-million-in-2020.html.

[192] Ibid.

[193] Pippa Stevens. "Companies make bold promises about greater diversity, but there's a long way to go." CNBC, June 15, 2020. https://www.cnbc.com/2020/06/11/companies-are-making-bold-promises-about-greater-diversity-theres-a-long-way-to-go.html .

[194] Mark Murphy. "Why Did Wells Fargo's CEO Say "There is a Very Limited Pool of Black Talent to Recruit From?" Forbes, September 23, 2020. https://www.forbes.com/sites/markmurphy/2020/09/23/why-did-wells-fargos-ceo-say-that-there-is-a-very-limited-pool-of-black-talent-to-recruit-from/?sh=7825a9846474.

"qualified" does not exist objectively. It is possible for two extremely different candidates to successfully perform the same job. Deciding which candidate is the most qualified is a matter of opinion, usually influenced by personal bias and false narratives. There are ample examples of hiring and promoting by making use of entirely subjective rubrics. Another example is whether a candidate is a "good fit" for the company's culture which in many companies is predominantly White.[195]

Racial discrimination persists inside the workplace, and it varies from microaggressions to lower chances of promotion to lower pay for comparable jobs. One example is hair discrimination. Many managers and human resource officials view "natural" Black hairstyles as unprofessional.[196] California was the first state to address this issue with the Crown Act in 2019 which prohibits discrimination based on ethnic hairstyles.[197] As the National Association for the Advancement of Colored People (NAACP) explains, "Schools and workplaces across the country often have dress codes and grooming policies in place prohibiting natural hairstyles, like afros, braids, Bantu knots, and dreadlocks (locs). These policies that criminalize natural hair have been used to justify the removal of Black children from classrooms, and adults from their employment."[198] As of this writing, there is no federal law equivalent to California's Crown Act.

In White male-dominated fields such as law, engineering, and medicine, there is generally a standard of acceptable workplace behavior that changes depending on an employee's race and gender. While Black men can relate to their White male colleagues through some gender-related shared experiences and interests, Black men also experience feelings of isolation, shielding themselves against microaggressions and applying constant vigilance on their behavior to avoid perceived stereotypes such as "the angry black man." With Whiteness often seen as the normative default, natural Black hairstyles, talking "too Black," or speaking about Black topics in a White-dominated workplace could be deemed unprofessional, thus limiting professional advancement for the Black Worker.[199]

<p style="text-align:center;">Labor Unions</p>

Creating labor unions is an effective way that workers organize to gain bargaining power as a collective group and to represent workers in negotiations and disputes with management. The auto industry is a key job provider in the US, and the benefits provided to industry employees are largely due to the work of the United Auto Workers (UAW) union. While labor unions have helped decrease the wealth gap and create a middle class, unions, too, have a history of organizational racism. Many unions have historically excluded Black workers. Some historians and researchers have claimed that "Capitalists leveraged slavery and its racial legacy to divide

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[195] Autumn McDonald. "The Racism of the Hard To Find Black Candidate Trope." Stanford Social Innovation Review, June 1, 2021. https://doi.org/10.48558/FY9D-0T84.

[196] Jena McGregor. "More States Are Trying to Protect Black Employees Who Want to Wear Natural Hairstyles at Work." The Washington Post, September 20, 2019. https://www.washingtonpost.com/business/2019/09/19/more-states-are-trying-protect-Black-employees-who-want-wear-natural-hairstyles-work/.

[197] NAACP. "The Crown Act." The Legal Defense Fund. https://www.naacpldf.org/crown-act/.

[198] Ibid.

[199] Ashanti M. Martin. "Black LinkedIn is Thriving." The New York Times, October 8, 2020. https://www.nytimes.com/2020/10/08/business/black-linkedin.html.

workers,"[200] and pitted White and Black workers against each other to lower their collective power and keep white supremacy in place. The alliance was not "worker to worker but white to white."[201]

However, it is notable that the country's first union, the Knights of Labor, founded in 1869, made a point to include Black workers. The union was created during the Reconstruction era which was marked by extreme racial discrimination and inequities. The Knights of Labor had challenges but also success with integration as reported by an 1886 South Carolina newspaper: "When everything else had failed, the bond of poverty united the White and colored mechanics and laborers."[202] Integration in the labor movement was beneficial to Black workers because they shared in higher wages and better benefits. White workers were also better off, because employers could not use Black workers as an alternate labor source during strikes.

The exclusion of Black workers occurred later, when employers intentionally created a false sense of competition between racial groups, the goal being to inhibit workers from using the power of their numbers to negotiate, strike, or use other common collective bargaining tactics. In 1890, with the creation of Jim Crow laws, White employers formulated a strategy to motivate White workers to unify specifically across boundaries of class, but not race. The American Federation of Labor (A. F. of L.) superseded the Knights of Labor as the nation's largest union and promoted the practice of excluding Black workers, as well as endorsing racist anti-immigration policies.

Despite a history of larger, powerful unions in the US excluding Black workers, there are examples of unions acting as an organization for Black workers to achieve better wages, benefits, and job security. One example of this is the Brotherhood of Sleeping Car Porters (BSCP), a union composed overwhelmingly of Black men. The BSCP, under the leadership of A. Philip Randolph, gained many material benefits for its 18,000 members and provided important early support for the civil rights movement in the first half of the twentieth century.

Another important predominantly Black union was created in the aftermath of an intense struggle in Memphis in 1968. Two Black sanitation workers were crushed to death while working in a dangerous rainstorm. Their deaths, as well as poor pay and bad working conditions, inspired sanitation workers Cleophus Smith and Ozell Ueal to organize a strike. Martin Luther King Jr.'s final speech was given in support of this sanitation workers' strike which was ultimately successful in paving the way for the American Federation of State, County, and Municipal Employees (AFSCME) Local 1733 to unionize the Memphis Sanitation Department.[203] The AFSCME is still active today throughout the nation. Their website explains,

> According to the Bureau of Labor Statistics, African-American union members enjoy median earnings 22.7 percent higher than African-Americans in nonunion jobs. Indeed,

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[200] Nikole Hannah-Jones, "Democracy," in *The 1619 Project: A New Origin Story,* created by Nikole Hannah-Jones and the New York Times Magazine (New York: One World, 2021), 181

[201] Heather McGhee, *The Sum of Us*, 120.

[202] Ibid, 109.

[203] Caleb Gayle. "Unions Brought Black Americans into the Middle Class. They're Now Being Decimated." *The Guardian*, Guardian News and Media, 14 Aug. 2018, https://www.theguardian.com/global/2018/aug/14/unions-brought-Black-americans-into-the-middle-class-theyre-now-being-decimated.

union membership allows African-Americans to approach (although not quite reach) the pay rate of nonunion White workers–highlighting both how important unions are and how deeply structural racism is baked into the system.[204]

AFSCME has continued to be a vehicle for thousands of Black workers to gain better wages and benefits. Brittany Adams, a Black female caseworker for the state of Illinois and a member of AFSCME Local 2858, credits her family's long history in public union jobs with propelling her into the middle class. "If there wasn't a union, I wouldn't be middle class. My wages would be lower and my insurance co-pays would be higher."[205]

Historically, labor unions were some of the largest organizations supportive of civil rights for workers of color. In 1958 W.E.B. Du Bois wrote that Black and White workers striving for the same goal within a union structure had led to "an astonishing spread of racial tolerance and understanding. Probably no movement in the last thirty years has been so successful in softening race prejudice among the masses."[206] A joint Princeton University and University of Washington study published in 2021 supported this claim by analyzing the relationship between labor unions and racist ideologies. The study ultimately concluded that "unions temper racial resentment and foster support for public policies that benefit Black workers, families, and communities."[207] The study also found that White union members were more likely to support programs that directly benefited the Black community compared to White non-union employees.[208] The study, which included data from people's thoughts about the 2016 US Presidential election, concluded that joining a labor union had a significant impact on the desire to address institutional racism.[209] Other studies have shown that states with active unions "tend to have more progressive tax codes and to spend more on public education and their income support infrastructure."[210] The power of collective bargaining provides an incentive for workers to support each other.

The decline of membership in labor unions aligns with the decline of income flowing into the middle class. Research shows that "as union density has declined, the portion [of income] going to the richest US residents has increased."[211] The Economic Policy Institute found that when union membership was at its highest–around 30% of all workers after World War II (WWII)–the share of income going to the top 10% of the population was at its lowest, or around 35% of national income.[212] Statistics indicate that there is an inverse correlation between union membership and the size of the income gap. Since 1979, wages for the hourly worker have increased by a paltry 0.3% a year. The income for the richest 1% of the population

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[204] Lee Saunders. "Strong Unions Mean Strong African-American Communities." AFSCME, February 28, 2019. https://www.afscme.org/blog/strong-unions-mean-strong-african-american-communities.

[205] Caleb Gayle. "Unions Brought Black Americans into the Middle Class. They're Now Being Decimated.".

[206] Heather McGhee, *The Sum of Us*, 111.

[207] Kate Bahn et al. "Labor Day: How Unions Promote Racial Solidarity in the United States." *Equitable Growth*, 31 Aug. 2021, https://equitablegrowth.org/labor-day-how-unions-promote-racial-solidarity-in-the-united-states/.

[208] Ibid.

[209] Ibid.

[210] Ibid.

[211] Heather McGhee, *The Sum of Us*, 112.

[212] Economic Policy Institute. "Unions help reduce disparities and strengthen our democracy." April 23, 2021. https://www.epi.org/publication/unions-help-reduce-disparities-and-strengthen-our-democracy/

has increased by 190%.[213] A review of the economic history of the US indicates that an increase in unionization could make meaningful progress in closing the racial wealth gap.

Although labor unions have declined in size and power in recent decades, they remain influential organizations with significant political and social organizing capabilities. Union jobs are often coveted, especially as of 2021, when nearly half of adult workers worked "low wage" jobs, which are classified as earning approximately $18,000 a year and having few employee benefits.[214]

There have been recent reports of increased efforts to unionize among employees at various businesses. Many economists theorize that this is due to unsatisfactory and/or dangerous working conditions that became more visible in the unique employment circumstances created by the COVID-19 pandemic. Low-wage workers from many companies such as The Hershey Company chocolate manufacturer, Chipotle restaurant, Dollar General Store retailer, and Starbucks Coffee Company have attempted to unionize, facing strong resistance from employers. In the 2022 fiscal year, there were over 2,000 employee petitions to form labor unions, an increase of 62% from the previous fiscal year.[215]

Despite recent attempts of some employees to unionize their workplaces, union membership rates overall continue to fall. In 2021, there was an approximately 10.3% membership rate according to the Department of Labor. In 2022, that number fell to 10.2%.[216] The number of people in unions technically increased by approximately 270,000 new union members from 2021 to 2022; however, the total number of wage and salary workers increased by approximately 5.3 million. That means that the total percentage of people in unions decreased. Nevertheless, Black workers are the most likely employees to be unionized, with four in ten union members today being Black.[217]

Employers struggle against the formation of unions with the assistance of professional consultants such as the Labor Relations Institute (LRI)–whose website has a page labeled "Avoiding unions?"–advertising their services to keep a workplace union-free. On its website,[218] LRI uses tactical language aimed at employers, such as "protect management flexibility" and "retain their direct relationship privilege," to inform employers of strategies to combat union actions. Dollar General Store paid the LRI over $80,000 in December 2022 to shut down a store in Connecticut attempting to unionize.[219] The union was shut down before it could begin, with the employee who began the process getting fired days before the union

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[213] Heather McGhee, *The Sum of Us*, 113.

[214] Ibid, 112.

[215] Alexia Fernández Campbell. "Low-Paid Workers Are Unionizing. Corporations Are Spending a Ton to Stop Them." Center for Public Integrity, October 3, 2022. https://publicintegrity.org/labor/low-paid-workers-are-unionizing/.

[216] Bureau of Labor Statistics. "Union Members 2022." January 19, 2023. https://www.bls.gov/news.release/pdf/union2.pdf?utm_source=npr_newsletter&utm_medium=email&utm_content=20230227&utm_term=8035455&utm_campaign=money&utm_id=208962&orgid=92&utm_att1=

[217] Economic Policy Institute. "Who are today's union workers?" April 21, 2021. https://www.epi.org/publication/who-are-todays-union-workers/.

[218] Labor Relations Institute. "Home." https://lrionline.com.

[219] Alexia Fernández Campbell. "Low-Paid Workers Are Unionizing. Corporations Are Spending a Ton to Stop Them." Center for Public Integrity, October 3, 2022. https://publicintegrity.org/labor/low-paid-workers-are-unionizing/.

election for "use of profanity."[220] In 2021 Amazon spent over $4.3 million on anti-union consultants.[221] This number is likely only a portion of what they have spent on union-busting measures, as companies are only required to report to the federal government what is spent on lawyers and consultants who speak directly to employees.

The Exploited Black Consumer

In addition to earning less than their White counterparts, urban Black consumers are often exploited by being forced to rely on stores and businesses geared to extract the maximum profit from customers who are trapped in the inner city. Residents of these urban neighborhoods are less likely to own a car and are dependent on unreliable and/or dwindling public transportation.[222] These customers have significantly limited options for alternative places to eat or shop. Furthermore, most of these stores are owned by White merchants and other non-residents of the neighborhood, resulting in retail profits being funneled away to benefit more affluent communities.

The scarcity of competitive choices for dining and shopping means that in predominantly Black urban communities, residents pay more for goods and services than people living in predominantly White suburban neighborhoods. Additionally, the purchase of essential items such as food, clothing, and household needs consumes a higher percentage of a low-income budget than that of a high-income budget. This economic "double whammy" creates great stress on the financial resources of low-income earners.

A 2016 Harvard study looked at the impact of rising prices in the retail sector for poor households, defined as those that make less than $30,000 per year. The study found that the cost of necessary groceries and household items and available brands most often bought by poor consumers have increased by more than 2% every year since 2004. By contrast, items and brands more often bought by consumers with incomes above $100,000 increased at an annual rate of 1.4%.[223] The study also found evidence that new products were specifically targeted at high-income households. Increased competition between new and old product lines led to marked-down prices for older products aimed at this very same market, ironically benefiting high-income consumers with additional choices at reduced prices.

While inflation and the economic fallout resulting from the COVID-19 pandemic further complicated the supply and pricing of goods, the pandemic also increased food insecurity, an already challenging problem in the US, especially in what have been called "Food Deserts." The concept of a "food desert" is defined as a community that lacks sources where healthy food may be acquired at reasonable prices. Identified "food desert" neighborhoods contain fewer high-volume grocery stores and more high-cost convenience and liquor stores in which consumers' access to unprocessed ingredients and fresh produce is severely hindered. As

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[220] Ibid.

[221] Dave Jamieson. "Amazon Spent $4.3 Million on Anti-Union Consultants Last Year." HuffPost. HuffPost, April 1, 2022. https://www.huffpost.com/entry/amazon-anti-union-consultants_n_62449258e4b0742dfa5a74fb.

[222] "Car Access." National Equity Atlas, 2020. https://nationalequityatlas.org/indicators/Car_access.

[223] Xavier Jaravel. "The Unequal Gains from Product Innovations: Evidence from the US Retail Sector" London School of Economics & Political Science, December 26, 2016. http://dx.doi.org/10.2139/ssrn.2709088.

a result, the level of food insecurity experienced by people living in a food desert is 2.5 times greater than that of people living in other areas.[224]

In 2007, with a population of nearly one million people, Detroit lost its last supermarket grocery chain store.[225] Michael Nutter, mayor of Philadelphia from 2008-2016, spent years attempting to incentivize grocery chains to locate in predominantly Black neighborhoods. He explained, "we went to virtually every national grocery retailer in our region… White people don't think black people spend money, and they weren't willing to invest in predominantly black neighborhoods."[226] Food deserts are also closely linked to the history of real estate redlining, as will be explained in detail later in this chapter, and discriminatory financial practices against people of color.

Considering this systematic inequality in nutritional resources, "Black-led food justice efforts have demonstrated the possibilities and limits of agency and self-reliance…"[227] There have been many community-led examples of addressing this unequal access, such as the Black Panthers' free breakfast program to combat hunger between 1969 and 1971. Black people know that "At the community level, food distribution, locally run markets, and gardening make great tools for communities to increase food access, reduce food insecurity, and promote healthy diets and lifestyles."[228] In 2016, Black residents in northeast Greensboro, North Carolina, created the Renaissance Community Co-op after eighteen years of having no grocery store in their community.[229] Ultimately, it shut down after only two years due to financial reasons,[230] demonstrating that while community-led efforts make positive change, the problem of food deserts is systematic and persistent.

Food deserts have a glut of fast-food restaurants compared to other areas.[231] The fast-food industry first exploited Black customers by calculatedly promoting the worthy-sounding concept of Black capitalism. In the 1960s, small businesses could receive loans, ostensibly with the positive outcome of creating local, income-earning jobs within Black neighborhoods. Fast-food franchisors eagerly took advantage of this by offering "business opportunities" to Black people who paid a fee to operate franchised stores in impoverished areas without using personal capital to pay for expensive store infrastructure.[232]

On the surface, fast-food franchises appear attractive to local investors because advertising and materials suppliers are already established, and there is a known market for the

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[224] Amber Charles Alexis. "Food Deserts: Causes, Effects, and Solutions." *Healthline*, Healthline Media, June 14, 2021, https://www.healthline.com/nutrition/food-deserts#solutions.

[225] Ashanté M. Reese. *Black Food Geographies: Race, Self-Reliance, and Food Access in Washington, D.C.*, 5.

[226] Nathaniel Meyersohn. "How the Rise of Supermarkets Left Out Black America." CNN Business, June 16, 2020. https://www.cnn.com/2020/06/16/business/grocery-stores-access-race-inequality/index.html

[227] Ashanté M. Reese. *Black Food Geographies: Race, Self-Reliance, and Food Access in Washington, D.C.*, 5.

[228] Amber Charles Alexis. "Food Deserts: Causes, Effects, and Solutions."

[229] Ashanté M. Reese. *Black Food Geographies: Race, Self-Reliance, and Food Access in Washington, D.C.*, 11.

[230] Kristen Gutierrez. "Renaissance Community Co-op Closing its Doors in Greensboro." WXII news, January 11, 2019. https://www.wxii12.com/article/renaissance-community-co-op-closing-its-doors-in-greensboro/25848487.

[231] Alex Park. "Perspective | How the Fast-Food Industry Courted African American Customers." The Washington Post, October 28, 2021, https://www.washingtonpost.com/news/made-by-history/wp/2018/06/11/the-origins-of-fast-foods-enduring-popularity-with-african-americans/.

[232] Ibid.

food product. However, fast-food enterprises are also known for delivering low profit margins and high labor intensity. Their existence worsens a situation wherein residents and workers in food deserts are forced to rely on the cheap, fast meals available in their neighborhoods when they are unable to access fresh ingredients to prepare nutritious food at home. Fast food thrives in food desert areas, where distant supermarkets require transportation to reach and sufficient time to get there.

Another pervasive mechanism perpetuating unequal economic conditions for Black consumers is the exploitative nature of banking and credit financing in the US. Due to their lower purchasing power, many low-income and middle-class people must use credit cards to meet the basic needs of their households, accruing crippling debt. There are many examples of credit card companies exploiting Black people by "imposing exploitative fees, interest rates, and other conditions on consumers who have no choice but to use these companies' products."[233]

Stories that illustrate this exploitation include that of Kayrn Morton, a 33-year-old Black lawyer, who applied for a Capital One credit card online. Capital One's data mining incorrectly identified Kayrn as a 65-year-old Black retiree who made three times less than she actually made in a year. Their algorithm classified her in its "City Roots" demographic segment. Capital One offered her a card that had six months of 0% interest but would convert into a card that carried up to 24.9% interest. Another customer who applied for a Capital One credit card online had the algorithm classify them as a White college student in the "God's Country" segment. They were offered a credit card with a fixed 11.9% interest rate.[234] These examples illustrate the 0% interest rate trap which gives consumers low initial rates before dramatically inflating rates. These are examples of the ways credit card companies take advantage of consumers and reveals the algorithm which targeted this particular trap toward Black consumers.

Institutional racism is inherent in mainstream banking. As there are food deserts in Black neighborhoods, there are also credit deserts. Urban and rural low-income communities typically lack bank branches.[235] While it is possible to access banks online, many low-income, less-educated, and/or older adults are more likely to use brick-and-mortar banks that offer in-person services.[236] Banking and credit deserts effectively cut off these populations from financial services.

A study published in the *Journal of Financial and Quantitative Analysis* found that brick-and-mortar banks played an important role in distributing Paycheck Protection Program loans during the COVID-19 pandemic. The PPP provided nearly 5.2 million loans totaling $525 billion for small businesses.[237] "Counties with the highest numbers of Black-owned businesses

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[233] Andrea Freeman. "Racism in the Credit Card Industry," North Carolina Law Review 95, no. 1071 (2017), https://ssrn.com/abstract=2976471.

[234] Ibid.

[235] Kristen E. Broady et al. "An Analysis of Financial Institutions in Black-Majority Communities: Black Borrowers and Depositors Face Considerable Challenges in Accessing Banking Services." Brookings. Brookings, March 9, 2022. https://www.brookings.edu/research/an-analysis-of-financial-institutions-in-Black-majority-communities-Black-borrowers-and-depositors-face-considerable-challenges-in-accessing-banking-services/.

[236] Ibid.

[237] Atkins, R., Cook, L. & Seamans, R. Discrimination in lending? Evidence from the Paycheck Protection Program. *Small Bus Econ* 58, 843–865 (2022). https://doi.org/10.1007/s11187-021-00533-1.

received some of the lowest shares of PPP loan coverage…possibly reflecting the lack of existing banking relationships in those communities."[238] Banking "deserts" meant many Black entrepreneurs had less access to PPP loans. When they did receive PPP assistance, a nationwide study published in *Small Business Economics* found that "Black-owned businesses received loans through the Paycheck Protection Program that were approximately 50 percent lower than White-owned businesses with similar characteristics."[239]

Credit scores are often criticized for perpetuating racial inequality. An individual's credit score is used to determine if they can obtain a mortgage, credit card, or any other loan as well as setting the interest rate. As a result, credit scores dictate where a person can live and work, and how much they pay for insurance.

One way that credit scores perpetuate racial economic inequality is how credit score reports include records of mortgage payments but generally do not report on rent payments. This creates a disparity since the majority of Black Americans rent rather than own their homes. Additionally, White people are more likely to have a credit card, which is one of the most common ways to build a credit score. As a result of biased requirements for building credit, about 20% of Black people are "credit invisible," meaning they have no credit score at all.[240]

Nothing could sum up the situation in 2023 better than this passage from 1969:

A financial institution considering a loan application examines the credit history of the applicant, the collateral to be held against the loan, the prospects for business success, and other related criteria. The Black man is more likely than the White man to have a poor credit record due to the loan sharks and exploitative merchants that feed off ghetto residents… The Black businessman who wishes to locate in his own community, where the income level is at or near the poverty line, will have poorer prospects for success than the White merchant in the White middle-class community. The present standards, when applied without regard to race, will lead to more White ownership of enterprises and less Black participation in the economy.[241]

Low credit scores lead to a larger required down payment and higher interest rates throughout the life of a loan, which in turn, puts extra strain on household and business budgets, leading to increased instances of default, bankruptcy, and progressively lower credit scores.[242] The vicious cycle of this process maintains economic inequality. Credit scores are used by banks, landlords, and other financial service providers to screen against potential financial loss, but the methodology of their calculation should be reformed, or an alternate or additional method of screening must be developed to address the racial inequality that is embedded in this system.

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[238] Kristen E. Broady et al. "An Analysis of Financial Institutions in Black-Majority Communities: Black Borrowers and Depositors Face Considerable Challenges in Accessing Banking Services."

[239] Atkins, R., Cook, L. & Seamans, R. Discrimination in lending? Evidence from the Paycheck Protection Program.

[240] Tamara E. Holmes. "Credit Card Race, Age, Gender and Income Statistics." CreditCards.com, July 8, 2021. https://www.creditcards.com/credit-card-news/race-age-gender-statistics/.

[241] Louis Knowles and Kenneth Prewitt, *Institutional Racism in America,* 16.

[242] Sean Trainor, "Your Credit Score's Long History, from Espionage to Algorithms." Time. Time, July 22, 2015. https://time.com/3961676/history-credit-scores/.

Surprisingly, the gap between Black and White homeownership rates is wider today than in the 1960s, when it was legal to discriminate against Black buyers. In 1960 the Black homeownership rate was 38% and the White homeownership rate was 65%, a difference of 27 percentage points.[243] According to the US Census Bureau, in the fourth quarter of 2022, 45% of Black Americans owned their house compared to 75% of White Americans, a difference of 30 percentage points.[244]

It is an established norm that home and land ownership (the holding of "real property") is one of the primary sources of personal wealth.[245] Real property as an investment usually appreciates in value over time. Homeownership is considered to be more advantageous than paying rent because mortgage payments provide ways for owners to build equity as the value of their real property increases. Furthermore, ownership of real property can be passed on to family members legally and definitively upon the death or incapacity of the homeowner, thus creating "generational wealth"–investments of economic resources developed over time and conveyed to heirs in succession–that is passed on to beneficiaries. The history of racist policies in the US that have deprived Black people of obtaining ownership of real property has given White families the advantage of accumulating generational wealth through homeownership.

Beginning in the 1930s, through a practice known as "redlining," banks–with the support of government financial institutions–identified entire neighborhoods as being ineligible for home loans because the area in question had a majority Black population. Although redlining was officially outlawed by the Fair Housing Act of 1968, it persists in subtle forms today. One study, conducted from 2012 to 2018 in Chicago, found that banks loaned more money to certain White neighborhoods than to all Black neighborhoods combined. Specifically, 68% of all home loans went to predominantly White areas, compared to 8% of loans for homes in predominantly Black neighborhoods. In Chicago where approximately 30% of the population is Black, the percentage of loans to Black residents should be at least three times the number presented in this study for loan opportunities to be considered equitable.[246] In other words, the number of home loans made to Blacks would be three times greater if institutional racism was not a discriminatory factor in play.

Another prejudicial real estate practice known as "blockbusting" exploits both White and Black homeowners. Although blockbusting was outlawed by the Fair Housing Act at the same time as redlining, the practice offers insight into the history of deliberate exclusion of Black Americans from the housing market until 1968, the reverberations of which have affected Black generational wealth to the present day.

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[243] Tim Henderson. "Black Families Fall Further Behind on Homeownership." Pew Research, October 13, 2022. https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2022/10/13/black-families-fall-further-behind-on-homeownership.

[244] U.S. Census Bureau. "Quarterly Residential Vacancies and Homeownership, Fourth Quarter 2022." https://www.census.gov/housing/hvs/index.html.

[245] "Racial and Ethnic Valuation Gaps in Home Purchase Appraisals," Freddie Mac, September 2021, https://www.freddiemac.com/research/insight/20210920-home-appraisals.

[246] Ward Williams. "Black-owned Banks by State." Investopedia, February 1, 2023. https://www.investopedia.com/black-owned-banks-by-state-5024944.

In the first phase of blockbusting, real estate companies send agents into White neighborhoods to "warn" and spread fear that the area soon will be inundated with Black families. White families are encouraged to sell "before it is too late" at bargain prices favorable to the real estate company. In turn, the company promotes home sales to Black families, but rather than arranging standard mortgages in which the buyer holds the title to the property on a legally recorded deed for the entire duration of the mortgage loan, the homes are sold "on contract." Homeowners with these contracts are extremely vulnerable to predatory lending practices because the seller continues to own the property during the entire time the buyer makes payments on the house, and the buyer does not hold title to the property. Even after years of faithfully paying down the debt on their house, a family that misses only one payment can be evicted with a total loss of their investment.

Under the "on contract" scheme, homeowners accrue no financial equity until the house is completely paid for, a period that often takes decades. Most mortgage loans in the US last for periods between ten and 30 years. "Contract" practices rob Black homeowners of the ability to claim equity on any increase in the value of their property, depriving them of being a "safe borrower" from the view of any lender. Thus, the homeowner is unable to use their home to secure a loan to start a business, pay educational tuition, or meet a medical cost, for example.

A study conducted by Duke University and the University of Illinois-Chicago discovered that in the 1960s, between 75%-95% of homes purchased by Black people in Chicago were sold on contract.[247] This racist practice led to an estimated loss of $3 billion in wealth for Black families in Chicago. Unlike blockbusting, contract buying is not prohibited, and along with other potentially predatory lending practices, such as adjustable mortgages with escalating interest rates, it continues to place a disproportionate burden on Black homeowners and eliminates the usefulness of homeownership as a source of equity for business owners. This history of housing discrimination means that White families are much more likely to own their homes, a major source of wealth that can be passed down through generations, and which may be used as start-up capital for new ventures. Black families historically have not had the same privilege.

A similar phenomenon occurred with the GI Bill of 1944, legislation still in force today. This bill provides many benefits to military veterans, including low-to-no interest loans for college tuition and home purchases, unemployment allowance, small business loans, employment service, and more. By 1948 the GI Bill and its benefits made up 15% of federal spending.[248] However, these benefits were frequently denied to 1.2 million Black veterans following WWII and the Korean War.[249] Although the GI Bill was noted at the time of its creation as "a color-blind law in a segregated society," the practical application of the program

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[247] Natalie Moore. "Contract Buying Robbed Black Families in Chicago of Billions." NPR, May 30, 2019. https://www.npr.org/local/309/2019/05/30/728122642/contract-buying-robbed-black-families-in-chicago-of-billions.

[248] Canaday, Margot. "Building a Straight State: Sexuality and Social Citizenship under the 1944 G.I. Bill." *The Journal of American History* 90, no. 3 (2003): 935–57. https://doi.org/10.2307/3660882.

[249] Erin Blakemore. "How the GI Bill's Promise Was Denied to a Million Black WWII Veterans." *History*, 21 June 2019. https://www.history.com/news/gi-bill-Black-wwii-veterans-benefits.

discriminated against Black veterans.[250] This happened because although it is a federal program, it is administered on a state level using regional norms. Thus, there existed exclusion of Black veterans from many state and local institutions that distributed the benefits ostensibly guaranteed by the legislation.

In the mid-twentieth century, in a social pattern subsequently named "White Flight," White veterans generally preferred to move from urban areas to newly developing suburbs with their families, leaving urban Black neighborhoods increasingly segregated, isolated, and concentrated. Many banks refused to serve Black customers and declined to make loans in Black neighborhoods. Employed Black veterans, earning income to support themselves and their families at a lower wage than comparable White workers, often could not take the time off to return to school, even if they were approved for an educational loan. White colleges and universities, still mostly segregated, were not an option for these veterans, and Black colleges, already underfunded, were overwhelmed with new students.[251]

Although the Fair Housing Act of 1968 was passed to outlaw racist practices like redlining and blockbusting, investigations show that these practices are still occurring. In 2022, the US Department of Justice accused the New Jersey-based Lakeland Bank of redlining. Lakeland Bank settled out of court and agreed to create a $12 million homeownership fund and open two new branches in communities of color.[252] There have been a number of similar settlements over the years with other financial institutions, demonstrating that the institutional racism that affects equal opportunity in home ownership, although made illegal in the 1960s, is still practiced today.

Decades after the Fair Housing Act, the gap between Whites and Blacks in homeownership has become greater than it was in the 1960s.[253] Not only are White Americans more likely to own a home, but those homes are more likely to yield greater investment value. The median Black family home value is $150,000, as compared to the White family median home value of $230,000.[254] Adding to the housing woes of the twenty-first century for people of color, the COVID-19 pandemic caused rent rates to rise rapidly, placing a financial burden on renters who were—disproportionately—people of color.[255]

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[250] Edward Humes. "How the GI Bill Shunted Blacks into Vocational Training." *The Journal of Blacks in Higher Education*, no. 53 (2006): 92–104. http://www.jstor.org/stable/25073543.

[251] Erin Blakemore. "How the GI Bill's Promise Was Denied to a Million Black WWII Veterans.".

[252] Tracey Tully. "'Redlining Is Racist': $12 Million Settlement Ends Lending Inquiry." The New York Times. The New York Times, September 28, 2022. https://www.nytimes.com/2022/09/28/nyregion/redlining-is-racist-12-million-settlement-ends-lending-inquiry.html.

[253] Tim Henderson. "Black Families Fall Further Behind on Home Ownership".

[254] Andre M. Perry et al., "Black-Owned Businesses in U.S. Cities: The Challenges, Solutions, and Opportunities for Prosperity." Brookings. Brookings, March 31, 2022. https://www.brookings.edu/research/black-owned-businesses-in-u-s-cities-the-challenges-solutions-and-opportunities-for-prosperity/.

[255] Jaboa Lake. "The Pandemic Has Exacerbated Housing Instability for Renters of Color." The Center for American Progress, October 30, 2020. https://www.americanprogress.org/article/pandemic-exacerbated-housing-instability-renters-color/.

In 2021 the Federal Reserve Board published a study titled, "How Much Does Racial Bias Affect Mortgage Lending? Evidence from Human and Algorithmic Credit Decisions."[256] The study focused on artificial intelligence technology referred to as AUS (Automated Underwriting System), widespread in the mortgage industry, and which many expected would be a way to eliminate racial discrimination. The study defined discrimination as "lenders treating applicants with identical observed risk factors differently on the basis of race."[257] The Federal Reserve concluded that the average Black applicant had a credit score 40 points lower than the average White applicant, which led to Black applicants being less likely to receive AUS approval. Even when controlling for credit score, Debt-to-Income ratio (DTI), and Loan-to-Value ratio (LTV), there is still a 2% gap between Black and White applicants receiving AUS approval.[258]

The AUS algorithm is race-blind, so the study hypothesized that this persistent difference was caused by unobservable factors, such as the liquid (easily accessible) financial reserves of the applicant–another example of the material impacts of the racial wealth gap. While collecting this data, the Federal Reserve recognized that their study had blind spots–discrimination might occur before the loan application is even submitted. It is possible that some lenders may "unfairly discourage or informally reject" minority applicants or provide them with poor service during the process of applying, as found in a 2016 study published in the *Journal of Economics*.[259]

Another exploitative ploy is promoting an installment contract as an alternative way to purchase real estate without requiring a buyer to produce the funds to engage in a mortgage agreement. As was described in some detail earlier, from the 1930s to 1960s Black people were drawn to installment contracts as a substitute for a mortgage, because banks would not mortgage houses in Black neighborhoods.[260] As *Institutional Racism in America* explained in 1969,

> All the states require by law that installment contracts state specifically how much the buyer is paying for credit. But a study made by David Caplovitz in New York demonstrated many merchants in low-income areas ignore installment contracts all together or if they do use them, the merchants intentionally do not differentiate between the cost of credit and the cost of the product. Merchants often emphasize the small down payment and the low monthly installments without informing the buyer about the length of the contract. . .

Predatory installment contracts are making a comeback. In an example from 2011, an investment firm bought a foreclosed home for $8,000 and then sold it with an installment

[256] Neil Bhutta, Aurel Hizmo, and Daniel Ringo, "How Much Does Racial Bias Affect Mortgage Lending? Evidence from Human and Algorithmic Credit Decisions," Finance and Economics Discussion Series 2022-067. Washington: Board of Governors of the Federal Reserve System, https://doi.org/10.17016/FEDS.2022.067.
[257] Ibid..
[258] Ibid.
[259] Hanson, Andrew, Zackary Hawley, Hal Martin, and Bo Liu, "Discrimination in mortgage lending: Evidence from a correspondence experiment," Journal of Urban Economics, 2016, 92, 48–65.
[260] The Editorial Board. "The Racist Roots of a Way to Sell Homes." *The New York Times*, The New York Times, April 29, 2016.

contract plan for \$36,300 at 10% interest.[261] Real estate purchased with mortgage loans are professionally inspected to make sure the sales price is reasonable relative to the actual condition of the property. Although this is a legally required process that protects both the buyer and the lender, there is no such oversight with installment contracts, making it easier for investors to exploit marginalized consumers.[262]

<div align="center">Solutions</div>

Reparations

Reparations are a proposed monetary resolution to make amends for the enslavement of Black people from 1619 to 1865 and their oppression under Jim Crow practices from 1877 to 1964. It is a highly debated solution without a specific legal precedent, though there have been similar cases where the US government has compensated victims of systemic discrimination. In one example, surviving Japanese Americans who were forced into internment camps during WWII received \$20,000 each through the 1988 Civil Liberties Act.[263] Around \$1.6 billion was paid to approximately 80,000 eligible survivors.[264]

The Japanese American internment was eventually condemned by Congress as an act that was "motivated largely by racial prejudice…. Without adequate security reasons."[265] The monetary compensation was an attempt to make up for the loss of land, businesses, homes, jobs, personal belongings, and the unjust imprisonment of residents based on their race. However, in contrast to slavery, these camps had characteristics that made them prime candidates for a policy of reparation. They were extraordinarily well-documented, and some locations with historical structures may be seen today; there was a clear start and end date for the action; and more than half of the victims were living when reparations were made. In contrast, slavery in the US and Jim Crow segregation are not easily summarized or classified and occurred several generations ago. Establishing who is eligible for reparations is a complex matter.

The call for reparations is intended to address the wealth gap which has been created and maintained by systematic racism on an institutional, nationwide level. What form those reparations should take is frequently and vigorously debated. Larry Neal, economist at the University of Illinois Urbana-Champaign, calculated that the US government owes \$1.4 trillion in reparations to descendants of enslaved people.[266] He based this figure on the estimated wages of free people from 1620 to 1840. Other economists have proposed alternate methods of

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[261] Ibid.

[262] Ibid.

[263] Helen Yoshida. "Redress and Reparations for Japanese American Incarceration: The National WWII Museum: New Orleans." *The National WWII Museum | New Orleans*, 13 Aug. 2021. https://www.nationalww2museum.org/war/articles/redress-and-reparations-japanese-american-incarceration.

[264] Adeel Hassan and Jack Healy. "America Has Tried Reparations before. Here Is How It Went." *The New York Times*, The New York Times, June 19, 2019. https://www.nytimes.com/2019/06/19/us/reparations-slavery.html.

[265] Ibid.

[266] Samara Lynn and Catherine Thorbecke. "What America Owes: How Reparations Would Look and Who Would Pay." *ABC News*, ABC News Network, September 27, 2020. https://abcnews.go.com/Business/america-owes-reparations-pay/story?id=72863094.

calculating and added accrued interest to Neal's proposed figure. The NAACP has a detailed outline of a plan for reparations. It involves "a national apology, rights to the cannabis industry, financial payment, social service benefits, and land grants to every descendant of an enslaved African American."[267]

A study conducted in 2021 found that while 77% of Black Americans were in favor of reparations, only 18% of White Americans were in favor.[268] Andre Perry, an economist at the Brookings Institution, explained that people who do not support reparations are prone to argue that their family did not own slaves, but "the federal government permitted it and endorsed it, facilitated it…therefore the federal government has a responsibility to pay because…the damage was caused by policy failure. Policies should drive the remedy."[269]

The conversation regarding reparations for slavery is not new. Callie House, a formerly enslaved woman living in Tennessee, spearheaded the first reparations movement in the US in 1890. She created the National Ex-Slave Mutual Relief, Bounty and Pension Association, which quickly accumulated hundreds of thousands of members. The movement demanded monetary restitution for the forced unpaid labor of enslaved people. It was supported by poor Blacks but opposed by most Black elites, who sided with their White peers on this issue when faced with more pressing difficulties faced by Black citizens. Ibram X. Kendi explains in his book, *Stamped from the Beginning*, "Economic injustices affecting low-income Blacks took a back seat to education and voting injustices."[270]

The "modern day reparations movement," dubbed by attorney and reparations activist Nkechi Taifa, was reinvigorated by the 1988 Civil Liberties Act.[271] US Congressmember John Conyers introduced a bill in 1989 called "H.R. 40" in honor of the unfulfilled "40 acres and a mule" promise. The bill created "a commission to examine the institution of slavery and subsequent racial and economic discrimination against African Americans and the impact of these forces on Black people today."[272] In another project to consider reparations, in 2001, after a four-year investigation, Oklahoma legislatures passed the Tulsa Race Riot Reconciliation Act which created a scholarship fund and sanctioned a memorial for descendants of the hundreds of Black victims affected by the 1921 Tulsa Race Massacre.[273]

Taifa has added to the knowledge base underpinning possible reparations by listing several corporations still in existence that realized financial gains by exploiting enslaved people in the Eighteenth and Nineteenth Centuries. For example, American International Group, Inc.

[267] NAACP. "Reparations." 2019. https://naacp.org/resources/reparations.
[268] Carrie Blazina et al. "Black and White Americans are far apart in their views of reparations for slavery." Pew Research Center, November 28, 2022. https://www.pewresearch.org/fact-tank/2022/11/28/black-and-White-americans-are-far-apart-in-their-views-of-reparations-for-slavery/.
[269] Samara Lynn and Catherine Thorbecke, "What America Owes: How Reparations Would Look and Who Would Pay." *ABC News*, ABC News Network, September 27, 2020. https://abcnews.go.com/Business/america-owes-reparations-pay/story?id=72863094.
[270] Ibram X. Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America*. New York, NY: Bold Type Books, 2017. 271.
[271] Nkechi Taifa. "Reparations– Has the Time Finally Come?" ACLU, May 26, 2020. https://www.aclu.org/news/racial-justice/reparations-has-the-time-finally-come.
[272] Ibid.
[273] Ibid.

(AIG) sold life insurance policies on the lives of enslaved people. Several institutions of higher education including Georgetown University and the College of William and Mary operated partially on profits from the sale or hiring out of Black people the colleges owned.[274]

An example of reparations at the state level grew out of an incident in Florida in 1923. A White mob burned down the Black community of Rosewood and killed at least six people. In 1994, the Florida legislature passed a bill that provided $2 million in monetary reparations and allowed Rosewood descendants to attend state colleges for free.[275] Today, the National African American Reparations Commission (NARC) is a united group of US professionals dedicated to fighting for reparatory justice. NARC has a ten-point program for reparations. These points include the creation of "a Black Business Development Bank to provide grants and loans to socially responsible for-profit entrepreneurship/economic ventures, dedicated to building the Black community, utilizing just labor policies and sustainable environmental practices."[276] The method of reparations for the descendants of enslaved people may be contested, but there is a widespread and growing demand for economic justice.

Black Capitalism

The Black Small Business Association of California (BSBACA) writes on its website, "when our businesses thrive, our communities thrive,"[277] which is the belief at the heart of Black capitalism. "Black capitalism" is the concept of using the principles of capitalism alongside active self-determination by the Black community to build local, Black economic power. The phrase rose to prominence on the 1968 campaign trail, popularized by Richard Nixon who presented it as "a theory founded on increasing financial support (including the allocation of federal contracts) to Black-owned businesses, which were few in number."[278] Supplying financial resources to the Black community seemed like an obvious step toward creating an equitable economy. Nixon's rhetoric suggested that by using affirmative action-inspired Black capitalism, financial resources would flow into the Black community and "naturally result in urban regeneration."[279]

Nixon's Black capitalism fit into his broader campaign platform of restoring law and order, which was thinly veiled language reflecting the White American's fear of Black activism and their desire to quell civil unrest. However, this plan did nothing to challenge the institutional racism underlying the problems of poverty and racial discrimination. Nixon appealed to his voter base of the "Silent Majority"–White moderate and reactionary voters– where "his program for Black capitalism, as a corollary to his 'law and order' message,

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[274] Ibid.

[275] Robert Samuels. "Survivors of the Rosewood Massacre Won Reparations. Their Descendants Aren't Sure the Victory Was Enough." The Washington Post, April 3, 2020, https://www.washingtonpost.com/graphics/2020/national/rosewood-reparations/.

[276] National African-American Reparations Commission. "Reparations Plans." https://reparationscomm.org/reparations-plan/#reparations-plan-point-2.

[277] Black Small Business Association. "Black Small Business Association of California." https://www.bsba-ca.org/about_us

[278] Tom Adam Davies, *Mainstreaming Black Power*, (University of California Press: 2017).

[279] Ibid, 80.

represented a chance for African Americans to join the "Silent Majority" by eschewing protest and instead focusing on working constructively within the system."[280]

At that time, Black capitalism could be seen as a viable, less radical alternative to the community-created reform promoted by the Black Panthers and other community-based groups. In reality, the Black capitalism movement in the 1960s amounted to little more than "a series of meager tax breaks and incentives touted as enabling a Black entrepreneurship that would supposedly redress generations of racialized American plunder."[281] In 1968, Earl Ofari, a Black journalist, wrote a critique of Black capitalism, "The long term effect of a concentrated drive to put more individual Black faces in business, will only result in a change in color of the exploiter."[282] Journalist Aaron Coleman explained in 2019, "It is development incentives. It is rich private-equity firms and hedge funds getting tax incentives to do stuff, build stuff, and to create stuff in these distressed communities."[283]

However, in 1971, Huey P. Newton, a national leader of the Black Panther Party, called his own previous "blanket condemnation" of Black capitalism a mistake.[284] He recognized the fact that many people in the mainstream saw "Black Capitalism in the community as Black control of local institutions [and] this is a positive characteristic because the people can bring more direction and focus to the activities of the capitalist."[285]

A more recent example of the Black Capitalism movement is the bipartisan creation of "Opportunity Zones," which included a tax code to provide tax breaks for investing in a specifically identified low-income community.[286] The bill was initially introduced by US Senators Corey Booker (Democrat) and Tim Scott (Republican) in April 2016.[287] Many distressed communities labeled Opportunity Zones are neighborhoods that have previously been segregated *de facto* through federal policies and racist practices.

A major criticism of this legislation is that tax breaks to invest in these communities result in benefits only for the investor without creating meaningful economic reform in the local neighborhood. The plan does not address higher rates of Black unemployment, lower homeownership, lower earnings, and higher interest rates on credit cards and banking services.[288] In fact, most investments made in Opportunity Zones were composed of millions of dollars spent on student housing in college communities which "show up in the census as poor because college kids have no income," but do not benefit historically marginalized

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[280] Ibid, 82.

[281] Aaron Ross Coleman, "Black Capitalism Won't Save Us." *The Nation*, 24 May 2019, https://www.thenation.com/article/archive/nipsey-killer-mike-race-economics/.

[282] Tom Adam Davies, *Mainstreaming Black Power*, 82.

[283] Aaron Ross Coleman, "Black Capitalism Won't Save Us."

[284] Tom Adam Davies, *Mainstreaming Black Power*, 86.

[285] Ibid.

[286] Aaron Ross Coleman, "Black Capitalism Won't Save Us."

[287] "Corey Booker." April 2022. https://www.booker.senate.gov/news/press/booker-scott-kind-kelly-introduce-bipartisan-bicameral-bill-reforming-opportunity-zones.

[288] Andre M. Perry et al. "Black-Owned Businesses in U.S. Cities: The Challenges, Solutions, and Opportunities for Prosperity." Brookings. Brookings, March 31, 2022. https://www.brookings.edu/research/black-owned-businesses-in-u-s-cities-the-challenges-solutions-and-opportunities-for-prosperity/.

communities.[289] There are over 8,000 designated Opportunity Zones, and as of November 2021, half of the public money spent in Opportunity Zones has gone to the wealthiest 1% of zones while 84% of them have received no new investment from the program at all.[290]

The conscious effort to support Black businesses as a community-minded approach in the private sector is both a contradiction and compromise that work within the existing economic system. Another similar example is Black-owned banks. A Black-owned bank is defined as either a bank where "51% or more of the voting stock is owned by Black individuals" or a bank where "a majority of the board of directors is minority and the community that the institution serves is predominantly minority."[291] These institutions typically strive to provide a local alternative to big-name banks and provide Black customers with opportunities they might otherwise be denied. "We've got to strengthen Black institutions. I call upon you to take your money out of the banks downtown and deposit your money in Tri-State Bank. We want a 'bank-in' movement in Memphis," said Dr. Martin Luther King Jr. in his "I've Been to the Mountaintop" speech in 1968, the day before he was assassinated.[292]

As of 2021, there were 44 Black-controlled financial institutions (banks and credit unions) that had around $8 billion in assets.[293] To put that in perspective, according to the National Credit Union Administration (NCUA) Quarterly Data Report for the third quarter of 2021, credit unions in the United States had around $206 billion in assets.[294] In that same quarter, US banks held around $23 trillion in assets.[295] The first edition of *Institutional Racism in America* notes that "at the end of 1963, Blacks owned or controlled only thirteen banks, fifty life insurance companies, and thirty-four federally insured savings and loan associations, with combined assets totaling $764 million or only 0.12 percent of the total assets of financial institutions in the country."[296]

Crucial social and economic benefits are generated by Black-controlled financial institutions. As previously described, Black communities often do not have banks located in or near them, forcing people in these communities to rely on predatory check cashers, pawn shops, and other alternatives to obtain financial services. Additionally, the few White-owned banks with branches in predominantly Black neighborhoods often "require higher minimum balances

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[289] Paul Solman and Lee Koromvokis. "Trump-Era Opportunity Zones Meant to Help Low-Income Communities Exploited by Investors." PBS. Public Broadcasting Service, November 11, 2021.
https://www.pbs.org/newshour/show/trump-era-opportunity-zones-meant-to-help-low-income-communities-exploited-by-investors.

[290] Ibid.

[291] Ward Williams. "Black-owned Banks by State." Investopedia, February 1, 2023.
https://www.investopedia.com/black-owned-banks-by-state-5024944.

[292] Martin Luther King Jr. "I've Been to the Mountaintop." American Rhetoric, April 3, 1968.
https://www.americanrhetoric.com/speeches/mlkivebeentothemountaintop.htm.

[293] Ward Williams. "Black-owned Banks by State."

[294] National Credit Union Administration. "Quarterly Credit Union Data Summary." National Credit Union Administration, September 30, 2021. https://ncua.gov/files/publications/analysis/quarterly-data-summary-2021-Q3.pdf.

[295] Y Charts. "US Banks Total Assets." 2022. https://ycharts.com/indicators/us_banks_total_assets.

[296] Louis Knowles and Kenneth Prewitt, *Institutional Racism in America,* 16.

and initial deposits" from customers.[297] Conversely, Black-controlled banks, where they exist, offer "mortgages, second chance checking for customers who have been denied an account in the past, education for first-time home buyers, and secured credit cards for those working on rebuilding damaged credit."[298]

Politicians from every party embrace the idea of "banking Black," perhaps used as a shrewd slogan because it does not require changing the existing banking system and allows the spurious pathologizing of Black behavior when they appear to struggle financially. However, the blame cannot be placed on behavior; it is not that Black people refuse to use Black-owned banks and credit unions. The 44 Black-owned financial institutions are a small percentage of the over 4,000 banks in the US, with a fraction of bank-held assets. "US Black banks are smaller and less profitable than similar white institutions… This is not because the Black-owned institutions lack a strong business model or viable leaders, but because of the economic situation of the communities where they operate and their own disparate levels of access to start-up and developmental finance."[299] "The largest five Black-owned banks recently were estimated to have combined assets totaling $2.3 billion, while J.P. Morgan alone had an estimated $2 trillion in assets. Black wealth is so low in the first place, it is a mere fantasy to anticipate that the existing Black consumer base could build a Black-owned equivalent of J.P. Morgan by banking Black."[300] Ultimately, Black financial institutions are unable to compete with the size and decades of power held by White institutions.

Affirmative Action

Affirmative action refers to policies designed to "eliminate unlawful discrimination among applicants, remedy the results of such prior discrimination, and prevent such discrimination in the future" thereby increasing diversity in organizations.[301] Affirmative action is a controversial issue throughout the nation, and the policies, the definition of diversity, and comparisons to "race-neutral" solutions have been debated for decades.

The term was first used in the context of racial equality by President John F. Kennedy and was originally focused on protecting job applicants from discriminatory hiring practices. There had been previous anti-discrimination legislation regarding hiring practices, but Kennedy was the first to combine the term with race discrimination. In 1961 Kennedy signed Executive Order 10925 which stated that government contractors must "take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without

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[297] Kevin L. Matthews. "There's a 'Credit Gap' between Black and White Americans, and It's Holding Black Americans Back from Building Wealth." *Business Insider*, Business Insider, January 31, 2021. https://www.businessinsider.com/personal-finance/credit-gap-Black-americans-building-wealth-2021-1.

[298] Jeanne Lee. "Why America Needs Black-Owned Banks." *USA Today*, Gannett Satellite Information Network, February 16, 2017. https://www.usatoday.com/story/money/personalfinance/2017/02/16/why-america-needs-Black-owned-banks/97892444/.

[299] William Darity et al. "What We Got Wrong About Closing the Racial Wealth Gap." Research gate, April 2018. https://www.researchgate.net/publication/324544206_What_We_Get_Wrong_About_Closing_the_Racial_Wealth_Gap.

[300] Ibid.

[301] Elizabeth Anderson, "UNDERSTANDING AFFIRMATIVE ACTION." In *The Imperative of Integration*, 135–54. Princeton University Press, 2010. http://www.jstor.org/stable/j.ctt7t225.10.

regard to their race, creed, color or national origin."[302] Beyond this directive, there were no specifications as to what "affirmative action" should look like. In 1965 President Lyndon B. Johnson expanded upon this with Executive Order 11246, empowering the US Department of Labor and the newly established Office of Federal Contract Compliance Programs (OFCCP) to monitor federal contractors to ensure they followed non-discriminatory hiring and employment practices based on race, creed, color, national origin, and (with an amendment in 1967) sex (gender). President Nixon later passed Executive Order 11478, mandating unilateral affirmative action and equal opportunity hiring for federal civilian government jobs.[303]

Federal contractors are required by law to practice affirmative action, and other private businesses may voluntarily adopt affirmative action plans. The requirements that federal contractors must meet depend upon the size of the business and the type of federal contract. Examples of required policies mandate the following: set recruitment and placement goals, invite job applicants to voluntarily self-identify race and gender, develop training opportunities for minorities and women, review affirmative action obligations with hiring managers yearly, and conduct a review of all minority and female employees for promotional opportunities and encourage them to prepare for such opportunities.[304] Racial quotas are not allowed, but goals may be established that serve to diversify the workplace.[305]

In an increasingly global marketplace, many companies see a financial incentive to have a diversity of perspectives and experiences in their workforce. Recently, six major corporations including Apple and General Electric filed a brief in support of keeping affirmative action in place as a factor for admission to higher education because they depend on universities to produce their hiring pool and "diversity–specifically including racial and ethnic diversity–among their workforces is essential to meet client needs, achieve business goals, and strengthen relationships both internally and with the communities (they) serve."[306]

Many businesses increased diversity efforts in 2020, after the murder of George Floyd. From 2019 to 2022, there was a 168.9% "increase in hires for chief diversity and inclusion officers."[307] However, amidst layoffs in 2023, many major companies, such as Amazon, Nike, and Twitter (now called X), cut Diversity, Equity, and Inclusion (DEI) positions.[308]

Affirmative Action has a long history in the world of education. The famous US Supreme Court case, *Brown v. Board of Education* in 1954, declared racial segregation in public schools to be unconstitutional. The case led to a mandated desegregation process of physically moving Black students into White schools, and vice versa, by "busing," or sending

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[302] U.S. Department of Labor. "History of Executive Order 11246." https://www.dol.gov/agencies/ofccp/about/executive-order-11246-history.
[303] Jackie Mansky. "The Origins of the Term Affirmative Action." Smithsonian magazine, June 22, 2016. https://www.smithsonianmag.com/history/learn-origins-term-affirmative-action-180959531/.
[304] "Federal Contractor Affirmative Action." Employer.gov. https://www.employer.gov/EmploymentIssues/Federal-contractor-requirements/Reporting/.
[305] Molly Bohannon. "Affirmative Action Decision Could Create 'chilling Effect' for Companies." *Forbes*, 30 June 2023, www.forbes.com/sites/mollybohannon/2023/06/29/affirmative-action-overturned-in-college-admissions-companies-diversity-efforts-not-directly-impacted-but-there-could-be-chilling-effect/?sh=50b85c223c0c.
[306] Ibid.
[307] Ibid.
[308] Ibid.

students away from their local, segregated schools on public buses to intentionally mix racial populations in public schools. This attempt at desegregation applied to less than 5% of public schools in the US and was widely condemned by parents. Busing eventually ended through legislation such as the General Education Provisions Act which ended federal funding for the program.

Regardless, *Brown* remains pivotal and in use by all sides of the affirmative action debate today. Stanford law professor Michael W. McConnell explained the conflicting perspectives by posing a question: "Is [*Brown v. Board of Education*] a case about not assigning on the basis of race or is it a case about making sure that African American schoolchildren get a fair shake in education?"[309] In October 2022, Students for Fair Admissions (SFFA) sued Harvard University alleging that Harvard's admissions process, which takes race into consideration, discriminates against Asian American applicants in favor of White applicants. The issues being reviewed through this case were whether higher education should be allowed to use race as a factor in admissions and whether Harvard violated Title VI of the Civil Rights Act. Harvard released a statement with data that showed they had not discriminated against Asian Americans, and that while race is one of many factors, if they ignored race during the admissions process they would fail to "achieve the educational benefits that flow from a student body that is diverse across many dimensions, including race."[310] They also claimed that their holistic admissions process is in line with previous Supreme Court case rulings on the subject. In June 2023, the Supreme Court ruled in favor of the SFFA and found that Harvard's race-conscious admissions violated the Equal Protection Clause of the Fourteenth Amendment.[311]

The 1978 case, *University of California v. Bakke,* was an important test of the constitutionality of affirmative action. Allan Bakke, a 35-year-old White former Marine and NASA engineer, applied to medical school at the University of California (UC), Davis. The UC Davis medical school practiced affirmative action by reserving 16 out of 100 spots in the program for minority students, a broad group that included Black, Asian, Chicano, and Native American students. Bakke was refused admission twice.[312] According to a *New York Times* article in 1977, the first time he applied to UC Davis, he applied late in the process when "most of the 84 places were now filled."[313] He was also rejected by ten other medical schools. However, Bakke's scores were higher than the minority students who were accepted in the reserved spots.[314]

Ultimately, the US Supreme Court declared specified racial quotas in higher education admissions unconstitutional as a result of Bakke's lawsuit. However, conducting a holistic

[309] Adam Liptak. "In Clash Over Affirmative Action, Both Sides Invoke Brown v. Board of Education." October 30, 2022. https://www.nytimes.com/2022/10/30/us/supreme-court-affirmative-action-brown-board-education.html.
[310] Harvard. "Fact Check." Harvard Admissions Lawsuit. https://www.harvard.edu/admissionscase/fact-check-sffa-2/.
[311] "Students for Fair Admissions v. President and Fellows of Harvard College." Oyez. https://www.oyez.org/cases/2022/20-1199.
[312] Harvard Crimson. "A Landmark Case Goes to Court." October 12, 1977. https://www.thecrimson.com/article/1977/10/12/a-landmark-case-goes-to-court/.
[313] *The New York Times*. "The Case." June 19, 1977. https://timesmachine.nytimes.com/timesmachine/1977/06/19/91208217.html?pageNumber=144.
[314] Cornell Law Institute. "Regents of the University of California Petitioner v. Alan Bakke." Legal Information Institute. https://www.law.cornell.edu/supremecourt/text/438/265.

approach to admissions with race being considered one factor among many was approved.[315] They also ordered that Bakke be accepted into the UC Davis medical school.[316] Along with *University of California v. Bakke, Grutter v. Bollinger,* and *Fisher v. University of Texas* were significant Supreme Court cases that provided precedents for various objections to affirmative action in the ongoing debate. As mentioned above, using racial quotas as a method of increasing diversity was deemed unconstitutional. Furthermore, it was claimed as discrimination based on race. It was seen as a way of taking opportunities away from White students or other students of color who would have exceeded the allowed quota number, and who argued that they were "more qualified" based on subjective measures.

The basic philosophical dispute at the heart of affirmative action is whether institutions should treat all people as if they are the same and operate as "race-blind" organizations or if they should operate in a "race-conscious" way and give groups historically discriminated against (such as people of color) dissimilar treatment aimed at lifting them up for the benefit of society as a whole.[317] But, operating in a race-blind manner requires accepting the notion that we live in an equitable, "post-racial" society. However, this is simply not reflected in research data. Racism in the US, unfortunately, is quite real.

White scholar Catherine Orr wrote, "I think white folks are terribly invested in our own innocence" [318] which fits into the narrative of race-blindness. If society is perceived as being "post-racial" by Whites, then the occurrence of racial inequality may be (wrongly) blamed on Black behavior. Using this distorted lens, White people justify "differences" between the races.

Since 1996, affirmative action has been banned in nine states, including California. The University of California (UC) system has been a practical, real-life laboratory, employing race-neutral solutions to address a lack of diversity on its campuses. At UC Los Angeles, before the 1996 ban, Black students comprised 7% of their student population. After the affirmative action ban, in 1998 the Black student population had decreased to 3.9%.[319] To understand how to influence this downward trend, the UC system attempted to use proxy data resources such as "census data, to identify poor neighborhoods and family income…but without enough success."[320] In 2022, Black students comprised 5% of the UC student population. Interestingly, when the UC system was banned from using affirmative action as an admission factor for

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[315] Adam Liptak. "In Clash over Affirmative Action, Both Sides Invoke Brown v. Board of Education."

[316] S. J. Diamond, "Where Are They Now? : A Drifter, a Deadbeat and an Intensely Private Doctor. Hardly Heroes, These Are the Faces behind Some of the Most Famous Legal Decisions in America." *Los Angeles Times*, Los Angeles Times, 30 Aug. 1992, https://www.latimes.com/archives/la-xpm-1992-08-30-vw-8207-story.html.

[317] Conor Friedersdorf. "Why California Rejected Racial Preferences, Again." *The Atlantic*. Atlantic Media Company, November 10, 2020. https://www.theatlantic.com/ideas/archive/2020/11/why-california-rejected-affirmative-action-again/617049/.

[318] Heather McGhee. "Why Saying 'I Don't See Race at All' Just Makes Racism Worse." ideas.ted.com, March 3, 2021. https://ideas.ted.com/why-saying-i-dont-see-race-at-all-just-makes-racism-worse/.

[319] Stephanie Saul. "9 States Have Banned Affirmative Action. Here's What That Looks like." The New York Times. The New York Times, October 31, 2022. https://www.nytimes.com/2022/10/31/us/politics/affirmative-action-ban-states.html.

[320] Thomas Peele and Daniel J. Willis. "Dropping Affirmative Action Had Huge Impact on California's Public Universities." EdSource, October 29, 2020. https://edsource.org/2020/dropping-affirmative-action-had-huge-impact-on-californias-public-universities/642437.

students, they were also banned from using it in hiring practices for employees with the result that in 2020, 70% of UC professors were White.[321]

However, some supportive strategies for race-neutral solutions to the lack of racial representation exist. In 1997, for example, Texas passed legislation stating that the top 10% of students from every high school would gain admission into one of the state's "flagship campuses (e.g., University of Texas at Austin)."[322] This is regardless of the student's extracurricular activities on record or their college admission scores on standardized tests. This legislation is still active today. Programs like this have been dubbed "color-blind affirmative action," especially because Texas high schools are largely segregated.

Because affirmative action is a collection of different practices, it can be difficult to examine for effectiveness. However, several studies have found that through the years it has increased the number of women and minorities in spaces previously dominated by White men.[323] A 2012 study conducted at the University of Massachusetts-Amherst and Harvard Law compared data from the hiring practices of companies from 1973 to 2003. The study found that "the share of black and Native American women and men grew more on average at federal contractors subject to affirmative action obligation than at non-contracting firms," during those years.[324] White women have also largely benefited from affirmative action. They are "more educated and make up more of the workforce"[325] than ever before, largely thanks to affirmative action, yet a majority of White women voted to end affirmative action in California in 1996.[326]

Conclusion

The United States is heralded as a land of economic opportunity. Despite that reputation, Black Americans are frequently denied economic opportunities afforded to White Americans. Between exclusion from equal engagement in free enterprise, to discrimination in the housing market, to unequal rates of unemployment and underemployment, the racial wealth gap continues to grow. Employers fighting the increasing demand for labor unions and continued exploitation of the Black consumer exacerbate the problem, but there are proposed solutions to address racial inequality. These solutions include reparations, Black capitalism, and affirmative action, as discussed above.

It can be seen that many racist policies have been and continue to be operational in the US economy. Such policies and practices allow White supremacy to continue its influence in

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[321] Ibid.

[322] Jordan Weissman, "How to Think about Affirmative Action like an Economist." The Atlantic. Atlantic Media Company, October 10, 2012. https://www.theatlantic.com/business/archive/2012/10/how-to-think-about-affirmative-action-like-an-economist/263403/.

[323] Robert Fairlie and Justin Marion. "Affirmative Action Programs and Business Ownership Among Minorities and Women," Small Business Economics 39, no. 2 (2012): #319, https://www.jstor.org/stable/41682801.

[324] Fidan Ana Kurtulus. "The Impact of Affirmative Action on the Employment of Minorities and Women." https://people.umass.edu/fidan/Kurtulus_AffirmativeAction_AEJSubmission_06_26_2012_web.pdf.

[325] Victoria M. Massie. "White Women Benefit Most from Affirmative Action." Vox.com. https://www.vox.com/2016/5/25/11682950/fisher-supreme-court-White-women-affirmative-action.

[326] Tim Wise. "Is Sisterhood Conditional? White Women and the Rollback of Affirmative Action," NWSA Journal 10, no. 3 (1998): #1, https://www.jstor.org/stable/4316599.

the lives of Blacks and Whites alike. It must be a priority to improve the working conditions of jobs held disproportionately by Black workers and to build antiracist workplaces. Expansion of vital benefits, such as paid sick leave and a higher minimum wage, are promising examples of actions that will benefit Black workers in large numbers.

Closing the racial wealth gap is a necessary, crucial step toward righting our country's wrongs against a historically discriminated group, and it would also potentially "propel an estimated two million Black Americans into the middle class for the first time."[327] This lifting up would benefit the prosperity and well-being of the entire nation.

Additional Resources

Podcast

Throughline Podcast with hosts Rund Abdelfatah & Ramtin Arablouei.

This history podcast aims to contextualize current events by exploring the historical events that contributed to them. Its episodes have outlined the history of modern political debates, civil rights issues, and domestic and international policy. Some recommended episodes: Land of the Fee (April 4, 2024); What's Your Worth? (May 4, 2023); Capitalism: What Makes Us Free? (April 7, 2022); There Are No Utopias (February 24, 2022); Bonus: Do The Golden Arches Bend Toward Justice? (July 12, 2021).

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[327] Shelley Stewart III. "The Economic State of Black America." McKinsey Global Institute, June 17, 2021. https://www.mckinsey.com/featured-insights/diversity-and-inclusion/the-economic-state-of-black-america-what-is-and-what-could-be.

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Chapter 3: The Unequal Education of Students in the United States

"The classroom, with all its limitations, remains a location of possibility. In that field of possibility we have the opportunity to labor for freedom, to demand of ourselves and our comrades, an openness of mind and heart that allows us to face reality even as we collectively imagine ways to move beyond boundaries, to transgress. This is education as the practice of freedom."

bell hooks, "Teaching to Transgress: Education as the Practice of Freedom" (New York & London: Routledge Press, 1994), 207.

Chapter 3: The Unequal Education of Students in the United States

Every child in the United States (US) has a right to a free public education.[328] However, there is an "educational disenfranchisement of Black children"[329] which is perpetuated by US institutions. Unequal access to education based on race has been a reality since the beginning of public education in this country. Both enslaved Black people and free Black people were denied access to publicly funded schools. Anti-literacy laws in the South, such as those in Alabama, made it illegal to teach any "free person of color or slave how to spell, read, or write…[or be fined no more than] five hundred dollars."[330]

Christopher Span, professor of education policy at the University of Illinois, explained that despite being excluded from the institution of education, "during enslavement many witnessed firsthand the value of literacy and education…[and therefore] this value for being educated was firmly rooted in the African-American experience."[331] Thousands of enslaved people learned to read and write anyway, despite harsh laws prohibiting it.[332]

Once emancipated, free Black people demanded education and created their own schools. Institutions like the Freedmen's Bureau and the American Missionary Association contributed to the education of Black people during the Reconstruction era. However, many Black local organizations took the initiative themselves. Before the Freedmen's Bureau had reached Texas, for example, previously enslaved people "began using what money they had to buy writing slates and primers. Some taught themselves to read, others began organizing makeshift schools."[333]

The fight for equal education did not diminish when Black students were allowed access to public education. The Supreme Court decision for *Plessy v. Ferguson* of 1896 established legal justification for "separate but equal" education which perpetuated segregated schools that were certainly separate but far from equal. In most of the country, Black and White children in the US could not attend the same schools until 58 years later–after the Supreme Court ruling of *Brown v. The Board of Education* in 1954. Even after this important decision declared segregated school education to be unconstitutional, adequate public education remained inaccessible to most Black families.

In 1968 the Kerner Commission Report described the failure of US education: "…for the many minorities and particularly for the children of the racial ghetto, the schools have failed to provide the educational experience which could help overcome the effects of discrimination

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[328] "Your Right to Equality in Education." American Civil Liberties Union. https://www.aclu.org/other/your-right-equality-education#:~:text=Yes!,%2C%20citizen%20or%20non%2Dcitizen.

[329] Pamela J. Smith. "Our Children's Burden: The Many-headed Hydra of the Educational Disenfranchisement of Black Children." *Howard Law Journal,* no 133 (1999).

[330] Carliss Maddox. "Literacy by Any Means Necessary: The History of Anti-Literacy Laws in the U.S." Oakland Literacy Coalition. January 25, 2022. https://oaklandliteracycoalition.org/literacy-by-any-means-necessary-the-history-of-anti-literacy-laws-in-the-u-s/.

[331] Craig Chamberlain. "How Former Slaves Established Schools and Educated Their Population After the Civil War." Illinois News Bureau, Feb 12, 2007. https://news.illinois.edu/view/6367/198842.

[332] Janet Cornelius. "'We Slipped and Learned to Read:' Slave Accounts of the Literacy Process, 1830-1865." *Phylon (1960-)* 44, no. 3 (1983): 171–86. https://doi.org/10.2307/274930.

[333] James M. Smallwood. "Early Freedom Schools: Black Self-Help and Education in Reconstruction-Texas, a case study." *Negro History Bulletin* 41, no. 1 (1978): 790–93. https://www.jstor.org/stable/44213792.

and deprivation."[334] Since then, the No Child Left Behind Act of 2001 and the Every Student Succeeds Act of 2015 were passed, allegedly in an attempt to close the educational gap between the races. Still, many of the recommendations of the Kerner Report have yet to be realized.

There were many related lawsuits in the following years that opened pathways of avoidance for local school authorities who resisted integration. A later Supreme Court decision on how to implement *Brown* stated that integration must occur "with all deliberate speed."[335] This intentionally vague language was utilized by states to slow progress, and several state representatives openly voiced their intention to ignore the ruling entirely. In response to *Brown*, the State of Georgia attempted to "repeal the 13th, 14th, and 15th amendments to the Constitution of the United States of America and to impeach the members of the Supreme Court."[336]

The 1974 court case, *Milliken v. Bradley,* ruled that federal courts did not have the authority to impose a desegregation plan that crossed school district boundaries, permitting school districts to determine their own boundaries.[337] This led to many school districts creating boundaries based on zip codes. Zip codes effectively acted to segregate districts based on race, without using explicitly racist language, due to the persistence of residential segregation.

During the *Milliken v. Bradley* case, the pro-integration plaintiff argued that "the policies of the real estate industry, the banking industry, and the FHA [Federal Housing Administration] had all worked together to create and maintain residential segregation."[338] As explained by the National Center for Education Statistics (NCES), "most school districts in the US are independent local governments that have the authority to determine their geographic boundaries."[339]

If school districts categorize their student demographics according to residential zip codes, they can ostensibly claim it is a racially blind determination. However, zip codes are generated to identify geographic destinations for efficient mail distribution to and from community postal centers. For efficiency, these postal centers serve well-defined geographic destinations that encompass contiguous regions and neighborhoods. So, zip codes do not provide a good system for revealing the diverse range of a wide expanse of residents. Because zip codes label contiguous neighborhoods, they tend to divide population by race and socioeconomic background. This means that within the same school district where student attendance is established by residential zip code, one school may have many students from higher-income households, while another school may end up having many students from low-income households.

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[334] Kerner Commission Report, 11.
https://belonging.berkeley.edu/sites/default/files/kerner_commission_full_report.pdf?file=1&force=1.
[335] Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (London: Bloomsbury, 2016), 78.
[336] Ibid, 79.
[337] "Milliken V. Bradley." Oyez. https://www.oyez.org/cases/1973/73-434.
[338] Kristi L. Bowman et al. *The Pursuit of Racial and Ethnic Equality in American Public Schools: Mendez, Brown, and Beyond.* (Michigan: Michigan State University Press, 2015).
[339] "School District Geographic Relationship Files." Nces.org. National Center for Education Statistics, May 2022. https://nces.ed.gov/programs/edge/Geographic/RelationshipFiles.

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In 2020 the Segregation Index was created by a collaborative team of educational researchers from Stanford University and the University of Southern California.[340] This study found that from 1991 to 2020, White-Black segregation in US public schools *increased* by 35%. On average in 2020, a low-income school had a rate of students living in poverty that was 20% greater than in the highest-income school within the same school district.

De facto segregation of Black students leads to significant differences in school spending. The bulk of funds for public education come from state and local sources such as property tax. For example, in California, 58% of school funding comes from the state, 22% from local sources, and only 9% from the federal government. Thus, it is impossible for the budgetary differences caused by disparities in local revenue sources to be made up by federal contributions. Generally, White suburban school districts have larger resource pools to draw on than do city schools because of the White neighborhoods' higher property valuations and affluent residents.

Despite decades of earnest intentions and stated goals of educational equality and progress for all, experts have observed a persistent achievement gap between Black and White students. The existence of this gap comes not from any inherent inadequacies in Black students but rather from a system that fails to provide Black students with equal access to quality education.

The National Report Card is a congressionally mandated annual survey conducted since 1969 by the NCES within the US Department of Education and the Institute of Education Sciences.[341] It is a comprehensive report that tracks trends in student performance by academic subject and provides statistics for specific groups of students based on race or type of school (public, private, or charter). Using data from the Report Card, the NCES has documented the continuing achievement gap that exists between White and Black students.

In another measure of success and failure in our schools, California has recently seen a notable decrease in the secondary school graduation rate for Black students, while there was a slight increase for White students. In the 2019-2020 school year, 79% of Black students graduated compared to 88% of White students. The following year, this gap widened further with a 72.5% graduation rate for Black students and 88.2% for White students.[342] The racial achievement gap can be explained by the wealth gap between students' families' household incomes and the unequal distribution of resources among schools; restricted community control of resources; an assimilationist approach in the classroom; the racist history of testing, ability grouping, and tracking; and some teachers' attitudes towards students of color. These factors will be discussed below.

De Facto Segregation Leads to Unequal Distribution of Resources

A long history of racist real estate practices has contributed significantly to residential segregation, which in turn has led to segregated schools. Schools in low-income Black communities that serve a largely Black student body lack many resources found in schools

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[340] "New Segregation Index Shows American Schools Remain Highly Segregated By Race, Ethnicity, and Economic Status." Stanford Graduate School of Education. May 17, 2022. https://ed.stanford.edu/news/new-segregation-index-shows-american-schools-remain-highly-segregated-race-ethnicity-and.

[341] "About the Nation's Report Card." The Nation's Report Card. https://www.nationsreportcard.gov/about.aspx.

[342] "2020-21 Data Summary." California Department of Education. https://www.cde.ca.gov/ds/ad/datasummary.asp.

serving majority White middle- and upper-income populations. According to the NCES, a high-poverty school is defined as a public school in which 75% or more of their students qualify for free or reduced-price lunch. This measure of poverty is commonly used because schools do not have access to direct information about family income. In 2017 45% of Black students in the US attended a high-poverty school, while only 8% of White students did so.[343]

"Black Density" refers to the percentage of Black students comprising the school's population. Schools in the highest density category tend to be in the South. The NCES found that on average, White students attend schools that are only 9% Black while the average Black student attends a school that is 48% Black. In a study conducted in 2015, "Achievement for both Black and white students was lower in the highest Black student density schools than in the lowest [Black] density schools", however, the Black and White academic achievement gap was larger in high Black density schools.[344]

The Elementary and Secondary Education Act of 1965 recognized the scarcity of resources that many educational institutions had to rely on and enacted Title I, which currently provides one-third of federal government spending directed to schools. The goal of Title I is to improve student performance by increasing funds for underfunded schools. Title I, "allocates money (non-matching grants) for compensatory education to school districts based on child poverty."[345] For Title I schools, money is distributed based on four formulas that are calculated using the census poverty estimates.[346]

A study conducted through the University of California, Berkeley, examined the academic achievement of children who received benefits from Title I to determine the extent to which school funding influences the quality of education received. The study concluded that a high-poverty school spending $100 more per pupil from Title I funds gives a student a 5.3% increase in the likelihood of becoming a high school graduate.[347] This is verifiable and statistically significant, and the percentage increases as the spending per pupil increases. The No Child Left Behind Act increased Title I allocations in 2001 but also closed the most vulnerable schools that failed to meet requirements. Underfunded schools with overcrowded classrooms lead to an increase in disengagement and dropouts. The No Child Left Behind Act and other policies emphasize test scores, which offers more impetus to push out underperforming students.[348]

John Rogers, the director of the University of California, Los Angeles (UCLA) Institute for Democracy, Education, and Access, conducted a study of an intangible, yet equally important resource: teaching time. In 2014 Rogers studied about 800 California high schools in which he compared high-poverty to low-poverty (25% or less of students qualifying for free

[343] "Concentration of Public School Students Eligible for Free or Reduced Price Lunch." Nces.org. National Center for Education Statistics, May 2020. https://nces.ed.gov/programs/coe/indicator/clb/free-or-reduced-price-lunch.

[344] G. Bohrnstedt et al. "School Composition and the Black–White Achievement Gap." Nces.org. National Center for Education Statistics, May 2020. https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2015018.

[345] Rucker Johnson. "Follow the Money: School Spending from Title I to Adult Earnings." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 1, no. 3 (2015): 50.

[346] "Improving Basic Programs Operated by Local Educational Agencies (Title I, Part A)." U.S. Department of Education. https://www2.ed.gov/programs/titleiparta/index.html.

[347] Rucker Johnson. "Follow the Money: School Spending from Title I to Adult Earnings.", 66.

[348] David N. Figlio "Testing, Crime and Punishment." Journal of Public Economics 90 (May 2006), 4-5. https://ideas.repec.org/a/eee/pubeco/v90y2006i4-5p837-851.html.

lunch) classrooms and found troubling results. Students in high-poverty classrooms spent 10 fewer days (240 total hours) learning as compared to low-poverty classrooms. This theft of learning time, Rogers concluded, had many causes including the loss of teaching time due to "problems with school facilities, lack of access to technology and libraries, classroom lockdowns, teacher absences, and uncertified or insufficiently qualified substitute teachers."[349] Additionally, high-poverty schools were more likely to face challenges to classroom routine such as receiving unexpected new students and intrusive phone calls from the office, which "for some, these disruptions consumed up to thirty minutes a day of class time."[350]

<div align="center">Lack of Community Control</div>

The lack of Black control in Black schools is one of the chief causes for specific malpractices and their undesirable consequences, leading to a loss of community confidence in Black schools. Illuminating this phenomenon is a document created by sociologist James Coleman, "Equality of Educational Opportunity", also called the Coleman Report, a groundbreaking 1966 report on US public schools that involved 600,000 children, 60,000 teachers, and roughly 4,000 schools.[351] The Coleman Report found that the degree of conviction that students have in their school's ability to help them map their adulthood has a "stronger relationship to achievement than…all the [other] school factors together."[352] The Coleman Report also found that "school administrators, teachers, parents, and the students themselves …regard ghetto schools as inferior. Reflecting this attitude, students attending such schools lose confidence in their ability to shape their future."[353]

Lack of community participation in decisions about schools leads to glaring oversights that can be remedied only by initiatives that are developed internally by the community. For example, it has long been known that good nutrition, especially a good breakfast, is a prerequisite for success in the classroom, yet districts and other government entities did little until community groups began to meet the need themselves in the mid-twentieth century. In 1969 the Black Panther Party, based in Oakland, California, initiated the Free Breakfast program for school children in Black neighborhoods in several US cities. The Panthers served a healthy breakfast to "tens of thousands of hungry kids" before federal government security agencies undermined their efforts by spreading false rumors and raiding program sites. Only at a later date did state and local governments step in to fill the nutritional gap. In 2022 California became the first state to require every school to provide free breakfast and lunch to K-12 students who request a meal, regardless of their family income.[354]

The United States Department of Agriculture (USDA) defines food insecurity as "the limited or uncertain availability of nutritionally adequate and safe foods."[355] In 2019 food

[349] Kathleen Kelleher. "Unequal Schools, Generations of Poverty." UCLA Blueprint. https://blueprint.ucla.edu/feature/unequal-schools-generations-of-poverty/.

[350] Ibid.

[351] Leah Gordon. "The Coleman Report and Its Critics." Processhistory.com. Process. March 2017.

[352] Louis Knowles and Kenneth Prewitt, *Institutional Racism in America,* (Englewood Cliffs, NJ: Prentice-Hall Inc, 1969), 44.

[353] Ibid.

[354] Caitlin O'Kane. "California Becomes First State to Provide Free Meals to All Students." *CBS news*, August 15, 2022. https://www.cbsnews.com/news/california-becomes-first-state-to-provide-free-meals-to-all-students/.

[355] "What is Food Insecurity?" Economic Research Service, October 17, 2022. https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-u-

insecurity was at a 20-year, all-time high, with one in seven children living in food-insecure households.[356] However, employment losses and job insecurity, among other destabilizing factors caused by the COVID-19 pandemic, increased those numbers and disproportionately affected Black children in 2020-2022. An estimated 21% of Black people experienced food insecurity in 2021 compared to 11% of White people.[357]

The New York City Department of Education implemented a Universal Free Meal program, and a study conducted through Brown University found that when free meals are offered to all students, it "increases school lunch participation among students that were previously eligible for free meals but rarely participated."[358] The study also found that the Universal Free Meal program "improves test scores and reduces incidences of bad behavior."[359]

Another community-led initiative to improve the atmosphere for learning is the emergent push for schools to employ counselors rather than security officers. The "school-to-prison pipeline" is a well-documented pattern. In this pattern, children are pushed out of school and into the juvenile criminal justice system by the policing of bad behavior rather than nurturing good behavior.[360]

Instead of building closer ties to parents and community organizations, schools are increasingly relying on police and security personnel. There are more police officers present in K-12 schools today than ever before. They are called School Resource Officers (SROs) and are sworn officers with the power to make legal arrests. Approximately 90% carry weapons.[361] In 1975, 1% of schools had a police officer on campus. By 2018, campuses with a police presence had increased to 58%.[362] According to data provided by the NCES, in 2019 approximately 54% of public elementary schools, 81% of public middle schools, and 84% of public high schools had security staff on campus, which includes security guards and SROs.[363]

One reason for this is the increase in the number of school shootings, yet ironically, gun violence is not why many students are arrested. In 2017 in California, 11,000 children from kindergarten to eighth grade were arrested at school.[364] Law enforcement personnel were called

s/measurement/#:~:text=Food%20insecurity%20is%20the%20limited,foods%20in%20socially%20acceptable%20 ways.

[356] Monica Hake et al. "The Impact of the Corona Virus on Food Insecurity in 2020 and 2021." Feeding America. https://www.feedingamerica.org/sites/default/files/2021-03/National%20Projections%20Brief_3.9.2021_0.pdf.

[357] Ibid.

[358] Emily Gutierrez. "The Effect of Universal Free Meals on Student Perceptions of School Climate: Evidence from New York City." Annenberg Institute at Brown University (EdWorkingPaper 21-430). https://www.edworkingpapers.com/sites/default/files/ai21-430.pdf.

[359] Ibid.

[360] Mary Ellen Flannery. "The School to Prison Pipeline: Time to Shut it Down." National Education Association, January 5, 2015. https://www.nea.org/advocating-for-change/new-from-nea/school-prison-pipeline-time-shut-it-down.

[361] https://www.edweek.org/leadership/school-resource-officer-sro-duties-effectiveness.

[362] Stephen Sawchuk. "School Resource Officers (SROs) Explained." Education Week November 16, 2021. https://education.uconn.edu/2020/10/27/the-prevalence-and-the-price-of-police-in-schools/.

[363] "Percentage of Public Schools with Security Staff…" National Center for Education Statistics. https://nces.ed.gov/programs/digest/d21/tables/dt21_233.70.asp.

[364] Julie Watts. "Handcuffs in Hallways: Thousands of California Children are Being Arrested on K-12 Campuses." CBS News Sacramento. November 16, 2022. https://www.cbsnews.com/sacramento/news/elementary-school-arrests-thousands-california-children/.

approximately 79,000 times, meaning that about one in seven police referrals end in arrest on elementary and middle school campuses.[365] On average, Black students are three times as likely to be arrested as White students. In some states, they are eight times as likely.[366] The ACLU works closely with the issue of police officers in schools:

> Many under-resourced schools become pipeline gateways by placing ***increased reliance on police*** rather than teachers and administrators to maintain discipline. Growing numbers of districts employ ***school police officers*** to patrol school hallways, often with little or no training in working with youth. As a result, children are far more likely to be subject to ***school-based arrests***—the majority of which are for non-violent offenses, such as disruptive behavior—than they were a generation ago. The rise in school-based arrests, the quickest route from the classroom to the jailhouse, most directly exemplifies the criminalization of school children.[367]

The US Department of Education found that in the 2015-2016 school year, "14 million students are in schools with police but no counselor, nurse, psychologist, or social worker."[368] This is an example of an institution ignoring the vitally important, basic needs of the community it is supposed to serve.

Community control experiments that aim to achieve institutional change are often complex and may be attacked and ended by the institutions internally before they have a chance to make a difference. In New York City (NYC) in 1967, three neighborhoods in the Harlem, Manhattan, and Ocean Hill-Brownsville school districts attempted to assert community control when parents elected a governing board to hire school administrators.[369] When the community-elected citizen school board attempted to create a less hostile environment by transferring 19 staff members out of their district, the teachers' union objected to this loss of protective oversight of union employees, resulting in a citywide teachers' strike that stopped NYC schools for ten weeks.[370] The experiment was ended so children could return to class.

It is important to note that teacher unions have been instrumental in defending the rights and interests of teachers and students from the organizational power of their institutions. Many unions have come forward to defend teachers during the ongoing debate about Critical Race Theory being taught in schools. The American Federation of Teachers President, Randi Weingarten, said, "our union will defend any member who gets in trouble for teaching honest history."[371]

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[365] Ibid.

[366] Amir Whitaker et al. "Cops and No Counselors: How the Lack of School Mental Health Staff is Harming Students." ACLU.com. https://www.aclu.org/wp-content/uploads/legal-documents/030419-acluschooldisciplinereport.pdf.

[367] "School to Prison Pipeline." ACLU.com. https://www.aclu.org/issues/juvenile-justice/juvenile-justice-school-prison-pipeline.

[368] Amir Whitaker et al. "Cops and No Counselors: How the Lack of School Mental Health Staff is Harming Students."

[369] Audrea Lim. "Building Community Control in a White Supremacist Country." The Nation. July 20, 2020. https://www.thenation.com/article/society/police-education-community-control/.

[370] Ibid.

[371] Madeline Will. "Teachers' Unions Vow to Defend Members in Critical Race Theory Fight." Education Week. July 06, 2021. https://www.edweek.org/teaching-learning/teachers-unions-vow-to-defend-members-in-critical-race-theory-fight/2021/07

Jerome M. Coup, Jr., Professor of Law at Duke University, outlined problems with *Brown v. Board of Education* in an article published in the *William and Mary Law Review* in 1995. He argued that there were several misconceptions at the heart of *Brown* which prevented it from fulfilling the promised future of integrated, racially blind education. Among the mistakes Coup identified was one he dubbed the "assimilation assumption."[372] He argued that *Brown* assumed that there is a single US standard of cultural assimilation that everyone in society must be willing to accept. The covert end goal of everyone assimilating to the same standard, "promotes the conclusion that it is permissible to create white culture but dangerous to have black culture on campuses or in the curriculum because it will politicize our universities."[373]

Assimilationists believe that Black culture and behavior are inferior to that of Whites but that Black people can be developed, given the proper environment. As Ibram X. Kendi explained in *Stamped From the Beginning*, assimilationists believe that "Black people *and* racial discrimination were to blame for racial disparities."[374] This belief is unequivocally racist, and the only route to rectifying the educational system is dismantling the racist underpinnings that exist in the education system today. These structures are the problem, not the culture or behavior of Black children.

The public school system often tends to reflect the needs of White students at the expense of Black students. Beverly Daniel Tatum, a psychologist and educator, published a 1997 book, *Why Are All the Black Kids Sitting Together in the Cafeteria?* The titular phenomenon is well-documented self-segregation, as Tatum explains. Even in desegregated schools, "racial grouping is a developmental process in response to an environmental stressor, racism. Joining with one's peers for support in the face of stress is a positive coping strategy."[375] It could be compared with students' demand for multicultural centers and services which have appeared in recent years on college campuses across the nation.

A long history of systematic oppression has led to predominantly White schools being better funded and achieving higher rates of graduation. Students are conscious of which schools are "good" and are, "astute enough to detect when 'good' is equated with 'white'"[376] without being educated on the institutional racism that has led to such unequal perceptions. In 1969 *Institutional Racism in America* stated, "...the parents and leaders of the Black community who recognize the problems of the schools are effectively cut off from any power to make changes in the education of their children." Similarly, political scientist and educator Frederick M. Hess found that "working class [Black] mothers feel a powerlessness and a lack of personal

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[372] Jerome M. Culp, Jr. *Black People in White Face: Assimilationism, Culture, and the Brown Case.* William and Mary Law Review 36, no. 2 (1995). https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1027&context=faculty_scholarship

[373] Ibid.

[374] Ibram X. Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (New York: Nation Books, 2016), 2.

[375] Beverly Daniel Tatum. *"Why Are All the Black Kids Sitting Together in the Cafeteria?" And Other Conversations about the Development of Racial Identity*. Basic Books, 1999.

[376] Erik Loomis. "What White Kids Learn About Race in School." Boston Review. https://www.bostonreview.net/articles/erik-loomis-what-White-kids-learn-about-race-school/.

effectiveness against the authority of the school system, although they have great respect for education as an important tool for achieving a better status in life."

The COVID-19 pandemic highlighted this dilemma. Health concerns associated with COVID-19 abruptly caused children to attend virtual classes from home. A 2020 study found illuminating comparisons between the attitudes of Black and White parents regarding safety. During the pandemic Black parents were more likely to be worried about their children going back to school and contracting COVID compared to White parents. 57% of Black parents were uncomfortable with that possibility compared to 45% of White parents. Twice as many Black parents (48%) were uncomfortable taking their children to a public park or playground compared to 25% of White parents.[377]

In a different survey conducted with parents in Los Angeles school districts, Black parents were more likely to want to continue remote learning than White parents. While 82% of Black parents cited COVID-19 as one factor in favor of continuing remote learning, 43% also cited concerns about bullying, racism, and low academic standards as additional factors.[378] The report concluded, "Black parents were able to see how their children were treated by their peers and instructors while kids learned at home, and in some cases, saw a system that did not benefit them. Many of the same parents who observed that their children seemed to learn better and thrive emotionally away from school now question whether it is in their child's best interest to return to campus."[379]

In total, 72% of Black parents said they were satisfied with remote learning, compared to just 36% of White parents. This is a considerable difference. Schools ultimately returned to full on-campus learning, but it had become apparent that parents of Black students believed that meaningful changes must be made for public schools to provide adequate, equal education to Black students. The pandemic created a clear lens through which to understand this need, particularly within the Black community.

Testing

In the original text which is the inspiration for this book, the section on subeducation begins: "Among experts in the field of IQ [Intelligence Quotient] testing, there is considerable agreement that environment, not innate intelligence, is responsible for performance on IQ and school placement tests." That section goes on to outline the way that IQ tests were typically designed for "well-to-do, white, city dwellers" to score highly. Yet, 50 years later, some schools still use IQ tests to place students in their advanced or "gifted" academic programs,

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[377] Daniel A. Cox et al. *The Parents Are Not Alright: The Experiences Parenting During a Pandemic.* American Enterprise Institute, July 2020. https://www-jstor-org.libproxy.chapman.edu/stable/pdf/resrep25361.pdf?refreqid=fastly-default%3A38ef0fafbb529a796fb9da95ff8a651c&ab_segments=0%2Fbasic_search_gsv2%2Fcontrol&origin=search-results .

[378] Newberry, Laura et al. "Some Black Parents See Less Bullying, Racism with Online Learning and Are Keeping Kids Home." *Los Angeles Times*, Los Angeles Times, 8 June 8, 2021. https://www.latimes.com/california/story/2021-06-08/Black-parents-see-less-bullying-racism-with-online-learning.

[379] Ibid.

although most schools rely on standardized testing for this purpose.[380] Standardized tests have similarly been found to be biased by class, culture, and gender, as research data has shown.

One study examined standardized Scholastic Aptitude Test (SAT) scores of White students compared to Black students from 1996 to 2003. During those years, Black students scored from 92 to 108 points less than White students.[381] In 2019 Black students had a mean score of 933, while White students had a mean score of 1114. There has been a plethora of research that finds that SAT and ACT scores do not accurately predict college success. A 2014 study by the National Association for College Admissions Counseling looked at approximately 120,000 students from over 30 college campuses and found that GPA, regardless of test score, was a more accurate indicator of academic success. For example, a student who had a low GPA but a high SAT score "generally performed poorly in college."[382] This is likely because there is a "direct correlation between family income and SAT scores."[383]

The tests are rooted in the milieu of White supremacy and predominantly represent the White experience; to illustrate, below is a question from a previous year's SAT:[384] The student is asked to find the word combination in the list that best matches the example (in caps) in terms of the relationship between the two words.

RUNNER: MARATHON
Envoy: embassy
Martyr: massacre
Oarsman: regatta
Referee: tournament
Horse: stable

The question asks students to select the analogy that matches the given analogy. The correct answer is "Oarsman: regatta." This question is clearly rooted in White, Eurocentric culture given that rowing (and the competitive activity of racing row boats in regattas) is an overwhelmingly White sport across age, gender, and skill level. All students are given the same SAT exam, but "for an inner-city Black student who may never have even seen a boat"[385] this question is not relevant to the culture they live in. This is just one of many examples that demonstrate a cultural bias toward White culture in testing. A study published in the *Santa Clara Law Review* found that in 1998, one in every 138 SAT questions "favored white test takers."[386]

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[380] "How Does a Child Get Into a Gifted Program?" 98thpercentile.com. https://www.98thpercentile.com/blog/how-does-a-child-get-into-a-gifted-program/.

[381] Rodolfo Mendoza-Denton. "A Social Psychological Perspective on the Achievement Gap in Standardized Test Performance between White and Minority Students: Implications for Assessment." *The Journal of Negro Education* 83, no. 4 (2014): 465.

[382] Ivory A. Toldson et al. "What the ACT and SAT Mean for Black Students' Higher Education Prospects." *The Journal of Negro Education* 83, no. 1 (2014). https://www.jstor.org/stable/10.7709/jnegroeducation.83.1.0001.

[383] The JBHE Foundation. "A Large Black-White Scoring Gap Persists on the SAT." *The Journal of Blacks in Higher Education*, no. 53 (2006): 72.

[384] The JBHE Foundation. "Hidden Bias Continue to Produce Powerful Headwinds for College-Bound Blacks Aiming for Higher Scores on the SAT." *The Journal of Blacks in Higher Education*, no. 41 (2003): 90.

[385] Ibid.

[386] Ibid.

The University of California (UC) system removed the application requirement for aptitude tests in 2020.[387] The SAT's perpetuation of racism was a factor in the UC system's decision to abandon the test. UC Regent Jonathan Sures said, "I believe this test is a racist test," and cited the research data proving that the SAT placed students of color at a disadvantage.[388] Anthony Carnevale, director of the Georgetown University Center on Education and the Workforce, also believes that the SAT has a negative impact. He argued that the test "provides a shiny scientific cover for a system of inequality that guarantees that rich kids go to the most selective college. It makes all that sound like science when it's not."[389]

The bias of aptitude tests is firmly, perhaps unintentionally, perpetuated by the College Board, the US nonprofit organization that develops and administers the SAT and other standardized tests as part of the college admissions process. According to their website (2022), the College Board "was created to expand access to higher education." The College Board administers the SAT and all Advanced Placement tests "as a near monopoly."[390] They have an annual revenue of $1 billion, with a $100 million untaxed surplus achieved because of their nonprofit status. David Coleman, College Board chief executive officer, has an annual salary of $2 million. Because of the need to score well on the SAT to gain college admission, many students who can afford it pay for SAT preparation classes. Kaplan Test Prep, a popular company providing tutoring and test preparation, has SAT preparatory programs costing from $199 to over $2,000.[391] Khan Academy, in partnership with the College Board, offers free SAT study materials. However, a 2019 study conducted by the College Board found that the Khan Academy offerings "had little if any effect."[392]

The No Child Left Behind Act introduced the metric of Adequate Yearly Progress (AYP). This is "the measure by which schools, districts, and states are held accountable for student performance under Title I."[393] To satisfy AYP standards, a school needed a specific percentage of third- and eighth-grade students to participate in state testing, an increased percentage of students scoring "proficient" or higher on these tests and satisfying a specific graduation rate metric.[394] Data from these tests helped expose the achievement gap between high-poverty and low-poverty schools. Schools could be penalized for failing to meet AYP goals. Penalties ranged from being forced to offer tutoring to potential closure by the district. This created a high stakes testing environment which led to public accusations that schools

[387] Elissa Nadworny. "Starting in 2024, U.S. Students Will Take the SAT Entirely Online." NPR. January 25, 2022. https://www.npr.org/2022/01/25/1075315337/new-digital-sat-college-admissions-test-requirement-2024-us.
[388] Susan Adams. "How The SAT Failed America." Forbes. September 30, 2020. https://www.forbes.com/sites/susanadams/2020/09/30/the-forbes-investigation-how-the-sat-failed-america/?sh=4bb6c5b153b5.
[389] Ibid.
[390] Ibid.
[391] Kristen Scatton. "The 7 Best SAT Prep Courses and Classes of 2023." Intelligent.com. https://www.intelligent.com/best-sat-prep-courses-and-classes/.
[392] Susan Adams. "How The SAT Failed America." Forbes. September 30, 2020. https://www.forbes.com/sites/susanadams/2020/09/30/the-forbes-investigation-how-the-sat-failed-america/?sh=4bb6c5b153b5.
[393] Education Week Staff. "Adequate Yearly Progress." July 18, 2011. https://www.edweek.org/policy-politics/adequate-yearly-progress/2004/09.
[394] "Adequate Yearly Progress (AYP)." California Department of Education. March 22, 2022. https://www.cde.ca.gov/re/pr/ayp.asp.

were focusing on teaching children how to take standardized tests. No Child Left Behind provided real evidence of the educational achievement gap by "requiring the public release of test scores by race, sex, disability, and family income"[395] but offered no insights on how to reduce that gap, merely punishing schools that were failing to meet the AYP requirement.

Ability Grouping and Tracking

The achievement gap between Black and White students begins before kindergarten and persists throughout elementary school.[396] This gap is caused by several structures embedded within the education system, including the practice known as "ability grouping." In US elementary school classrooms, students are often placed into small groups based on their perceived intellectual abilities, and different groups receive different academic instruction theoretically tailored to that group's needs.[397] This structure intends to provide students in large classrooms with a personalized learning experience.

However, the high-performance groups are often dominated by White students while lower-performance groupings are filled with students of color. Several studies have shown that in actual practice, ability grouping perpetuates inequality in education as it provides "fewer learning opportunities"[398] for students in so-called lower-ability groups. One British study showed that students in lower-ability groups learned less over five years compared to students who began at a similar level but were not placed in any group.[399]

A study conducted by the University of Chicago found that in classrooms utilizing ability grouping, the achievement gap between high-ability groups and low-ability groups persisted or increased between kindergarten and third grade. In classrooms of the same class size and socioeconomic background with no ability grouping, the achievement gap between students of high ability and lower ability "actually disappears by third grade."[400] The research showed that students who learn in heterogeneous classrooms are more likely to advance their skills, regardless of the level at which they begin. Although ability grouping had commendable intentions, it has been shown to perpetuate separate and unequal education.

"Tracking" is a practice similar to ability grouping but which has far-reaching consequences for students. Once a student is placed on an academic track, they are often stranded on that track for the rest of their educational career. Many sociologists now see tracking as a way of reinforcing segregated education that does not improve students' academic achievement. Rather, tracking offers a higher quality education to privileged children based on race, class, and gender. Tracking is pervasive in the US and can be found in most schools, whether school-wide or only in certain subjects.

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[395] Motoko Rich et al. "No Child Left Behind Law Faces Its Own Reckoning." March 20, 2015. https://www.nytimes.com/2015/03/22/us/politics/schools-wait-to-see-what-becomes-of-no-child-left-behind-law.html.

[396] Christy Lleras et al. "Ability Grouping Practices in Elementary School and African American/Hispanic Achievement." *American Journal of Education* 115, no. 2 (2009): 279.

[397] Ibid, 280.

[398] Ibid, 282.

[399] Ibid, 283.

[400] Ibid, 297.

The California Department of Education (CDE) has been considering making the switch to "de-tracking" to create a more equitable education system. In this process the CDE has encountered pushback from parents of honors track students, "many of them white, who are benefitting from existing advantages."[401] But, Carol Corbett Burris, a retired principal who de-tracked her South Side High School in New York State in the early 2000s, continues to advocate for schools to de-track. A study conducted at her school "found that de-tracking led more students to take advanced courses later in high school, with overall scores in those classes rising or staying flat."[402]

Tracking can have profound ramifications throughout a person's life. If a child is told in sixth grade that they need to take the low track for math, it will likely impact their self-perception for the remainder of their educational journey. Thus, tracking can have a negative lasting impact on the students it was designed to help. Black students are less likely to be identified as "gifted" at a young age compared to their White peers with similar academic achievement.[403] As a result, for example, Black students make up only 6% of students taking calculus.[404] Ability groups and tracking are not only influenced by inherent racial biases, but they are also subjective, being dependent on the judgment of administrators and teachers.

Teacher Attitudes

Children readily perceive their teachers' attitudes and expectations toward them. One author reported: "[The children] were telling me about the expressions on teachers' faces that they didn't like. They reported that they knew the minute they entered the room that the teacher didn't like them and that she didn't think they were going to do too well in school." This insight into child psychology quoted in *Institutional Racism in America* in 1969 remains valid today. As the racial diversity of school students in the US has increased dramatically, White people still comprise the largest cohort of teachers. An educator's attitude towards race has a huge impact on classroom culture and student success.

Racial harassment increased during the 2016 US presidential election, and "K-12 schools were the most common location for episodes to occur."[405] A 2002 study found that White teachers were more likely to perceive Asian students as smarter than White students while Black students were more likely to be "perceived negatively."[406] This study on the bias of White teachers is significant because as of 2018, 79% of all public school teachers were White, while only 7% were Black. In addition, 78% of public school principals were White and 11%

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[401] Laura Meckler. "Can Honors and Regular Students Learn Math Together? A New Approach Argues Yes." The Washington Post. June 4, 2021. https://www.washingtonpost.com/education/2021/06/04/california-math-class-detrack-race-equity/.

[402] Ibid.

[403] Ibid.

[404] "Indicator 13: High School Counseling." National Center for Education Statistics. August 2016. https://nces.ed.gov/programs/raceindicators/indicator_rcd.asp.

[405] David M Quinn et al. "Examining the Racial Attitudes of White PreK-12 Teachers." *The Elementary School Journal.* https://scholar.harvard.edu/files/dmq/files/quinn-stewart-racial-attitudes-White-educators-esj-2019.pdf.

[406] Patrick B. McGrady et al. "Racial Mismatch in the Classroom: Beyond Black-White Differences." Sage Journals 86, no. 1 (April 2012): 3. https://doi.org/10.1177/0038040712444857.

were Black.[407] Wages for Black teachers demonstrate a mirroring inequity– the average salary of a White teacher was $57,900 a year, but for a Black teacher it was $56,500.[408]

There is a "perceived colorblindness among white teachers"[409] that is not true according to most studies. Many White teachers expect bad behavior from Black students, and often students will behave according to the expectations set for them. The "adultification" of Black students also contributes to this discrimination. A 2014 study of White police officers and White undergraduate students published by the American Psychological Association found that Black boys are perceived to be four or five years older than they actually are.[410] "When taught by Black teachers, Black students receive fewer office referrals and suspensions, compared to when they are taught by White teachers. Furthermore, in a nationally representative sample, White teachers were more likely than Black teachers to rate Black students as being disruptive or argumentative."[411]

Charter and Private Schools

Private Schools

Any thorough analysis of the education of Black children in the US must include charter schools and private schools in addition to public schools. There are about 27,000 private elementary schools and secondary schools in the US.[412] After *Brown v. Board of Education*, many private schools were created to act as "all white segregation academies."[413] In 2000, private schools enrolled over 50% of all White students located within 41 US non-metropolitan counties, most of which are in the South and within predominantly Black population belts.[414] Typically, private schools have a higher percentage of White students than the percentage of White people residing in the community around them.[415] Private schools tend to have smaller class sizes, teachers with higher credentials, advanced technology, and more high-quality resources. There are many reasons why a parent might send their child to private school, but the existence of the school "necessarily alters the makeup of the public schools"[416] around them because it removes particular students from the entire group of public school attendees.

Private schools require paying tuition fees, so they often are an option only for students from high-income families. Some private schools offer scholarships to a select few high-

[407] "Race and Ethnicity of Public School Teachers and Their Students." National Center for Education Statistics. 2020. https://nces.ed.gov/pubs2020/2020103/index.asp#:~:text=In%20the%202017– 18%20school,were%20Black%20and%20non%2DHispanic.

[408] "Characteristics of Public School Teachers." National Center for Education Statistics. 2021. https://nces.ed.gov/programs/coe/pdf/2021/clr_508c.pdf.

[409] Lisa Brown Buchanan. "We Make it Controversial." Teacher Education Quarterly 42, no. 1 (2015): 4. https://go.gale.com/ps/i.do?id=GALE%7CA411015494&sid=googleScholar&v=2.1&it=r&linkaccess=abs&issn=0 7375328&p=AONE&sw=w&userGroupName=anon%7E62ba58c&aty=open+web+entry

[410] Coshandra Dillard. "The Weaponization of Whiteness in Schools." Teaching Tolerance Magazine. 2020. https://www.learningforjustice.org/magazine/fall-2020/the-weaponization-of-Whiteness-in-schools

[411] David M Quinn et al. Examining the Racial Attitudes of White PreK-12 Teachers.

[412] Walter C. Farrell et al. "The Milwaukee School Voucher Initiative: Impact on Black Students." *The Journal of Negro Education* 75, no. 3 (2006): 519.

[413] Ibid, 527.

[414] "Reimagining Education." Publiccharters.org. National Alliance for Public Charter Schools.

[415] Walter C. Farrell et al. "The Milwaukee School Voucher Initiative: Impact on Black Students.", 519.

[416] Ibid, 520.

achieving students, providing educational opportunities rich in resources to students who would otherwise have been denied those resources. However, these private-school "scholarship students" make up a much smaller percentage than the typically high percentage of White students from high-income backgrounds.

Several studies have concluded that "parents of children in urban schools have a sense of urgency to access what they perceive to be a higher quality of education for their children."[417] For example, in 1990, the Milwaukee Parental Choice Program (MPCP) created the first voucher initiative in the US.[418] This program diverted education tax dollars into private school vouchers for Black students from underfunded schools to move to a well-funded private school. Black parents urged the MPCP to create the voucher system after research showed that Black students in Milwaukee were twice as likely to perform below grade level compared to White students. Although this voucher system was created to provide all students in the system with a high-quality education, it still did not address the need of underserved students left behind in their high-poverty schools.[419]

Charter Schools

Charter schools are not the same as private schools. Charter schools are independently operated public schools.[420] They are open to the public, but they are not bound by the constraints of a school district. This means they have the freedom to make different budget decisions, they can redesign curriculum, and they are not unionized,[421] although there have been recent efforts by some charter schoolteachers to unionize.[422] There are over 7,000 charter schools in the US, each one unique but tied to a nonprofit organization, government agency, or institution of higher education that acts as its authorizer.[423] In 2017, about 3.1 million students attended charter schools in the US.[424] In 2019, 56% of charter school students came from low-income backgrounds, compared to 52% of public school students. California had the largest number of students in charter schools.

Although all parents pay taxes and should theoretically be entitled to high-quality public education for their children, in practice Black parents are "often compelled by their neighborhood schools' low performance"[425] to seek out an alternate educational opportunity. Many are attracted to charter schools. Studies have shown that students from low-income

[417] Angela Simms et al. "Racial Residential Segregation and School Choice." *Phylon* 56, no. 1 (2019): 35.

[418] "Reimagining Education." Publiccharters.org.

[419] Ibid.

[420] "Public Charter School Enrollment." Nces.ed.gov. National Center for Education Statistics. May 2020. https://nces.ed.gov/programs/coe/indicator/cgb/public-charter-enrollment.

[421] Sarah Cohodes. "Policy Issue: Charter Schools and the Achievement Gap." *The Future of Children* (Winter 2018): 1-16. https://www-jstor-org.chapman.idm.oclc.org/stable/pdf/26304699.pdf?refreqid=fastly-default%3Abea6a3ccfd95d8c86ae1fcaae2626c53&ab_segments=0%2Fbasic_search_gsv2%2Fcontrol&origin=&initiator=search-results.

[422] Ariana Prothero. "Why and Where Charter School Teachers Unionize." Education Week. March 22, 2019. https://www.edweek.org/policy-politics/why-and-where-charter-school-teachers-unionize/2019/03#:~:text=The%20vast%20majority%20of%20charter,%27re%20not%20prohibited%2C%20either.

[423] "Public Charter School Enrollment." National Center for Education Statistics. May 2020.

[424] "Public Charter School Enrollment." Nces.ed.gov. National Center for Education Statistics. May 2020.

[425] Marlon Greatrex. "Yes Anyone Can Attend a Charter School." Publiccharters.org. National Alliance for Public Charter Schools. January 2019.

backgrounds who attend a school of choice (private or charter) generally perform better at standardized testing than their traditional school peers. However, this difference in scores is marginal and "not consistent across charter schools."[426] A common contention is that students at charter schools come from families involved with and supportive of their children's education, which might contribute to the higher academic performance of charter school students.[427] The same study showed that charter schools "sometimes exceed traditional schools in improving students' non-academic behavior and parent and student satisfaction levels."[428]

  Charter schools could be a potential tool to create a more effective and equitable educational experience. Many students, both Black and White, and their parents are happy with the learning environment in charter schools and see them as a way of escaping the mediocrity experienced in many ordinary public schools, especially those serving low-income communities. However, at present in the entire nation, there are only slightly over 7,000 charter schools in existence compared to almost 150,000 conventional public schools.[429] It seems unlikely that the charter sector will grow large enough in the near future to offer a comprehensive solution to national problems of racial segregation and inequality.

  It is also important to consider the financial impact on public schools as charter schools expand. In most states, public money earmarked for education follows the student to the school they attend. If charter school enrollment rises, funding for the traditional public school system falls. Although declining public-school enrollment can be offset partially by reductions in faculty and staff, the burdens of property maintenance, security, and health-related and nutritional services are not so easily managed.[430] Case studies in New York and North Carolina found that an increase in charter schools led to financial strain in nearby public schools, especially as they lose federal and state aid that is calculated per student.[431]

<center>Summary and Conclusion</center>

Education is valued because it aims to create a well-rounded, thoughtful citizen with opportunity for economic advancement. Most Black students, isolated and excluded, are denied access to an education that is considered the norm among White families. The achievement gap between students of color and White students persists as decades pass. This problem is known. It is documented every year in the Congressionally mandated National Report Card. Many contributing issues intersect with unequal education–from family wealth to the criminal justice system to racist housing practices. Justice will be served only when every Black child receives an education on par with that received by White children.

  Professor Ibram X. Kendi explains in *Stamped from the Beginning* that there is a widely held belief that to achieve a future with racial equality, White Americans must "sacrifice their own privileges for the betterment of Black people." [432] However, Kendi argues that White

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[426] Angela Simms et al. "Racial Residential Segregation and School Choice.", 37.

[427] Sarah Cohodes. "Policy Issue: Charter Schools and the Achievement Gap."

[428] Angela Simms et al. "Racial Residential Segregation and School Choice.*, 37.

[429] "How Many Schools are in the U.S. 2021." Admissionsly.com. Admissionsly.

[430] Sarah Cohodes. "Charter Schools and the Achievement Gap.".

[431] Ibid.

[432] Ibram X. Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America*, 503.

people should be encouraged to understand that their long-range self-interest is linked to racial justice. "More white Americans thrived during the antiracist movements from the 1930s to the early 1970s than ever before or since."[433] The Coleman Report found "that socioeconomic school integration could increase academic achievement."[434] Several studies have built on those findings, concluding that all students benefit from integrated learning environments.[435] With these facts in mind, the struggle to achieve integration and equality in education benefits everyone.

Additional Resources

Podcast

Throughline Podcast with hosts Rund Abdelfatah & Ramtin Arablouei.

This history podcast aims to contextualize current events by exploring the historical events that contributed to them. Its episodes have outlined the history of modern political debates, civil rights issues, and domestic and international policy. Some recommended episodes: The Great Textbook War (March 21, 2024); Affirmative Action (June 15, 2023); Throughline Presents: School Colors (July 7, 2022).

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[433] Ibid.

[434] Amy Stuart Wells. "How Racially Diverse Schools and Classrooms Can Benefit All Students." The Century Foundation. February 9, 2016. https://tcf.org/content/report/how-racially-diverse-schools-and-classrooms-can-benefit-all-students/.

[435] Genevieve Siegel-Hawley. How Non-Minority Students Also Benefit from Racially Diverse Schools. *The National Coalition on School Diversity*, no. 8 (2012) https://files.eric.ed.gov/fulltext/ED571621.pdf.

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Chapter 4: The Miseducation of Students in the United States
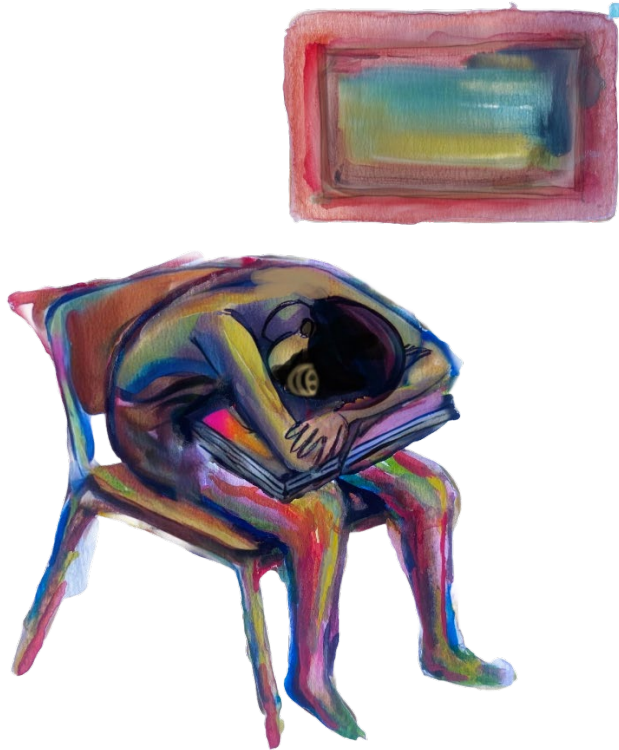
"An education is truly 'fitted for freedom' only if it is such as to produce free citizens, citizens who are free not because of wealth or birth, but because they can call their minds their own … They have looked into themselves and developed the ability to separate mere habit and convention from what they can defend by argument. They have ownership of their own thought and speech, and this imparts to them a dignity that is far beyond the outer dignity of class and rank."

Martha Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education,* (Cambridge, MA: Harvard University Press, 1997), 293.

Chapter 4: The Miseducation of Students in the United States

"We are not honest with ourselves, our own fears, limitations, weaknesses, prejudices, motives. We present ourselves to children as if we were gods, all-knowing, all-powerful, always rational, always just, always right."[436] This quote from the book *How Children Fail* by John Holt is cited in the introduction to Chapter Four of the 1969 book, *Institutional Racism in America* titled "The Miseducation of White Children."[437] Now, over half a century since that quote was written, the United States (US) educational system persists in presenting the history of the US as "the story of a people and a nation that always sought the improvement of mankind, the advancement of liberty and justice, the broadening of pursuits of happiness for all."[438] But this is not a truthful story of real human beings' lives in this nation.

Effective democratic citizenship relies on a foundation of accurate, comprehensive, and intersectional historical knowledge on which a national identity can be built. Thus, it is worth making a diagnosis of the situation in the twenty-first century, reviewing how we got here, and assessing useful resources. According to history professor David W. Blight, "while there are many real threads to this story…there is also the broad, untidy underside."[439] Even with all of its triumphs, the US remains "a land and a nation built in great part out of the economic and political systems forged in or because of slavery and its expansion."[440] In the words of historian David Brion Davis, when we study slavery long enough, "we come to realize that tyranny is a central theme of American history, that racial exploitation and racial conflict have been part of the DNA of American culture."[441] However, rather than acknowledge the national legacy of racism and colonization, US history curricula often fail to make clear the lasting and pervasive impact of white supremacy on US society and, thus, the lived experiences of all residents.

Two integral elements to the foundation of the United States of America were racial oppression and colonization. The young nation was able to gain independence and thrive as a new economic power on the global stage as a result of wealth produced by institutionalized slavery on land that was appropriated, often forcefully, from indigenous Native Americans who had lived on the continent for millennia. When the US education system miseducates younger generations about this oppression, it allows the current racial hierarchy to go unquestioned. This means that history can be revised, distorted, and sanitized by those who benefit from the existing social order. History education in the US sacrifices essential historical context to make the aggressive, past actions of colonizers and settlers palatable. It also deracializes critical social movements and their leaders to avoid difficult conversations about race and Whiteness.

To properly contextualize the role of individual teachers in these processes of miseducation, we must explore the idea of "racial capitalism," how structural systems of racial domination and capitalism are inextricably intertwined and mutually fundamental to US social

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[436] John Holt, *How Children Fail* (New York: Dell, 1964), 170.

[437] The revised version of this chapter focuses on trends in nationwide education, rather than exclusively White students' education.

[438] Kate Shuster, Hasan Kwame Jefferies, and David W. Blight, "Teaching Hard History: American Slavery," *Southern Poverty Law Center,* (2018), 8.

[439] Ibid.

[440] Ibid.

[441] Ibid, 7.

constructs. Because early European settlers committed the existence of the United States to the expulsion of Native Americans and the trans-Atlantic slave trade, racial capitalism is firmly planted in the country's foundation, along with its dominant educational systems and practices.

In their article, "Education and Racial Capitalism," scholars Jessica Gerrard, Arathi Sriprakash, and Sophie Rudolph claim that "the entwined systems of capitalism and racial domination have been constitutive of educational systems and practices."[442] The authors explore the idea of racial capitalism to bring attention to the racialized politics of education influenced by the endless need for economic expansion. Gerrard, Sriprakash, and Rudolph point out that "Public systems of education are routinely defended for the value they bring to the nation-state–both in terms of economic and social returns–as well as the value they bring to individuals. Education, in this sense, creates material value."[443] However, the same processes that award material value through educational systems also enshrine the inequalities required for an entirely private-owned, profit-based economy to function.

Distinct racial divisions made up the infrastructure on which the early US economy relied. As a result, those who experienced prosperity had material interests in maintaining these divisions. As sites that wield great influence over socializing children to civilization, schools create spaces in which cultural divisions can be accentuated or diminished, interrogated or ignored, and understood as natural or approached as problematic. To protect their dominant position, people with the power to do so turned to educational settings to reinforce the social structures that allowed the economy to operate in their favor. The dominant group created systems of knowledge production and institutional operations which included obstacles to, and punishments for, deviating from them. Put simply, teachers' economic situations are tied to their willingness to abide by these educational practices. Acting incompatibly with dominant social structures threatens their livelihoods. Thus, the actions of individual teachers are not directly responsible for what students are learning in schools, which is often sanitized, and thus, inaccurate, information about US history.

Teaching a sanitized version of history presents students with a distorted view of both the individual and institutional natures of racism. The original authors of *Institutional Racism* describe this situation as "indoctrinating our children rather than helping them learn for themselves what the world of people is all about."[444] After analyzing how the history of slavery, the civil rights movement, global history, and the language arts are taught in classrooms in the US, we see that this description remains accurate 50 years after it was written.

<div align="center">Discussing Slavery in US History Classrooms</div>

One of the most significant areas in which US students are miseducated is the history of slavery, not only in the United States but also globally. This has a consequential, counterproductive impact on students' abilities to understand racial dynamics in the past and present. After analyzing a selection of state standards, reviewing 12 popular US history textbooks, and surveying 1,000 US high school seniors and over 17,000 social studies

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[442] Jessica Gerrard, Arathi Sriprakash, and Sophie Rudolph, "Education and racial capitalism," *Race Ethnicity and Education* 25, no. 3 (2022), 425. https://doi.org/10.1080/13613324.2021.2001449.
[443] Ibid, 434.
[444] Louis Knowles and Kenneth Prewitt, *Institutional Racism in America,* (Englewood Cliffs, NJ: Prentice-Hall Inc, 1969), 46.

teachers,[445] Kate Schuster, a researcher at the Southern Poverty Law Center (SPLC) found in 2018, "high school seniors struggle on even the most basic questions about American enslavement of Africans."[446] Historian and professor Hasan Kwame Jefferies notes that this is likely because slavery is part of this country's "hard history," a history that is characterized by cruelty and defined by inhumanity, to which many citizens [not surprisingly] have a natural, deep-seated aversion.[447]

What makes it particularly challenging for us to discuss slavery is the knowledge that what we would now call unjust oppression, discrimination, and violence, was, at the time, *sanctioned* by US leaders and the dominant group. In the same way, it is difficult for us to fathom the ideology that led to the Holocaust in Europe, it is difficult for us to wrap our minds around the decisions that led to slavery, the brutality that sustained it, and the larger tyrannical principles that justified it.[448] Furthermore, there are underlying, structural incentives for educators, politicians, and textbook publishers to avoid addressing these upsetting details. There is nothing pleasant about examining these facts. However, the result is an incomplete and inaccurate system of national historical education which has a significant negative impact on US society today.

One way to understand what is being taught in schools is to investigate a state's education standards. It is especially important for this chapter to cover state education standards since they were not widely in use when *Institutional Racism in America* was written in 1969. These standards describe the knowledge or skills that public school students are expected to learn in each grade, beginning in kindergarten and continuing through high school graduation.[449] The movement for "standards-based reform" gained popularity in the 1980s. Frustrations with students' inconsistent educational experiences across school districts, along with the increasing competitiveness of the global knowledge economy, led to the standards movement gaining momentum.[450]

In 1983, the National Commission on Excellence in Education under President Ronald Reagan released a report titled *A Nation at Risk*, the culmination of multiple experts' analysis of the quality of education in the United States. The authors of the report did not mince words, declaring, "the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people."[451] Subsequently, there was a proliferation of literature debating the best practices to determine public educational standards, measure students' educational achievements, and hold schools responsible for gaps between the two. *A Nation at Risk*, along with successive political presidential actions such as George H.W. Bush's *AMERICA 2000: An Education Strategy* document in 1991, Bill Clinton's

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[445] Kate Shuster, "Teaching Hard History," 22.

[446] Ibid, 1.

[447] Ibid, 5.

[448] Liz Cokeing, "The Importance of Teaching Hard History," ACIS Educational Tours, February 24, 2021. Accessed September 7, 2022. https://acis.com/blog/the-importance-of-teaching-hard-history/.

[449] Andrew M. I. Lee, "State Standards: A Guide for Parents," Understood, July 20, 2021. Accessed September 7, 2022. https://www.understood.org/en/articles/state-academic-standards-what-you-need-to-know.

[450] Kenichiro Miyamoto, "The origins of the standards movement in the United States: Adoption of the written test and its influence on class work." *Educational Studies in Japan* 3 (2008): 28.

[451] National Commission on Excellence in Education. "A nation at risk: The imperative for educational reform." *The Elementary School Journal* 84, no. 2 (1983): 113-130.

"Goals 2000: Educate America Act" in 1994, and George W. Bush's "No Child Left Behind Act of 2001" solidified education standards as an object of national concern.[452]

Educational academic standards determine how teachers are trained, what they teach, and which material appears on standardized tests.[453] Standards are set by a state's Board of Education (or, school board), whose members are most often elected representatives, but may also be appointed by other officials including mayors, governors, or superintendents.[454] The goal of academic standards is to make sure that all public school students within a state receive a "general education" and learn the same core, fundamental skills. Debates over the merits and drawbacks of standards-based learning are ongoing and complex. However, explicit standards can be useful tools in the hands of education researchers, providing a clear-cut picture of what is being taught in classrooms.

While education standards tell us *what* students are expected to know, curriculum or content standards tell us *how* they are expected to learn it. Curricula reveal what material is taught in classrooms and what kinds of lessons are used to teach it. After education standards have been set, school boards can enlist professional curriculum writers to create lesson plans that meet their established guidelines. While the federal government does not set education standards, federal policies can influence which standards a state adopts and how a curriculum may be taught there.[455]

Upon reviewing the coverage of slavery in the education standards of 14 states (Alabama, California, Florida, Georgia, Louisiana, Virginia, South Carolina, Oklahoma, North Carolina, New York, Kansas, New Jersey, New Mexico, and Washington) and the District of Columbia,[456] researchers at the SPLC found that most standards "fail to lay out meaningful requirements for learning about slavery, the lives of the millions of enslaved people or how their labor was essential to the American economy for more than a century of our history."[457]

In this text, we will focus on three concerning trends that emerged from this detailed analysis: 1) state standards present the history of slavery without context for the sake of presenting "easy history" before "hard history," 2) they fail to make clear the fact that slavery was the main cause of the Civil War, and 3) they often avoid discussions about Whiteness or the ideology of White supremacy, especially in direct relation to the institution of slavery. Each of these trends is examined in detail below.

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[452] Kenichiro Miyamoto, "The origins of the standards movement in the United States: Adoption of the written test and its influence on class work." *Educational Studies in Japan* 3 (2008): 28.

[453] GreatSchools Staff, "Why Are Standards Important?," GreatSchools, April 2, 2015. Accessed September 7, 2022. https://www.greatschools.org/gk/articles/why-are-standards-important/.

[454] Frederick M. Hess, "School Boards at the Dawn of the 21st Century." *National School Boards Association. School of Education and Department of Government, University of Virginia,* (2002), 5.

[455] Andrew M. I. Lee, "State Standards: A Guide for Parents."

[456] Researchers chose to study the ten states that scored well in SPLC's 2014 report on coverage of the civil rights movement in state standards: Alabama, California, Florida, Georgia, Louisiana, Virginia, South Carolina, Oklahoma, North Carolina, and New York. For additional geographic diversity, they added Kansas, New Jersey, New Mexico, Washington State and Washington D.C.

[457] Kate Shuster, "Teaching Hard History: American Slavery," 29.

State standards present the history of slavery without context
for the sake of presenting "easy history" before "hard history."

The 2018 SPLC report found that Black historical figures are often introduced in the early years of a child's education. However, because of teachers' discomfort with hard history, they avoid positioning those figures within a realistic racial context of their lifetimes, meaning students may learn about heroic Black figures years before slavery is ever mentioned in the classroom. For example, in South Carolina schools, Frederick Douglass is included on a list of influential US citizens in first grade while slavery is not mentioned (according to educational standards) until third grade.[458] In California, Harriet Tubman is introduced as a hero of the US in a sample second-grade lesson before the first mention of slavery in fourth grade.[459]

When slavery is introduced in the later elementary years, it is often presented without complete context. In Florida, for example, slavery is first mentioned in fourth grade when students are asked to "identify that Florida was considered a slave state." This comes without any prior explanation of the institution of slavery.[460] This presents an intellectual and ethical problem to young learners because historical knowledge provides the foundation for understanding and subsequent action. When students can place a turbulent present in a proper historical context, they are better equipped to understand the contemporary situation and decide what they think is the best course of action.[461]

The exclusion of slavery from elementary school curricula does not necessarily indicate that school boards hope to keep students ignorant of its existence, but rather that they do not see it as the classroom teacher's responsibility to initiate and contextualize those hard conversations. The first mention of slavery often appears in lessons in which it is not the main subject (such as in the state of Washington, where state standards first mention slavery in fifth grade in an example of "how trade affected the economy of the thirteen colonies"[462] and in North Carolina, where it is first mentioned in the eighth grade on "a list of migration and immigration phenomena"[463]).

This implies that students have already gained some background knowledge of slavery from sources outside the classroom. Perhaps it is assumed that they have seen plantations depicted in movies or have come across the story of an enslaved person in independent reading, or slavery has come up in conversations about race with their parents. This means that by the time an eighth-grade class in North Carolina is comparing slavery to other kinds of "immigration," each student could very well have different, and perhaps contradictory, information to draw on as schema.[464] To rectify this erasure, curriculum writers must dedicate

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[458] Ibid, 32.

[459] Ibid, 30.

[460] Ibid.

[461] Andrew Ujifusa, "Sure, We Teach History. But Do We Know Why It's Important?" (Education Week, January 7, 2020), https://www.edweek.org/teaching-learning/sure-we-teach-history-but-do-we-know-why-its-important/2020/01.

[462] Kate Shuster, "Teaching Hard History," 35.

[463] Ibid, 33.

[464] "Schemas are categories of information stored in long-term memory. A schema contains groups of linked memories, concepts or words. This grouping of things acts as a cognitive shortcut, making storing new things in your long-term memory and retrieval of them much quicker and more efficient" (Fulbrook 2020).

space to providing students with a more complete historical context of slavery, not only to ensure that certain historical facts are established and understood early in students' coursework but also to make it clear that conversations about race and this country's "hard history" deserve a place in our classrooms.

*State standards fail to make clear the fact
that slavery was the main cause of the Civil War.*

In failing to provide appropriate context for the institution of slavery, state education standards also evade the truth that slavery was the ultimate cause of the Civil War. To obscure this fact, curriculum writers carefully define the causes of the war to include states' rights, the election of Abraham Lincoln in 1860, and Southern sectionalism as being independent of the issue of slavery. In fact, slavery was the common cause underlying both disagreements over states' rights and the political polarization surrounding the election of 1860, as well as the defining feature of Southern sectionalism. Each of these factors is discussed separately, below. These attempts to bury slavery among other, "unrelated" causes of the war have been effective in veiling the hard truth. Based on student survey responses, SPLC researchers found that "only 8 percent of high school seniors can identify slavery as the main cause of the Civil War."[465]

States' Rights. It is a common misconception that Southern states supported states' rights wholeheartedly due to a disdain for government intervention, and because they wanted each state to be able to independently decide whether to allow slavery. A review of historical facts shows, on the contrary, after Congress passed the Fugitive Slave Act of 1850, which required Northerners to report people who had escaped enslavement and return them back to the South, Southern states argued *against* calls for states' rights to allow each Northern state to decide whether or not to enforce that law. On the issue of slavery, the South wanted a fugitive from any state to be considered a fugitive in every state.[466] The issue of how to handle the institution of slavery on a national level, while the South desired to expand it and the North desired to limit it, was the foundation of pre-Civil War political debates over the extent of states' rights.

The Election of 1860. Abraham Lincoln won the US presidential election in November 1860, and by December 20, 1860, South Carolina had become the first state to secede from the Union, with ten more Southern states swiftly following suit. One of the most divisive issues of the election had been slavery. Despite his legacy as "the great emancipator," Lincoln did not express any explicit plans to abolish slavery when he was campaigning, and even confirmed in his inauguration speech, "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so."[467]

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[465] Kate Shuster, "Teaching Hard History," 22.

[466] "States' Rights." American Battlefield Trust, March 26, 2021, accessed May 18, 2021, https://www.battlefields.org/learn/articles/states-rights.

[467] Abraham Lincoln, "The First Inaugural Address of Abraham Lincoln," from the Lillian Goldman Library, *The Avalon Project: Documents in Law, History, and Diplomacy,* https://avalon.law.yale.edu/19th_century/lincoln1.asp.

However, Lincoln was also heard to publicly announce his disdain for slavery and his support of anti-slavery legislation.[468] For Southern voters, a candidate's explicit support of slavery was often a deciding factor in how they would vote. Southern Democrats initially opposed nominating Senator Stephen Douglas to run against Lincoln because Douglas was neutral on the issue of slavery, defending "popular sovereignty" (the right of each state to decide the question of slavery itself) rather than unequivocally promoting the expansion of the institution. In fact, it took two Democratic conventions to confirm Douglas' nomination. In addition to Douglas, Southern democrats nominated John Breckenridge, a public supporter of slavery, to represent their pro-slavery views, while the Constitutional Union party nominated Tennessee slaveholder John Bell.

Lincoln won the presidency but did not receive any of his 180 electoral college votes from Southern states.[469] Instead, the vast majority of electoral college votes from the Southern States were split between Breckenridge and Bell (Douglas won only nine votes from the South). In between Lincoln's election and inauguration, eleven Southern states seceded from the Union and formed the Confederate States of America (the Confederacy).[470] After Lincoln won the presidency with less than 40% of the popular vote, political interest groups comprising the numerical majority no longer risked splitting their votes between two relatively similar candidates.[471] Once Southern states rejoined the Union after the war, the two-party political system was firmly in place.

Sectionalism. Interwoven in the South's decision to secede was a strong sense of sectionalism, or "an exaggerated devotion to the interests of a region over those of a country as a whole."[472] This regional pride was deeply embedded in Southern identity, which was inseparably tied to the institution of slavery. Unsurprisingly, regional identities are often connected to the industries that allow those communities to thrive. Today, for example, some states in the South pride themselves on the wealth produced by their oil industries, while some Midwesterners identify strongly with the automobile industry. Because these resources (oil and cars) have been the main source of employment and wealth in these regions, they are valued as an essential element of Southern and Midwestern prosperity. In the nineteenth century, the combination of cash crops such as cotton, sugar, and tobacco that could be planted in US soil, along with the seemingly limitless supply of "free" labor (legalized chattel slavery), meant that enslavers were responsible for most of the wealth in Southern states.

Enslaved people "grew and picked the cotton that, at the height of slavery, became the nation's most valuable export, accounting for half of US goods sold abroad and more than two-thirds of the world's supply."[473] This is a formidable statistic, given the rise of cotton manufacture as a significant, successful element helping to nurture the global Industrial

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[468] "Election of 1860," History, A&E Television Networks, December 1, 2017, accessed May 18, 2021, https://www.history.com/topics/american-civil-war/election-of-1860.

[469] John McClure, "United States Presidential Election of 1860," *Encyclopedia Virginia,* (2020). Accessed September 7, 2022. https://encyclopediavirginia.org/entries/united-states-presidential-election-of-1860/.

[470] "Election of 1860," History, A&E Television Networks.

[471] *Presidential Elections: 1789-2008*. (Washington, D.C.: CQ Press, 2010) 134, 224.

[472] "Sectionalism," *Encyclopedia Britannica*, December 7, 2020, accessed May 18, 2021, https://www.britannica.com/topic/sectionalism.

[473] Edward Lawler, Jr., "President's House Slavery: By the Numbers," https://www.ushistory.org/presidentshouse/slaves/numbers.php.

Revolution. Over the course of legalized slavery, "about 10 million Black people had been enslaved in America, contributing more than 400 billion hours of unpaid labor to the nation's economy."[474] In 1915, a formerly enslaved woman named Callie House sued the government for reparations. In the suit, her lawyer Cornelius Jones "argued that the US Treasury owed Black Americans $68,073,388.99 for the taxes it had collected between 1862 and 1868 on the cotton enslaved people had grown."[475] Thus, enslavers supported their families, local businesses thrived, and communities flourished–all derived from the wealth generated for them by enslaved people.

Author Christopher Phillips argues that a distinct regional identity developed in the US South in response to philosophical attacks on the institution of slavery coming from the North. Phillips explains that by the late 1840s, slavery had become perceived as a social good in Missouri, one that was intertwined in a complex tangle of values and processes that morphed into the region's collective identity.[476] In fact, the term "Southern," as Missourians employed it initially, was a metaphor for slaveholder, regardless of the individual's stance on slavery's extension. In 1844, Missouri Senator Thomas Hart Benton responded to his anti-slavery critics in the North by saying "I am Southern by birth; Southern in my affections, interest, and connections…I am a slaveholder, and shall take the fate of other slaveholders in every aggression upon that species of property."[477] Before the Civil War, the Southern American identity was indistinguishably infused with pro-slavery sentiments. Thus, claiming that Southern sectionalism was a cause of the Civil War *in addition to* disagreements over slavery obscures the central role of slavery in the regional pride which shaped Southerners' sectionalist values.

Currently, in New Jersey educational state standards cite "complex regional differences involving political, economic, and social issues, *as well as* [emphasis added] different views on slavery"[478] as causes of the Civil War, concealing the fundamental role slavery played in virtually all political, economic, and social issues of the time. The state standards in South Carolina go so far as to name "states' rights, sectionalism, and the election of 1860"[479] as alternate causes of the war, even though slavery is clearly named in South Carolina's historical declaration of secession as the primary reason for leaving the Union.[480]

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[474] Robert Samuels and Toluse Olorunnipa. *His name is George Floyd: One Man's Life and the Struggle for Racial Justice*. Penguin, 2022, 36.

[475] Mary Frances Berry, *My Face Is Black Is True: Callie House and the Struggle for Ex-Slave Reparations*, (New York: Random House, 2005), 39.

[476] Christopher Phillips, *Missouri's Confederate: Claiborne Fox Jackson and the Creation of Southern Identity in the Border West* (University of Missouri Press, 2000), 125.

[477] Ibid, 193.

[478] Kate Shuster, "Teaching Hard History," 34.

[479] Ibid, 32.

[480] When charging the Northern, non-slaveholding states with defeating the "ends for which this Government was instituted" South Carolina's Declaration of Secession reads, "Those States have…denied the rights of property established in fifteen of the States and recognized by the Constitution; they have denounced as sinful the institution of slavery; they have permitted open establishment among them of societies, whose avowed object is to disturb the peace and to eloign the property of the citizens of other States. They have encouraged and assisted thousands of our slaves to leave their homes; and those who remain, have been incited by emissaries, books and pictures to servile insurrection" (Confederate States of America - Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union, 1860).

President Lincoln confirmed that slavery was the cause of the conflict in his second inaugural address in 1865, presented the day after the final major battle of the Civil War. Lincoln acknowledged that before the war, "One-eighth of the whole population were colored slaves not distributed generally over the union but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war."[481] Three years earlier, Lincoln had signed the Emancipation Proclamation, emancipating "all enslaved people in the Confederate states as a tactic to deprive the Confederacy of its labor force."[482] With the war finally coming to an end, Lincoln said "Neither [party] anticipated that the cause of the conflict might cease with, or even before, the conflict itself should cease." In other words, no one expected slavery to end before the war itself ended.[483]

Just weeks before the war came to an end, Lincoln explicitly linked the ending of slavery to the progress of the war: "Fondly do we hope—fervently do we pray—that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk and until every drop of blood drawn with the lash shall be paid by another drawn with the sword as was said three thousand years ago so still it must be said 'the judgments of the Lord are true and righteous altogether.'"[484]

*State standards avoid the idea of Whiteness
or the ideology of white supremacy.*

When teachers avoid discussions of hard history, it allows them to steer clear of investigations about race that examine the concept of Whiteness and the ideology of white supremacy, especially in direct relation to slavery. This is because understanding the institution of slavery requires an explanation of the White supremacist ideals that grounded its rationalization. Authors of state standards often sidestep these explanations through the strategic use of the passive voice which allows them to avoid discussing White people's direct involvement in the institutionalization of slavery. A framework accompanying Virginia's state history standards explains:

> The successful cultivation of tobacco depended on a steady and inexpensive source of labor. For this reason, African men, women, and children *were brought* [emphasis added] to the Virginia colony and enslaved to work on the plantations. The Virginia colony became dependent on slave labor, and this dependence lasted a long time.[485]

Here, the use of the passive voice allows teachers to exclude White enslavers from the lesson altogether. Teachers can say African people "were brought" to the colonies, rather than acknowledging how White Europeans intentionally captured and enslaved African people, thus

[481] Abraham Lincoln, "Second Inaugural Address" (speech presented in Washington D.C., April 10, 1865), Library of Congress, https://www.loc.gov/resource/mal.4361300/?st=text.
[482] Nikole Hannah-Jones, "Democracy," in *The 1619 Project: a new origin story,* created by Nikole Hannah-Jones and the New York Times Magazine (New York: One World, 2021), 22.
[483] Abraham Lincoln, "Second Inaugural Address."
[484] Ibid.
[485] Kate Shuster, "Teaching Hard History," 32.

creating "a history of slavery without enslavers."[486] Also, it is illustrative to observe the personification used in the last sentence, "the Virginia colony became dependent on slave labor." It was not the existence of a political or geographic entity that depended on slave labor. Rather, it was White land*owners* in Virginia who depended on slave labor for their economic success. Equating the prosperity of White landowners with the prosperity of the entire colony disregards the quality of life of all other Virginia residents and reinforces the notion that slavery was the "only way" for the new nation to thrive and, therefore, justifiable. It was, in fact, the only way White landowners could gain wealth from physical labor they were neither performing themselves nor compensating anyone for doing.

This quote also demonstrates the avoidance of assigning responsibility to enslavers by substituting historical figures with abstract concepts, which disregards intentional decisions made by individual agents. Authors often do this by blaming the perpetuation of slavery on an economic system that "became dependent on cheap labor." Some states, like Virginia, teach students that "the cultivation of tobacco" or "the Triangular Trade"[487] (a trade route that facilitated the Trans-Atlantic slave trade) resulted in the institutionalization of slavery. This not only makes it seem as though slavery arose naturally, as a side effect of a free-market economy whose main purpose was to support the establishment and expansion of a new country in a global economy, but it also gives the impression that slavery was inevitable and that there was no possible version of an economically prosperous early United States without it. Speaking about slavery in purely economic terms conveniently excludes any mention of race from the conversation when, in reality, enslaving millions of Black people was a racially motivated choice actively made by profit-seeking individuals. It also avoids individualizing the people who were enslaved or acknowledging the nature of slavery itself as an enterprise dependent upon using individual human beings as commodities.

Overall, state standards demonstrate a disappointing lack of acknowledgment of the racial aspects of slavery. For example, a high school curriculum framework in New York recognizes that students in 11th grade must analyze "the development of slavery as a racial institution," but not its explicit relationship to white supremacy, nor the social implications of having an economic system so intimately connected to race.[488] When white supremacy is not mentioned in lessons on slavery, educators allow students to overlook how racial narcissism works to justify oppression. This not only reinforces racist accounts of history that omit institutional violence carried out to maintain white supremacy, but it also prevents students from thinking critically about race relations as they exist today. One Texas teacher's hesitancy to teach the difficult reality of slavery illustrates exactly why such subjects are so important – she was not taught the accurate story herself. She explains, "I dislike making this history come alive for my black students. I feel helpless to explain why its repercussions are still with us today."[489]

Without educators explicitly acknowledging that the lived experiences of Black people in the United States have not been relieved of systemic oppression or individual discrimination, students are left to assume that race relations in the US have organically improved in the

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[486] Ibid.
[487] Ibid, 35.
[488] Ibid, 33.
[489] Ibid, 13.

centuries between "slavery times" and now. But just because time has passed does not mean progress has been made. Ignoring the enduring legacy of slavery and white supremacy does nothing to lessen discrimination or remove institutionally racist barriers. History must be known in order for the current moment to be understood and for meaningful progress to be made.

<p style="text-align:center">The Reconstruction Era in US History Classrooms</p>

A student's historical understanding of the Civil War is utterly incomplete without an understanding of the Reconstruction era, a period of social, economic, and political revolution that directly followed the Civil War. Unfortunately, many students "will not get a full education on Reconstruction until they get to college."[490] After the war ended Black activists set out to reconstruct the US political system to more accurately reflect the national interests implied by the Union's victory: equality, democracy, and freedom. The Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution (ratified between 1865 and 1870, often called the Reconstruction Amendments) abolished slavery, established birthright citizenship, and granted Black men the right to vote, respectively.[491] Unfortunately, these amendments were more reactionary and less proactive than they are often given credit for. While the Constitution now *allowed* for the *possibility* of racial equality, the Reconstruction amendments did not guarantee meaningful Black participation in US institutions.

Black people were now legally able to organize among themselves in an attempt to fulfill their dreams of freedom. Allowed to run for office, multiple Black men quickly ascended to positions of political power.[492] Congress established the Freedman's Bureau to provide food and medical care to formerly enslaved people, reunite loved ones separated during slavery, and redistribute land seized during the war. Additionally, the Bureau advocated for widely accessible, state-funded public education.[493] Many historians, including Eric Foner, refer to the Reconstruction era as "the nation's second founding."[494] During this time, Black people cultivated a flowering of Black culture through creative pursuits such as art, music, dance, and literature. Ultimately, "newly emancipated African Americans who sought to win a semblance of autonomy and self-determination guided the course of Reconstruction and pushed to expand the frontiers of civil and political equality."[495]

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[490] Olivia B. Waxman. "Schools Are Failing to Teach Reconstruction, Report Says." Time. Time, January 12, 2022. https://time.com/6128421/teaching-reconstruction-study/.

[491] "The Reconstruction Amendments: Thirteenth Amendment, 1865, Fourteenth Amendment, 1868, and Fifteenth Amendment, 1870." Bill of Rights Institute. Accessed March 14, 2023. https://billofrightsinstitute.org/activities/the-reconstruction-amendments-thirteenth-amendment-1865-fourteenth-amendment-1868-and-fifteenth-amendment-1870.

[492] Currier & Ives. The first colored senator and representatives - in the 41st and 42nd Congress of the United States. United States, 1872. New York: Published by Currier & Ives. Photograph. https://www.loc.gov/item/98501907/.

[493] "The Freedmen's Bureau." National Archives and Records Administration. Accessed March 14, 2023. https://www.archives.gov/research/african-americans/freedmens-bureau.

[494] Eric Foner. *Reconstruction: America's Unfinished Revolution: 1863-1877*. New York: HarperCollins Publishers, 1988.

[495] Ana Rosado, Gideon Cohn-Postar, and Mimi Eisen. "Erasing the Black Freedom Struggle." Zinn Education Project, 2022. https://www.teachreconstructionreport.org/.

However, this prosperity relied on both federal and local enforcement of the Reconstruction amendments. Unfortunately, soon after their enactment, "the Supreme Court interpreted the amendments extremely narrowly and Congress retreated from its commitment to using them to protect Black people and democracy itself from white supremacist terrorism."[496] Thus, federal officials, unwilling or unable to enforce necessary protections, effectively denied Black people the rights and resources required for tangible mobility and authentic independence. Faced with Black political and economic advances, a White-led counterrevolution succeeded in suppressing the Black vote and reinstituting the racial hierarchy that emancipation had unsettled. White supremacists ultimately "took back political power using violence, coercion, and fraud."[497] Politicians and vigilantes alike worked to overturn the promises of Reconstruction and end the United States' first multiracial democracy.

Historians understand Reconstruction as a time of radical social and political progress that was halted and rolled back by White supremacist violence. Learning about the Reconstruction era is essential to understanding life in the US after the Civil War, as well as the social forces at play in the lead-up to the civil rights movement of the twentieth century. Additionally, the legacies of Reconstruction have assumed newfound significance since 2020 "in the ongoing battles over the nature of US democracy, police brutality, and the deadly COVID-19 pandemic."[498]

This was true, in particular, when supporters of former President Trump attacked the United States capital on January 6, 2021, in an attempt to overturn the verified results of the 2020 presidential election. Many leading historians draw parallels between the 2021 insurrection and the political vigilantism of the Reconstruction era, specifically the 1898 coup in Wilmington, North Carolina, during which White rebels violently overthrew the officially elected, biracial local government.[499]

In 2022 Ana Rosado, Gideon Cohn-Postar, and Mimi Eisen, members of the Zinn Education Project (based on the approach to studying history highlighted in Howard Zinn's *A People's History of the United States*), published a report analyzing the treatment of Reconstruction in state social studies education standards. The authors describe the report as a comprehensive effort "to understand Reconstruction's place in state social studies standards across the United States, examine the nature and extent of the barriers to teaching effective Reconstruction history, and make focused recommendations for improvement."[500] To do this, the researchers assessed "the state standards that govern the teaching of Reconstruction in every state and Washington, D.C."[501] and found that, "Most people living in the United States know shockingly little about the policies, people, conflicts, and ideas that shaped Reconstruction and its aftermath."[502]

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[496] Ibid.
[497] Ibid.
[498] Ibid.
[499] Audie Cornish, Vann Newkirk, and Keeanga-Yamahtta Taylor. "Race and the Capitol Riot: An American Story We've Heard Before." NPR. NPR, January 8, 2021. https://www.npr.org/transcripts/953286955.
[500] Ibid.
[501] Ibid.
[502] Ibid.

Rosado, Cohn-Postar, and Eisen "analyzed state standards, district-level social studies curricula, course requirements, frameworks, and support for teachers in each state from 2019 to 2021" and "surveyed elementary, middle, and high school teachers across the country and followed up with individual teachers and education professionals to learn more about how they approach the topic."[503] They concluded, "Our findings…indicate that schools are failing to teach a sufficiently complex and comprehensive history of Reconstruction…. Based on our analysis… incorrect and often racist approaches to teaching Reconstruction still define the standards and curricula of many states."[504] The authors' concerns about Reconstruction education echo those encountered about education regarding the history of slavery.

The report asserts that school district standards about Reconstruction "rarely name or contend with white supremacy or white terror."[505] This is concerning, because understanding the prevalence and political power of white supremacy is critical for students to see how "Reconstruction did not passively fail, as so many state standards assert, but was actively destroyed."[506] Standards also "do not address the enduring legacies of Reconstruction or make connections to the present day,"[507] despite the many ways in which the political and social dynamics of these eras mirror each other. Additionally, the authors of the report found that "State standards for teaching Reconstruction are frequently so vague and broad that, as one Oregon middle school teacher explained, 'an educator could skip Reconstruction and still technically 'meet' the [social studies] standards.'"[508] This explains why, according to an Illinois middle school teacher, "Reconstruction is generally the most skipped and summarized" unit in their curriculum.[509]

This is troubling because, as Rosado, Conn-Postal, and Eisen assert, "Knowledge of Reconstruction is critical for comprehending both the broad sweep of US history and the political debates and social realities that still divide us."[510] Teaching Reconstruction not only fills in the gap of history between the Civil War and the civil rights movement but also demonstrates to students that enshrining rights in the Constitution does not guarantee their enforcement. On the contrary, individuals carry out public policy, and are, therefore, capable of denying another individual their rights as a citizen. Furthermore, as was the case during Reconstruction, those who infringe on others' rights may never experience negative legal or social repercussions for doing so.

The result is a society in which the protection of such rights remains elusive. This accurate, if disillusioning, understanding of how political policies are carried out is crucial to understanding the Reconstruction era and the disputes that followed. Ongoing debates over whose votes should count, the extent of government intervention, and the role of law enforcement have roots in the slavery and Reconstruction eras. Studying these periods of US history enriches the context with which students enter political conversations today.

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[503] Ibid.

[504] Ibid.

[505] Ibid.

[506] Ibid.

[507] Ibid.

[508] Ibid.

[509] Ibid.

[510] Ibid.

In addition to examining how students learn about the history of racial oppression through the eras of slavery and Reconstruction, we must also consider how they learn about the history of racial justice-related activism. By the 1950s, Black Americans' frustrations with Jim Crow laws (which segregated public facilities, disenfranchised the Black voting-age population, and forbade interracial marriage, among many other restrictions) reached a boiling point. Thus, the civil rights movement, which demanded racial integration and equal protection under the law, gained momentum.

It is crucial to note that there was a large portion of Black Americans who believed the civil rights movement did not go far enough. Inspired by the principles of racial pride, autonomy, and self-determination expressed by Malcolm X, as well as liberation movements in Africa, Asia, and Latin America, the Black Power movement argued that Black Americans should seek out economic, social, and political power on their own terms, rather than attempt to be integrated into White-dominated society.[511] As opposed to legal representation, the Black Power movement was primarily concerned with the material conditions of Black communities. Supporters of the Black Power movement considered the stoicism of civil rights protests to be ineffective and too gradual. Meanwhile, supporters of the civil rights movement considered the strident separatism of the Black Power movement to be counterproductive.

The two groups' essential point of divergence was how to involve White society in the quest for racial equality as a partner, working with White leaders within White-dominated institutions, or rather as an obstacle to be overcome in the quest for Black self-determination. It is important to note that the language of "violent" and "non-violent" is often used to describe the ethics of the Black Power and Civil Rights movements, respectively.

The authors of this text believe that a more accurate comparison is the "strident" approach of the Black Power movement, which refused to contort Black suffering into something palatable to White people, versus the "stoic" approach of the Civil Rights movement, which gave more consideration to potential White reactions to Black resistance. Advocates of Black Power, for the most part, refused to adopt violence as a strategy and kept their focus on the development of economic and political power.

The Black Panther Party, a prominent Black Power organization, worked to promote a Ten Point Program, a socialist revolution plan. This would benefit Black people not only by organizing armed neighborhood patrols (to provide self-defense if necessary), but also by creating social programs aimed directly at benefiting Black communities such as free medical clinics, education services, and legal aid. The Panthers' Free Breakfast for School Children program proved so beneficial to students that it put pressure on political leaders to create some sort of nationwide program to feed children breakfast before school.[512] In 1975, just years after the Black Panther Party was dismantled,[513] the USDA (United States Department of

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[511] Sarah Pruitt. "How the Black Power Movement Influenced the Civil Rights Movement." history.com. History, February 20, 2020. https://www.history.com/news/black-power-movement-civil-rights.

[512] Erin Blakemore. "How the Black Panthers' Breakfast Program Both Inspired and Threatened the Government." history.com. History, February 6, 2018. https://www.history.com/news/free-school-breakfast-black-panther-party.

[513] Garrett Albert Duncan. "Legacy." Encyclopædia Britannica. Encyclopædia Britannica, inc., January 12, 2000. https://www.britannica.com/topic/Black-Panther-Party/Legacy.

Agriculture) authorized the School Breakfast Program, a federally funded meal assistance program that helped feed 14.57 million students in 2016 alone.[514]

However, during the civil rights movement, the US government considered the Black Panthers a threat to national security, and the Panthers quickly became a primary target of law enforcement agencies. Police officers and FBI agents went door to door, warning parents of the dangers of allowing their children to interact with the Panthers, effectively destroying participation in their social programs. The organization's buildings were constantly subjected to aggressive police raids, and its leaders were constantly at risk of physical attacks. By the 1980s, the Black Panther Party had ceased operations.

Due to its more radical and more militant approach to confronting racial injustice, the Black Power movement is not discussed in classrooms as much as the civil rights movement. This is unfortunate since comparing the two groups is an opportunity to show students that activist movements are rarely monoliths and that there have been many different camps within the fight for racial justice that had common goals but differed in ways to achieve them. However, because classroom teaching about the civil rights movement is far more common than teaching about the Black Power movement, this chapter deals primarily with civil rights education in US history classrooms.

In 2011, SPLC researchers conducted a comprehensive review of state education standards to analyze the coverage accorded to the civil rights movement. The report "provides a national report card on the state of civil rights education in the country."[515] Researchers evaluated states' approaches to studying the movement based on their required coverage of essential content as well as their incorporation of the civil rights movement into a larger instructional approach.[516] The findings revealed that "The average score across all states and the District of Columbia was 19%, for an average grade of F."[517] Sixteen states do not require any instruction about the movement, and coverage is minimal in another 19 states. Overall, "no comprehensive content standards exist for teaching about the movement."[518]

The lack of attention given to curricula that include the history of civil rights activism is evident in students' scant understanding of the movement. The SPLC found that only 2% of high school seniors surveyed in 2010 could answer a simple question about the US Supreme Court's landmark *Brown v. Board of Education* decision.[519] In the same way that information about slavery is integral to understanding the legacy of institutionalized racist oppression and

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[514] "SBP Fact Sheet." Food and Nutrition Service U.S. Department of Agriculture. USDA, November 20, 2017. https://www.fns.usda.gov/sbp/sbp-fact-sheet.

[515] Kate Shuster, "Teaching the Movement: The State of Civil Rights Education in the United States," *Southern Poverty Law Center,* (2011), 1.

[516] The report states, "We divided this content into six categories: *events*, *leaders*, *groups*, causes (*history*), *obstacles* and *tactics*. Content contributed to 85% of a state's overall score…The remaining 15% was allotted to how the state contextualized the movement. Here, we looked at whether instruction spanned several *grade* levels, whether teachers were required to connect the movement to *other social movements* and to *current events*, and whether it was included in *civics* standards" (Shuster 2011, 15).

[517] Kate Shuster, "Teaching the Movement: The State of Civil Rights Education in the United States," 19.

[518] Ibid, 10.

[519] Ibid, 6.

white supremacy, information about the civil rights movement is integral to understanding the history of activism and agency within oppressed communities.

Three common errors that emerged throughout this evaluation of state standards reveal the areas in which civil rights education can and must be improved: 1) the movement is often treated as regional to the South, 2) the narrative maintains a tight focus on a handful of heroic figures, and 3) events are depoliticized for the sake of reconciliation.

The movement is treated as regional.

The civil rights movement is often treated as "a topic of interest mainly for black students."[520] General trends show that "the farther away from the South–and the smaller the African-American population–the less attention is paid to the civil rights movement."[521] This is likely due to the misconception that the movement was only active in southern states. Of course, the civil rights movement spread across the country because the oppression that fueled protests, as well as the impact of resulting legislation, reached far beyond the South.

The movement is reduced to a handful of heroic figures.

Common historical narratives give students the impression that a few charismatic leaders, particularly Rosa Parks and Dr. Martin Luther King, Jr., were primarily responsible for civil rights gains.[522] Focusing on a few historical figures is not uncommon in history lessons. Individuals can serve as useful touchstones throughout complicated narratives, providing structure to history lessons. However, it becomes problematic when individuals are *taken out of context*, and then used as historical touchstones. Rather than teaching the reality that Rosa Parks was "a trained participant in a well-organized social movement," she is often portrayed as "a lone woman who was simply tired and did not want to give up her seat on a bus."[523] This oversimplification of Parks' seemingly voluntary heroic act has become a legendary story of the racial justice movement that obscures the impact of collective organization and individual sacrifices made by hundreds of thousands of supporters[524] as well as the diversity of thought and approaches within the struggle for the rights of Black people in the United States.

Additionally, students will likely encounter King's "I Have a Dream Speech," but may not be taught the violent and racist context of his assassination. "The King- and Parks-centered narratives limit what we teach students about the range of possible political action."[525] Students deserve to learn that individuals, motivated by discrimination and oppression, can act collectively and move powerful institutions to change. The current state of civil rights education indicates a nationwide, missed opportunity to engage students in conversations about the multifaceted nature of activism.

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[520] Ibid, 7.

[521] Ibid.

[522] Ibid, 11.

[523] Ibid.

[524] According to the U.S. National Archives, over 250,000 people attended the March on Washington in 1963.

[525] Kate Shuster, "Teaching the Movement: The State of Civil Rights Education in the United States," 11.

The movement is depoliticized for the sake of reconciliation.

When state standards reduce the movement to a few key figures, they also dilute those figures' political and ideological identities, thereby depoliticizing their legacies (that is, removing them from the sphere of political activity). Similar to the tendency of state standards to enforce a sanitized version of the history of slavery, popular narratives of the civil rights movement are often depoliticized, even though equitable political representation was the main goal of the movement.

An example of this can be seen in the presentation of the legacy of King: "King's image has been depoliticized, turning him in the eyes of the public from a radical anti-poverty activist into a charismatic integrationist."[526] This strategic difference in the characterization of King as *pro*-integration rather than *anti*-discrimination indicates a reluctance to acknowledge the reality of the violence suffered by victims of racism.

While King's legacy is based largely on his famous "I Have A Dream" speech, "the seldom-quoted King is the one who said that the true battle for equality, the actualization of justice, required economic repair."[527] At a speech in Georgia in 1967, King said, "It didn't cost the nation a penny to guarantee the right to vote. Now we are in a period where it will cost the nation billions of dollars to get rid of poverty, to get rid of slums, to make quality integrated education a reality."[528] It is more comfortable to admire someone for striving towards progress than it is to reckon with the evil they are fighting against or the implications of the justice they are demanding. In the same way that state standards teach about slavery without mentioning enslavers, they also teach about widespread resistance to oppression without mentioning oppressors.[529]

How did this happen? The United Daughters of the Confederacy

After the South lost the Civil War, Southern leaders believed that textbooks produced in the northern US told a false history and "indoctrinated southern children in a nationalism born out of a Union victory, which relegated their region to a place of dishonor in the national narrative."[530] While Southern families passed down tales of noble Confederate leaders to their children, historic texts that came out of the former Union appeared to characterize those same leaders as treasonous and exploitative. To address their dismay at this dissonance, female descendants of Confederate soldiers joined together and organized a group called the United Daughters of the Confederacy (UDC).

Founded in Nashville, Tennessee, in 1894, the UDC is the South's "oldest heritage and patriotic organization."[531] Concerned that children would be taught the factual and unflattering

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[526] Ibid.

[527] Nikole Hannah-Jones, "Justice," in *The 1619 Project: a new origin story,* created by Nikole Hannah-Jones and the New York Times Magazine (New York: One World, 2021), 469.

[528] Martin Luther King, Jr., "The Three Evils" (speech presented at the Hungry Club Forum, Atlanta, Ga., May 10, 1967), https://www.theatlantic.com/magazine/archive/2018/02/martin-luther-king-hungry-club-forum/552533/.

[529] Kate Shuster, "Teaching the Movement: The State of Civil Rights Education in the United States," 11.

[530] Jelani Cobb, "John Kelly's Bizarre Mythology of the Civil War."

[531] Caitlin McCarthy, "The 'Lessons' of the United Daughters of the Confederacy Still Have Influence Today in the Mid-South," Local Memphis, September 8, 2020. Accessed May 18, 2021,

history of racism in the South, the UDC began to promote a "Lost Cause" narrative in schools. The Lost Cause narrative aims to justify the secession of the Southern states and lament their defeat in the Civil War, as well as to deflect attention away from the role of slavery in initiating the war. The narrative asserts that Southern secession was motivated by political differences– that secession, not slavery, was the cause of the Civil War–and that secession was constitutionally sanctioned and, therefore, not an act of treason.

Furthermore, the Lost Cause narrative is founded on beliefs that slavery was a positive good and that enslaved people were happy and protected within the institution. And, that the Confederacy was defeated only because of the Northern states' numerical advantage in both human power and resources (hence, the war was a "lost cause" to begin with). And also, that Confederate soldiers, especially Confederate General Robert E. Lee, were heroic, noble, and even saintly.[532]

The organization not only aimed to convey the Lost Cause narrative to children through its activities but also wanted to ensure that it was solidified as foundational to elementary and secondary historical education. Thus, the group published their own texts as well as a "guide to acceptable historical writing" and strove to ensure that textbooks not meeting their standards were not read in Southern libraries and classrooms. The UDC, along with the United Confederate Veterans (UCV), formed "Historical Committees" whose primary concern was to "select and designate such proper and truthful history of the United States, to be used in both public and private schools of the South."[533] In 1919, the UDC published *A Measuring Rod to Test Textbooks, And Reference Books in Schools, Colleges and Libraries.* Written by Mildred Lewis Rutherford, the 26-page booklet acted as a framework and set of guidelines for textbooks. Texts would be tested against the booklet's standards to ascertain if it told a "truthful and balanced history;" otherwise it would be deemed "unjust to the South."[534]

Rutherford introduces the text by summing up the main historical revisions the booklet sought to disseminate, "Reject a book that calls the Confederate soldier a traitor or rebel…. Reject a book that says the South fought to hold her slaves…. Reject a book that speaks of the slaveholder of the South as cruel and unjust to his slaves."[535] The text goes on to list each "truth" that historical texts should include to be deemed "just to the South" and consequently, suitable to be read in libraries and classrooms. A few chapter titles read, "Secession Was not Rebellion," "The War Between the States Was Not Fought to Hold the Slaves," and, "Slaves Were Not Ill-Treated in the South. The North Was Largely Responsible for Their Presence in

https://www.localmemphis.com/article/news/local/the-lessons-of-the-united-daughters-of-the-confederacy-still-have-influence-today-in-the-mid-south/522-aa3185da-142b-48b2-b64e-f44fa70e5309.

[532] "History of the UDC," United Daughters of the Confederacy, accessed May 18, 2021, https://hqudc.org/history-of-the-united-daughters-of-the-confederacy/.

[533] James M. McPherson, "Long Legged Yankee Lies: The Southern Textbook Crusade," in *The Memory of the Civil War in American Culture,* edited by Alice Fahs and Joan Waugh. University of North Carolina Press, 2004, 67.

[534] "The Lost Cause: Definition and Origins," American Battlefield Trust, March 25, 2021, accessed May 18, 2021, https://www.battlefields.org/learn/articles/lost-cause-definition-and-origins.

[535] United Daughters of the Confederacy. *A Measuring Rod to Test Text Books, and Reference Books in Schools, Colleges and Libraries*. (Athens, GA: The United Confederate Veterans, 1920), 3.

the South,"[536] Each chapter quotes multiple "authorities" to support the claim, however, a closer look at these references shows that most claims are false or misrepresentative.

For example, in the chapter on why "The War Between the States was Not Fought to Hold the Slaves," one of the supporting reasons listed as evidence reads, "Unanswerable arguments will be found in the facts that a slaveholder, General U. S. Grant, was placed in command of the Union Army, and General Robert E. Lee who had freed his slaves put in command of the Confederate forces."[537] While it is true that Lee freed the 189 enslaved people which he inherited upon the death of his father-in-law, it was only because his father-in-law's will stipulated that all of the enslaved people that the family inherited must be granted freedom within five years. In fact, before that, Lee petitioned state courts multiple times to indefinitely postpone the legally binding emancipation but was denied.[538]

Additionally, the only historical evidence that Ulysses S. Grant was a slaveholder is a manumission document written by Grant himself, freeing a man named William Jones whom Grant had either bought or was given and held in enslavement for about a year. While it remains unclear how or why Grant enslaved Jones, it is worth noting that Grant did not sell Jones or work out a plan for him to purchase his freedom, he simply freed him.[539] Thus, while Confederate General Robert E. Lee technically did free some people he held in enslavement, and Union General Ulysses S. Grant was a slaveholder for a time, the detailed historical context surrounding these facts would not support the claim that the war between the Union and the Confederacy "was not fought to hold the slaves."

Books like these, which praised violent White supremacist groups and soldiers who fought to maintain slavery, replaced classroom texts that failed the "measuring rod test," and created a fabricated history of the United States that poured into classrooms in the twentieth century. Unfortunately, these false recollections of the Civil War and the South's history of racism were not limited to schools in Southern states. Revisionist accounts of the history of the United States spilled out of the South and eventually became the predominant national narrative.

In the 1890s, the majority of textbook authors and publishers were located in northern states. In the years leading up to 1900, approximately 90% of history textbooks came from the North.[540] Concerned that these texts would overwhelmingly represent a perspective that celebrated the Union's victory, the Chaplain General of the UCV reported that, if schoolbooks continued to "fasten upon the South the stigma of slavery and that we fought for it…the Southern soldier will go down in history dishonored." This war literature was "so erroneous," wrote the chaplain, "as to require on [our] part an immediate defense of [our] reputation."[541]

First, the historical committees of both the UDC and the UCV approached the authors and publishers of such texts attempting to engage in "friendly correspondence," asking them to

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[536] Ibid, 4.

[537] Ibid, 9.

[538] Sean Kane, "Myths & Misunderstandings: Lee as a Slaveholder," American Civil War Museum, October 4, 2017, accessed May 18, 2021. https://acwm.org/blog/myths-misunderstandings-lee-slaveholder/.

[539] Sean Kane, "Myths & Misunderstandings: Grant as a Slaveholder," American Civil War Museum, November 21, 2017, accessed May 18, 2021, https://acwm.org/blog/myths-misunderstandings-grant-slaveholder/.

[540] James M. McPherson, "Long Legged Yankee Lies: The Southern Textbook Crusade," 67.

[541] Ibid.

correct certain "errors" or supply certain "omissions." These attempts having proved inadequate, the UCV switched tactics and vowed to encourage the publication of "suitable school histories" by "building up Southern publishing houses," a strategy which saw considerable success.[542] Some Southern states appropriated state funds to subsidize the production of texts that told a "true and correct history of the confederacy," while others created textbook commissions to prescribe textbooks to all public schools within a state instead of leaving the decision up to each school district, as was customary in the North. The UCV and UDC formed committees dedicated to communicating with authorities of libraries and recommending "the elimination of any book inculcating false history."[543]

The UCV was a powerful lobby in Southern politics, and the UDC enjoyed great prestige in Southern communities.[544] Many elected officials, school board members, and educators were Confederate veterans or the children of veterans and were eager to defend their family's legacy. In many states, UDC leaders reported that education officials "discontinued" certain texts "with great pleasure" after being approached by the group. However, when their requests were not met with capitulation, they became aggressive. In South Carolina, members of the UCV history committee were responsible for introducing a bill to ban any "partial or partisan or unfair or untrue book" from every school in the state, and to punish anyone who assigned such a book with a $500 fine or one year's imprisonment.[545] The bill did not pass, but its proposal got the message across. While veterans' organizations in the former Union also formed committees to promote the North's analysis of the war, "the UCV and UDC committees were more determined, uncompromising, and persistent."[546]

The textbook industry was not only confronted with demands from UCV and UDC members but also from students themselves. In 1894, Southern newspapers applauded a group of elementary school students in Tennessee who burned their history textbooks because it "made the Yankees win all the battles."[547] This region-wide movement to accept only certain versions of history had visible and lasting effects. National publishers found themselves compelled to remove any text considered offensive to the South to avoid statewide or regional boycotts of their books.[548] It became clear that any historical account that suggested that slavery was exploitative rather than paternal, and that secession was treasonous rather than appropriate, would face exceptional difficulties being marketed, distributed, and read.

In one 2020 study called "The Mint Julep Consensus," researchers gathered textbooks produced in the late 19th and early 20th centuries and analyzed their respective impact on national historical narratives. "Mint julep" editions referred to books that were written and marketed for a distinctly Southern readership.[549] The term was first used by an editor at a publishing house during the Civil Rights Era to describe the edited version of a textbook that

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[542] Ibid, 69.

[543] Ibid, 70.

[544] Ibid, 69.

[545] Ibid, 69.

[546] Ibid, 68.

[547] Ibid, 71.

[548] Ibid, 70.

[549] Chara Haeussler Bohan and Lauren Yarnell Bradshaw, and Wade Hampton Morris Jr, "The mint julep consensus: An analysis of late 19th century Southern and Northern textbooks and their Impact on the history curriculum," *The Journal of Social Studies Research* 44, no. 1 (2020): 139.

omitted a story about Black and White children playing together. The publisher deemed this "all White" version a "mint julep edition," which differed from the "integrated" version sold in the North.[550] (Mint Julep is the name of a popular alcoholic drink associated with the South.)

While earlier Southern and Northern texts diverged on their treatment of divisive historical figures (such as abolitionist John Brown, Ku Klux Klan leader Nathan Bedford Forrest, and assassin John Wilkes Booth), researchers observed a convergence of opinion on these previously divisive figures by the early 1900s. Overall, the researchers claim that their analysis of these texts led them to a clear conclusion, "by the early 20th century, Northern textbooks had adopted mint julep Lost Cause narratives in an apparent attempt to appease Southern readers"[551] and Southerners succeeded in altering the cultural memory of the Civil War. As early as 1902, Professor William E. Dodd of Randolph-Macon College in Virginia lamented that Confederate veterans had imposed a "straightjacket of censorship" around the field of American History and that "no serious scholarship was possible."[552]

White Supremacy in World History Curricula

The dual trends of historical education failing to provide appropriate context and avoiding discussions of race and white supremacy reach beyond the realm of US history and can be found in lessons about world history as well. While a comprehensive review of world history standards has not been conducted since 2006, it is illustrative to analyze the popular frameworks used by world history teachers, such as the Big History Project (BHP). The BHP is an online curriculum described as "a joint effort between teachers, scholars, scientists, and their supporters to bring a multi-disciplinary approach to knowledge to lifelong learners around the world."[553] According to their website, "Big History examines our past, explains our present, and imagines our future."[554] Proponents claim the BHP, which covers 13.8 billion years, is a fresh and *universal* [emphasis added] world history curriculum to engage the next generation.[555]

Covering all periods from the Big Bang to the present, the multi-disciplinary Big History curriculum aims to synthesize knowledge from history, biology, chemistry, astronomy, and other disciplines into a unified narrative of life on Earth. Currently, over 1,500 schools in countries such as the United States, Australia, Canada, and Scotland[556] use the curriculum. In 2018 the International Baccalaureate (IB) organization, which produces a widely used academic curriculum and college-prep program, began collaborating with the BHP. As of February of 2023, there were 5,600 schools across 159 countries offering IB programs,[557] 1,385 of which are "Middle Years Programmes" designed for students ages 11-16, which use the BHP-inspired

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[550] Ibid, 140.

[551] Ibid.

[552] James M. McPherson, "Long Legged Yankee Lies: The Southern Textbook Crusade," 74.

[553] "Big History Project Home," Big History Project, accessed May 18, 2021, https://www.bighistoryproject.com/home.

[554] Ibid.

[555] Jenni Conrad, "The Big History Project and colonizing knowledges in world history curriculum," *Journal of Curriculum Studies* 51, no. 1 (2019): 1-20, 1.

[556] Ibid.

[557] "Facts and Figures." International Baccalaureate®, February 1, 2023. https://www.ibo.org/about-the-ib/facts-and-figures/#:~:text=Number%20of%20schools%20offering%20IB,5%2C600%20schools%20in%20159%20countries.

world history curriculum.[558] Furthermore, the program shapes other scholars' perceptions of world history and thus, the wider network of available historical education resources.[559]

In 2019, research scientist Jenni Conrad published a study of the BHP in the *Journal of Curriculum Studies*. Conrad found the program to be deeply Eurocentric, meaning it focuses on White and European perspectives more than any other race or ethnicity. While it is understandable for Western historians to be more concerned with affairs in their home countries, the extent to which a European perspective dominates on the global stage is problematic. Conrad explains:

> Eurocentrism is a cultural pattern of thinking emphasizing European experience and knowledge as superior and benevolent…which accepts and justifies the exclusion or minimization of non-European entities and knowledge as passive, inferior, ignorant and underdeveloped.[560]

At the heart of Eurocentrism is the conflation of European history with world history, Whiteness with humanity, and progress according to traditional Western standards with universal human development. A critique of Eurocentrist thinking and learning is essential to addressing existing global inequities.

By centering European societies and people, Eurocentric world history privileges Europeans and neo-Europeans (White Canadians, Australians, and US Americans) as historical protagonists who are rarely racialized,[561] similar to how distorted accounts of US history often avoid acknowledging the role of Whiteness and the ideology of white supremacy in the foundation of the country. Throughout the BHP, curriculum content (readings, videos, timelines, etc.) that focus on non-European peoples comprise only 33.72% of the total human history curriculum.[562] Overall, European perspectives are dominant in 76.97% of the curriculum, while non-European perspectives make up the remaining 23.03%.[563] By comparison, Conrad notes that in 2017, the United Nations Department of Economic and Social Affairs estimated that Europeans and North Americans together comprised only about 16% of the global population.[564]

In terms of representing African people in particular, Conrad observes the constant use of the term "late-developing" across multiple curriculum items and units to describe pre-colonial Africa.[565] For example, in the reading "A Curious Case: African Agrarianism" a passage reads,

> If we look more closely at recent human history, there seems to be some inequality in the levels of complexity and collective learning that permitted one human group to exploit another. These inequalities between human groups find

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[558] Daniel Sturdy, "We're a UK School Teaching the IB's MYP - Here's Why." Tes Magazine, August 27, 2020. https://www.tes.com/magazine/archive/were-uk-school-teaching-ibs-myp-heres-why.

[559] Ibid, 1-2.

[560] Ibid, 3.

[561] Ibid, 5.

[562] Ibid, 9.

[563] Ibid, 11.

[564] Ibid, 9.

[565] Ibid, 12.

their source in different starting points of the origin of agriculture and the beginning of agrarian civilizations.[566]

This language not only implies that African people lacked the natural intelligence necessary to develop agriculture as early as Europeans, but it also justifies colonization by assuming that Europeans could not help their natural dominance and inherent tendency to exploit resources of all types. A text regarding the Trans-Atlantic slave trade reads, "Slavery or some form of coerced labor was the *only possible* [emphasis added] option if European consumers were to gain access to more tropical produce and precious metals."[567] With this assertion, non-imperial trade and non-coerced labor vanish as historical possibilities, as well as historical realities, given that many societies supported themselves with alternative economic systems long before the Trans-Atlantic slave trade.

Furthermore, when the curriculum disproportionately represents Europeans, it often portrays them as natural history-makers who promote human progress with their actions. By using positive terms such as "explorers" and "adventurers" to describe colonizers and imperialists,[568] the project successfully avoids naming white supremacy as an ideology that motivated the exploitation of non-European people. This language of exploration is founded on the notion that all land is "empty" until Europeans "discover" and make use of it. This rhetoric strategically reinforces the perception that Europeans and their ancestors are superior land managers who deserve to possess all land rights and eclipses the vast presence, land management practices, and sovereignty of Indigenous peoples.[569] One reading called, "The Columbian Exchange," describes the voyages of Christopher Columbus as "great" twice, overshadowing the violent and genocidal consequences of that history. In fact, "no curriculum item surveyed named or described specific negative deeds by Columbus, his men, their monarchs, or successive 'adventurers.'"[570]

Eurocentrism in the BHP is not limited to lessons about the past. One reading ends with the passage, "Africa enjoyed the advantages of foraging for a long time. Its challenge today is to fully enter and enjoy the advantages of modernity.[571] This language portrays Africa as an entire continent of people who continually struggle against their innate primitive tendencies in the age of idealized "modernity."[572]

The issue of Eurocentrism in world history education has persisted for decades. The most recent comprehensive study of all 50 states' academic standards for world history education (that the writers of this text were able to locate) was conducted in 2006 by historian Walter Russell Mead.[573] While we contend that the available research that evaluates national world history standards needs to be updated, the 2006 report provides valuable insights into the

[566] David Baker, "A curious case: African Agrarianism," *Big history project*: *Unit 8,* 2017, accessed May 18, 2021, 3.

[567] Anita Ravi, "When humans became inhumane: The Atlantic slave trade. A historian's journal entry," *Big History Project: Unit 8*, accessed May 18, 2021, 2.

[568] Ibid, 13.

[569] Ibid, 4.

[570] Ibid, 13.

[571] David Baker, "A curious case: African Agrarianism," 4.

[572] Jenni Conrad, "The Big History Project," 12.

[573] Walter Russell Mead. "The State of State World History Standards," *Thomas B. Fordham Foundation & Institute*, (2006).

state of world history education in the early 2000s. Among the "Common Problems" identified by Mead in 2006, he found that many states' world history education standards succumbed to "Eurocentrism" and "lean[ed] toward a traditional focus on Western Europe and slight[ed] the rest of the planet."[574] In 2011, after assessing the five most popular world history textbooks in the US, historian Michael P. Marino concluded that "While world history as a secondary school subject has certainly evolved, it has not yet broken free from its earlier roots as a Western Civilization course."[575]

In 2020, historian and social scientist Tadashi Dozono reflected on his two decades working in New York City public schools, saying of the state's global history curriculum, "White supremacy functions as the underlying force shaping the rules…of the game, determining who/what is important in the history of the world, and the relations between those entities worthy of mention." He acknowledges how this approach means that "White students do not learn how to better understand nor contextualize global difference in its own right."[576] It also fails to engage non-white students who struggle to identify with the historical protagonists presented in the texts. In 2021, Dozono conducted interviews with world history students at "a New York City public school with approximately 99% non-white students."[577] Dozono concluded that "the very students that ought to benefit most from attempts at a more inclusive global curriculum often remain the least engaged by world history classes."[578]

By denying or omitting the presence of non-white people, Eurocentric world history education robs students of color of opportunities to contextualize their racial and cultural identities. Dozono asserts that, for his students of color who struggle to stay engaged in their world history courses,

> It's not that these students are disengaged and need engagement. It is rather that they are actively and purposefully engaged in this system which actively negates them…. We can create curricula that build on an awareness of subordination to make it liberatory…. This requires a model of historical work focused on disrupting, rather than merely reproducing, the status quo of historical knowledge.[579]

Domestic and world history curricula in the United States are riddled with distortions, omissions, and Eurocentrism. We must now consider miseducation outside of the history classroom.

Miseducation in ELA classes

English language arts (ELA) classes offer students a unique opportunity to think critically about race and racism. This is because the humanities, specifically literature, offer a continuation of the imaginative play that is essential throughout childhood, allowing a better understanding of

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[574] Ibid, 6.

[575] Michael P. Marino "High School World History Textbooks: An analysis of Content Focus and Chronological Approaches." *The History Teacher* 44, no. 3 (2011): 442.

[576] Tadashi Dozono, "The passive voice of white supremacy: Tracing epistemic and discursive violence in world history curriculum." *Review of Education, Pedagogy, and Cultural Studies* 42, no. 1 (2020): 1.

[577] Tadashi Dozono, "Negation of being and reason in the World History classroom: 'They used to think of me as a lesser being.'" *Race Ethnicity and Education* 24, no. 4 (2021): 544.

[578] Ibid, 542.

[579] Ibid, 556.

the "full humanness" of others.[580] Also, literature introduces students to critical thinking skills earlier than many other subjects due to the level of analysis required to achieve reading comprehension.[581] Thus, reading stories or novels are meaningful ways for all students to learn about the Black experience.

Texts selected for ELA classes are largely determined by the canon of literature, or "our collective idea of which books you need to know in order to have a high-quality, well-rounded education."[582] The list of texts considered essential to US education has historically been focused on the White experience. Primarily, the texts deemed most "teachable" by educators are canonical staples[583] such as *To Kill a Mockingbird* by Harper Lee, *Of Mice and Men* by John Steinbeck, and *The Great Gatsby* by F. Scott Fitzgerald. Even in recent years, with an increased understanding of the importance of multiculturalism, the top ten most-taught texts in ELA classes are by and about White people.[584] It is essential to revolutionize the ELA canon. Educator and curriculum developer Lyschel Shipp provides example texts that could contribute to an improved, revolutionized ELA experience, including Ta-Nehisi Coates' *Between the World and Me,* and Toni Morrison's *The Bluest Eye.*[585]

In addition to this reliance on the literary canon, the widespread use of the Common Core educational standards shows that ELA education is becoming increasingly standardized across the country. The Common Core State Standards Initiative was developed in 2009 to "ensure that all students graduate from high school with the skills and knowledge necessary to succeed in college, career, and life."[586] With standards for mathematics and ELA (as of this writing in 2022), 41 states, the District of Columbia, and four US territories are utilizing Common Core standards.[587] Because these standards are so widespread, there is the potential for the Common Core approach to become the predominant academic framework in ELA classes across the country.[588]

The standards include goals focused on "critical reading," broadening "worldview," and "private deliberation and responsible citizenship in a democratic republic," without providing clear definitions of these terms that educators can reference.[589] Later, the standards outline a few specific elements that are deemed characteristics of college and career readiness, including

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[580] Martha C. Nussbaum, *Not for Profit: Why Democracy Needs the Humanities - Updated Edition*, (Princeton: Princeton University Press, 2016), 107.

[581] Sofia Bain, *The Miseducation of White Students in English Language Arts Classes.* [Unpublished manuscript] (University Honors Program, Chapman University) May 22, 2021, 3.

[582] Kaelyn Barron, "The Literary Canon: What's in It, and Who Makes the List?" (TCK Publishing, October 1, 2021), https://www.tckpublishing.com/the-literary-canon/.

[583] Kierstin H. Thompson, "Beyond the Stacks: Why High School English Teachers Should Be Talking about Books," *The English Journal* 103, no. 6 (2014): #40-41, http://www.jstor.org/stable/24484378.

[584] P.L. Thomas, Christian Z. Goering, and Michelle Jewett, "Speaking Truth to Power: Whitesplaining the Canon," *The English Journal* 106, no. 5 (2017): #94, http://www.jstor.org/stable/26359502.

[585] Lyschel Shipp, "Revolutionizing the English Classroom through Consciousness, Justice, and Self-Awareness," The English Journal 106, no. 4 (2017): #37-38, http://www.jstor.org/stable/26359460.

[586] United States Common Core State Standards Initiative, *Common Core State Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects,* 2010, http://www.corestandards.org/wp-content/uploads/ELA_Standards1.pdf.

[587] Ibid.

[588] Sofia Bain, *The Miseducation of White Students in English Language Arts Classes*, 6-7.

[589] United States Common Core State Standards Initiative, *Common Core State Standards*.

that "[students] come to understand other perspectives and cultures"[590] but do not include any specific requirements of diversity among said "perspectives and cultures," or acknowledgment of the negative consequences of students not understanding marginalized perspectives and non-Western cultures. Similar to how US history curricula sacrifice essential context for the sake of depoliticizing the material, "the most problematic element of the Common Core standards seems to be vagueness in an attempt to maintain neutrality."[591]

In a note on the "range and content" of reading materials, the standards implore teachers to have their students read texts from "diverse cultures" and "different time periods."[592] This is the only mention of diversity of texts in the standards, and there are no additional, specific requirements or suggestions on the matter other than a suggested reading list, provided at the end of the section. Out of 40 listed text suggestions for grades K-5, only one text was written by a Black man, and none listed are by Black women.[593] While teachers are not required to follow this list, it commands significant influence by being the only specific examples the standards provide.

In the suggested text list for upper grades, there is slightly more diversity. Out of 38 suggested texts, four works are by Black women and three are by Black men.[594] This is an improvement from suggestions for the lower grades, but it does not contain enough material to educate White students comprehensively on complex Black issues. Additionally, most of the text suggestions provided through Common Core, both literary and informational, are historic, written in the eighteenth, nineteenth, or twentieth centuries, with extremely limited examples from the early twenty-first century. The most recently published suggested text was released in 2003.[595] While historical literature is undeniably useful, students must also read stories and novels from the twenty-first century to make sense of their day-to-day lives.

Another cause for concern about miseducation in ELA classes is the inherent difficulty of the conversations that need to be had. Similar to how history teachers avoid "hard history," discussions of race are often deemed too "controversial" to have in English classrooms. The perception of race and racism as a source of controversy comes from White narcissism and a distorted ideology of color-blindness. White people, atop the hegemonic hierarchy, are often uncomfortable discussing how that hegemony came to be since investigating it could destabilize their position at the top.[596]

A prime example of this reluctance to engage with hard history is when teachers assign a text that contains the "n-word," but they avoid addressing the history of the word. Educator and researcher Michelle Jewett observed multiple instances of high school English classes reading texts like *To Kill a Mockingbird* and *Of Mice and Men,* both of which contain dozens of instances of White characters referring to Black characters using the n-word. Some teachers give disclaimers about the use of the word, implying that it can be harmful but not explaining why. Others wait for students to express discomfort with the word when reading aloud in class, to which teachers usually respond something along the lines of, "That's fine, just skip over

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[590] Ibid.

[591] Sofia Bain, *The Miseducation of White Students in English Language Arts Classes*, 9.

[592] United States Common Core State Standards Initiative, *Common Core State Standards*.

[593] Ibid.

[594] Ibid.

[595] Ibid.

[596] Sofia Bain, *The Miseducation of White Students in English Language Arts Classes,* 14.

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it."[597] This response can inform the way students approach racial issues. The "just skip over it" mentality teaches students that discomfort should be avoided, rather than investigated. Reading a text that uses the n-word is a prime opportunity to teach students about the power that language has to inflict harm and exert social control over people. Jewett explains, "we can no longer afford to believe that canonical reading lists are harmless and do not influence how all students value, or fail to value, non-white lives."[598]

To combat the "just skip over it" approach, the writers of this text will now offer an in-depth discussion of why we are using the term "n-word," as opposed to spelling out the word in its entirety. Journalist Gene Demby describes the term as a "uniquely radioactive"[599] word, meaning it can be considered one of the most controversial utterances in the English language, in no small part to the history of its use. In the era of slavery, the n-word went from a descriptor originating from the Latin word for black, to "a word of abuse."[600] It was often used by White people to describe Black people in contexts where the dehumanization, humiliation, and degradation of blackness was the intended goal. White supremacists have embraced the word and used it intending to intensify racial violence. However, it is also common in pop culture. Black rappers use it in their lyrics to identify specifically with the Black community, and Black comedians get plenty of mileage out of interrogating the absurd distinctiveness of the word, as well as mocking White people when they say it.

This dynamic demonstrates the complexity underlying the n-word. According to Black linguist Randall Kennedy, it can serve as both a "rhetorical weapon of terror" and "a rhetorical device for community formation."[601] Thus, using the word always involves concerns of context and consequences. Kennedy states, "If you use this word, you have to be aware that you are putting a tremendous burden on yourself. And one of those burdens is the burden of miscommunication."[602]

Kennedy then uses the example of a White teenager who uses the word affectionately with his Black friends. His friends may be okay with this, perhaps they've even given their White friend explicit permission to use the n-word. However, if that White teenager used the word outside the context of his familiar group of friends, there would likely be negative consequences. By being White and using a word associated with white supremacy and racial violence, the teenager has taken on the burden of miscommunication. Perhaps he is not a white supremacist, and his Black friends are confident that when he uses the n-word he is not doing so to dehumanize them or degrade their blackness. However, other people of color who do not know him as well may feel hurt, offended, or attacked by his use of it. They may pass judgment on his character or even slap him across the face. Either way, when used out of context, the word has negative consequences.

In terms of context, the editors of this book could claim that since this is an academic text and we are merely analyzing the word as a rhetorical device, we can spell it out if we please. When referencing the word, our intention is not to dehumanize anyone or degrade any

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[597] P.L. Thomas, Christian Z. Goering, and Michelle Jewett, "Speaking Truth to Power: Whitesplaining the Canon."
[598] Ibid.
[599] Gene Demby and Karen Grigsby Bates, hosts. "Wherefore Art Thou, n-Word?" Code Switch (podcast). March 23, 2022. https://www.npr.org/transcripts/1087843455.
[600] Ibid.
[601] Ibid.
[602] Ibid.

race. Rather, our intention is to investigate how people respond to such a word in academic settings, and how that may impact their understanding of race relations. However, we are also aware that since this is an academic text, it may be read aloud in classrooms. Thus, a potential consequence of us spelling out the word is students of color feeling uncomfortable or offended when hearing it come out of White peers' mouths.

While we believe that discomfort can and must be embraced and investigated, especially in educational settings, we have chosen to prioritize our concerns about the potential psychological harm Black people may experience when hearing the word spoken by a White person with whom they are not familiar. Additionally, by spelling it out in this text, we must acknowledge our role in potentially "allowing" White students to use the utterance without genuine consideration of its historical and cultural context.

Kennedy describes the n-word as "a singular slur," saying, "There are lots of slurs. There's lots of derogatory terms in the American language. There are all sorts of racial and ethnic put-downs. But this one really has distinguished itself.… One thing that this shows us is the peculiar virulence of anti-Black racism."[603] The unending controversy over this specific word is indicative of the depth of the violence inherent in white supremacy.

Texts that use the n-word should not be avoided, since many have been influential on the art of literature and US society, and it is unethical for teachers to avoid aspects of canonical texts that threaten their psychological comfort. Doing so not only limits the impact of language arts education but also stunts students' critical thinking skills and disregards the lived experiences of marginalized and oppressed communities. While these lessons may likely be met with discomfort, defensiveness, or even anger, it is the responsibility of ELA teachers to initiate and guide these conversations which have been silenced for too long.

Given educators' obligation to impart knowledge to students, if teachers feel personally anxious about addressing racial issues to the degree that they cannot discuss this with students, perhaps they are not cut out to be educators. If their hesitancy stems from a lack of expertise, this can be addressed in the training and education teachers receive. However, if a teacher's anxiety stems from an unwillingness to approach the difficult truths of our hard history, such an individual is counterproductive to the ultimate goals of education.

White hegemony has produced a literary canon that neglects the Black experience, and conversations about the complexities of racial dynamics may be deemed too "controversial" to have in the classroom. When teachers model the "just skip over it" mentality, they reinforce the idea that discomfort in schools should be avoided. This compromises a student's ability to take full advantage of a text, which is unfair to both the author and the reader. Not only will the social complexities embedded in the work be overlooked, but students' personal interpretations of the words will go undiscovered. Language arts classes are prime opportunities to foster imaginative empathy for "the other," but this potential is stifled by the current educational approach.

The problem of miseducating students in ELA classes runs deeper than insufficient reading lists. Miseducation is an institutional problem demanding institutional solutions, and language arts is a creative field demanding creative solutions.[604] Thus, we must work to

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[603] Ibid.

[604] Sofia Bain, *The Miseducation of White Students in English Language Arts Classes*, 17.

revolutionize the canon, create education standards that privilege critical thinking, and encourage students to continually investigate their interpretations of, and reactions to, literature. Creative engagement with an intersectional literary canon can encourage students to explore the complexities of their identities and expand the bounds of their empathy.

<div align="center">Solutions</div>

The extent of miseducation in the US is dismal indeed, but encouraging resources are available. For teachers who are willing to integrate antiracist approaches into their history curricula, there is a plethora of resources to help them. The SPLC reports referenced earlier were part of a larger program called "Learning for Justice." Founded in 1991 (originally named "Teaching Tolerance"), the program is dedicated to "reducing prejudice, improving intergroup relations and supporting equitable school experiences for our nation's children"[605] and "working in partnership with communities to dismantle white supremacy, strengthen intersectional movements and advance the human rights of all people."[606] Learning for Justice provides free resources to educators (teachers, administrators, counselors, and other practitioners) who work with children from kindergarten through high school to supplement curricula, inform teaching practices, and create inclusive school communities.

The centering of Black voices to emphasize the enduring legacy of racism and how it still impacts everyday experiences is modeled in *The 1619 Project* from *The New York Times*. Named after the year when the first ship carrying enslaved African people arrived in North America, the project started in 2019 with a special issue of *The New York Times Magazine* and has since developed into a full text. The book features essays by a variety of writers on different aspects of contemporary US life, from mass incarceration to rush-hour traffic, that have roots in slavery. It also includes literary works such as poetry and fiction by Black writers, bringing to life key moments in the past 400 years of US history. The project also partnered with the Smithsonian's National Museum of African American History to curate art and artifacts to tell a visual history of slavery.[607] In 2023, the creators also produced a six-part docuseries based on the project which is available to watch on streaming platforms.

Alternative resources for world history education include the "World History for Us All" program, developed by the University of California, Los Angeles (UCLA), Department of History as part of its Public History Initiative. The program is still under development, but current, available content can be found online through UCLA.

There is also a wealth of available resources and effective strategies for educators to create anti-racist ELA classes, in addition to diversifying the literary canon. Many teachers are already working to analyze racial issues in their ELA classes despite the limitations of education standards and the canon. One popular method is the use of music, particularly rap and hip-hop music. One Black teacher in an urban community used a hip-hop song to segue into research on social justice issues brought up in the song while integrating many Common Core

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[605] "Teaching the Movement: The State of Civil Rights Education in the United States," 2.

[606] "About Learning for Justice." Learning for Justice, Southern Poverty Law Center, accessed May 20, 2021, https://www.learningforjustice.org/about.

[607] Jake Silverstein, "Why We Published The 1619 Project," *New York Times*, December 20, 2019, accessed May 20, 2021, https://www.nytimes.com/interactive/2019/12/20/magazine/1619-intro.html.

standards into the lesson.[608] Another teacher used children's books on social justice as a text for his tenth-grade ELA class, allowing students to analyze existing materials and write their own work to explore complex institutional issues in digestible ways.[609] These are just some examples of creative solutions that teachers have successfully implemented to educate students on issues of injustice, allowing them to connect their learning inside the classroom with their experiences outside the classroom.

<div align="center">Critical Race Theory</div>

The authors of this text consider it vital to include in our discussion of historical miseducation the contemporary public discourse surrounding Critical Race Theory (CRT). Recent partisan debates over the appropriateness of discussing race relations in schools eerily resemble those between the North and South after the Civil War. In particular, reactionary anger at how some recent educational materials assess racial issues is evocative of the United Daughters of the Confederacy's frustration with how educational materials represented Southern interests regarding slavery.

Since 2018, the term "critical race theory" has fueled heated debates over educational curricula. Amidst the arguments, many US residents were exposed to inaccurate information about CRT thanks to a disinformation campaign specifically designed to ban it from elementary and secondary schools.[610] In actuality, CRT is a university-level academic framework that emerged in the mid-1970s from the literature of several legal scholars.

Their work acknowledged that stark racial disparities have persisted in the United States despite decades of civil rights reforms, raising structural questions about how racist hierarchies are enforced, even by people with good intentions.[611] It is a higher-education, university-level framework encompassing decades of scholarship maintaining that historical patterns of racism are ingrained in major modern institutions (the law, the economy, the education system, the medical system) and that the legacies of legalized slavery, segregation, and disenfranchisement create an uneven playing field for Black people and other people of color today.[612]

Like many other sociological frameworks, CRT has faced various academic counterarguments over the years. However, the debates surrounding CRT turned fiercer after the murder of George Floyd in 2020. With racial justice at the forefront of political conversations, President Donald Trump issued a memorandum to federal agencies that warned against teaching CRT, labeling it as "divisive," followed by an executive order barring any training that suggested the United States was fundamentally racist.[613] Signed on September 20, 2020, Executive Order 13950 defines "divisive concepts" as those that state that (among other

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[608] Alison G. Dover, "Teaching for Social Justice and the Common Core: Justice-Oriented Curriculum for Language Arts and Literacy," Journal of Adolescent & Adult Literacy 59, no. 5 (2016): #522, http://www.jstor.org/stable/44011307.

[609] Ibid.

[610] Hani Morgan, "Resisting the movement to ban critical race theory from schools." *The Clearing House: A Journal of Educational Strategies, Issues and Ideas* 95, no. 1 (2022): 35.

[611] Jacey Fortin, "Critical Race Theory: A Brief History." *The New York Times*, July 27, 2021.

[612] Trip Gabriel and Dana Goldstein. "Disputing Racism's Reach, Republicans Rattle American Schools." *The New York Times,* June 1, 2021.

[613] Fortin, "Critical Race Theory: A Brief History."

potential criteria), "consciously or unconsciously, and by virtue of his or her race or sex, members of any race are inherently racist or are inherently inclined to oppress others."[614]

While Trump's intention with this executive order was to authoritatively condemn the supposed "divisive" effects of CRT, his language indicates a fundamental misunderstanding of the concept. CRT analyzes institutional racism, which does *not* rely on the idea that *individuals* are inherently racist. Rather, it relies on the idea that institutions were designed by the dominant classes to benefit some groups by excluding others and that our society was then structured around these fundamentally exclusionary institutions.

After Trump's memorandum, media coverage of CRT skyrocketed.[615] Consequently, public figures who had minimal knowledge of the subject inaccurately claimed that a range of practices fell under the category of CRT, including mentioning racial discrimination in history lessons or attending workplace diversity training.[616] In April 2022 the Florida State Department of Education rejected the use of 42 *math* textbooks in public schools, claiming they mentioned "prohibited topics," in particular, "critical race theory."[617]

Amid the deeply polarized political climate of 2020, CRT became a lightning rod for regressive leaders' criticisms of progressive politicians and administrators, turning schools into political battlegrounds. Reactionary politicians and activists claimed the theory was invading elementary school classrooms, regardless of the fact that "education leaders, including the National School Boards Association, say that CRT is not being taught in K-12 schools" since it is a university-level sociological framework.[618] In response, some White parents developed fears that their children were being indoctrinated to support a theory that blames all White people for being oppressors and suggests that all Black people are hopeless victims.

In reality, CRT, which is only taught at the university level, suggests that all residents, both Black and White, perpetuate systems of oppression unknowingly, and have the power to change them. Unfortunately, misconceptions of CRT prevailed, and educational institutions faced intense scrutiny. Multiple school administrators and teachers resigned after receiving harassment and death threats following accusations of "indoctrination."[619] Although the Biden administration rescinded Trump's executive order in 2021, some Republican-controlled state legislatures continued to implement similar bans, targeting public schools.[620]

Reactionary leaders often used the language of "division," "distress," and "disgrace" to justify bans and restrictions on CRT. In May 2021 educators in Oklahoma criticized the signing of a bill "that prevents teachers from providing any instruction that would make students feel anguish in relation to their race or sex," which undermined previous efforts that called for public recognition of the 1921 Tulsa Race Massacre.[621] In June 2021 Florida Gov. Ron

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[614] Michael Oder, "State Board of Education Rejects Proposal to Remove 'Heroic' Language from Alamo History." KBTX-3.

[615] Cydney Hargis and Alex Walker. "Fox News' Critical Race Theory Obsession." *Media Matters for America,* May 7, 2021.

[616] Fortin, "Critical Race Theory: A Brief History."

[617] Dana Goldstein, "Florida Rejects Math Textbooks, Citing 'Prohibited Topics.'" *The New York Times*, April 18, 2022.

[618] Fortin, "Critical Race Theory: A Brief History."

[619] Morgan, "Resisting the movement," 36.

[620] Fortin, "Critical Race Theory: A Brief History."

[621] Morgan, "Resisting the movement," 37.

DeSantis convinced the state's Board of Education to ban CRT by claiming that it would "denigrate the Founding Fathers."[622]

These deliberate distortions (of both the concept of CRT and US history) have tragic consequences for the nation. Professor of Education Hani Morgan writes, "Attempts at restricting the national conversation about structural discrimination prevent the pursuit of an equitable democracy.… Many students are eager to understand the racial inequalities that contributed to the death of George Floyd and the protests that occurred afterwards. To prevent them from discussing such topics worsens their education."[623] Furthermore, in June 2021 the American Historical Association (AHA) recognized the danger of such restrictions in their "Joint Statement on Legislative Efforts to Restrict Education about Racism in American History," in which they stated "firm opposition" to legislation in at least 20 states that would limit the discussion of "divisive concepts." The AHA claimed their opposition was founded on their beliefs that "suppressing discussions of topics that may make students feel uncomfortable deprives them of chances to come up with solutions to social injustice," and that "educators, not politicians, need to decide what is taught."[624]

In their 2021 article, "Disputing Racism's Reach, Republicans Rattle American Schools," journalists Trip Gabriel and Dana Goldstein wrote, "from school boards to the halls of Congress, Republicans are mounting an energetic campaign aiming to dictate how historical and modern racism in America are taught."[625] Efforts to ban CRT have now joined the Lost Cause narrative as another example of the dominant class sculpting historical education by imposing rules and restrictions, banning entire concepts, and requiring specific language in the hopes of dictating national conversations about race to produce a certain kind of patriotism, thereby reinforcing existing social structures. In her 2021 opinion piece, "Why Books Have Become a Battlefield in Texas," journalist Karen Attiah reflects, "And so, another cycle turns. For as long as the GOP [Republican Party] tries to stop new generations from learning from America's past, we will be doomed to repeat the darkest elements of it."[626]

In 1920, Mildred Rutherford, promulgator of the Lost Cause narrative, followed the publication of "The Measuring Rod" with a 114-page book titled "Truths of History," in which she expanded the list of perceived wrongs levied upon the South by the North, and specifically identified textbooks by name that were deemed unacceptable by the UDC. In "Twisted Sources: How Confederate propaganda ended up in the South's schoolbooks," journalist Greg Huffman writes, "It was a blacklist, and it had an immediate effect as state divisions launched campaigns to ban books."[627] In October 2021 Texas state representative Matt Krause (R-Fort Worth), chairman of the House General Investigating Committee, sent school districts a list of more than 850 books and asked that they report how many copies were in their classrooms or libraries, as

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[622] John Haltiwanger and Jake Lahut. "Critical Race Theory Is a Lucrative Obsession for Republicans Because the Party Is 'Offended by the Political Focus on Racism and Racial Justice'." Business Insider, June 12, 2021.

[623] Morgan, "Resisting the movement," 39.

[624] "Joint Statement on Legislative Efforts to Restrict Education about Racism in American History (June 2021)." The American Historical Association, June 16, 2021.

[625] Gabriel and Goldstein, "Disputing Racism's Reach."

[626] Karen Attiah, "Opinion | Why Books Have Become a Battlefield in Texas." The Washington Post, November 2, 2021.

[627] Greg Huffman, "Twisted Sources: How Confederate propaganda ended up in the South's schoolbooks," Facing South, April 10, 2019. https://www.facingsouth.org/2019/04/twisted-sources-how-confederate-propaganda-ended-souths-schoolbooks.

well as the amount of money spent on them, with the intention of first accounting for, and then removing, these texts from schools.[628] The list had an almost exclusive focus on race and racism, sex and sexuality, and LGBT issues.

Attiah was also correct in concluding that these historical repetitions demonstrate that constructive learning opportunities have been squandered. In 1935, W.E.B. Du Bois asked, "How for a moment can anyone…doubt that Negro slavery was the cause of the Civil War? What do we gain by evading this clear fact, and talking in vague ways about "Union" and "State Rights" and differences in civilization as the cause of that catastrophe?"[629] He would be disappointed to know that 75 years later, in 2010 only 8% of high school seniors surveyed by the SPLC could identify slavery as the central cause of the Civil War.[630] Acute miseducation has produced profound misunderstandings.

The decision to engage in discussions of race relations in a classroom setting has become burdened with risks to one's livelihood, professional reputation, and personal safety. Educational institutions serve many functions, both economic and social. Schools employ teachers, administrators, and staff and prepare students for the workforce. But they are also valuable sites of socialization where children learn how to behave, consider other people, and think about their place in society. The "success" of a school depends on the perceived "success" of its students. Those with the authority to determine what is deemed successful often sit atop the social hierarchy, and, consequently, consider the social structures that placed them there as good, correct, and ideal.

Thus, a teacher's economic security is often connected to their ability to orientate students following established social structures. Those in power exploit the interdependent relationship between the economic and social impacts of education to manipulate social forces in a way that leaves their privileged position undisturbed. Their persistence travels through a complex network of intersecting social structures until teachers must choose to either confront institutional racism in their teachings and risk dealing with the detrimental consequences or to remain quiet on the topic of race relations to the detriment of their students. The panic regarding exposing elementary- and secondary-school children to the "indoctrinating" topic of CRT demonstrates how the institution of education is inextricably tied to racial domination.

Conclusion

It is the responsibility of educational institutions to teach students a truthful history of the United States and the world so they can form a relationship with their nationality based on accurate information. Basing education on presumed, prescribed values only reinforces those same values without providing the opportunity for students to think critically, creatively, and empathetically about what it means to live in a civil society. We must confront the obstacles to honesty that have been perpetuated by racist institutions and policies. We must resist the urge to avoid uncomfortable conversations at the expense of providing necessary context.

Historical literacy is a necessary element of meaningful social and cultural progress, so we must give students the opportunity to recognize the fundamental role of race, specifically

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[628] Attiah, "Opinion | Why Books Have Become a Battlefield in Texas."

[629] W. E. B. Du Bois, "Textbooks and Reconstruction." *The textbook as discourse: sociocultural dimensions of American schoolbooks* (2011), 79.

[630] Shuster, "Teaching Hard History, 9.

white supremacy, throughout history. Students also need to understand the powerful agency that exists within oppressed communities, so that they can contextualize the current moment for themselves. We owe it to ourselves to stop the cycle of miseducation founded on maintaining White hegemony. We owe it to our past, we owe it to our present, and we owe it to our future.

Additional Resources

Podcast

Throughline Podcast with hosts Rund Abdelfatah & Ramtin Arablouei.

This history podcast aims to contextualize current events by exploring the historical events that contributed to them. Its episodes have outlined the history of modern political debates, civil rights issues, and domestic and international policy. Some recommended episodes: The Great Textbook War (March 21, 2024); Affirmative Action (June 15, 2023); Throughline Presents: School Colors (July 7, 2022).

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Chapter 5: Disenfranchisement and Voter Suppression

"This nation's white founders set up a decidedly undemocratic Constitution that excluded Black people and did not provide the vote or equality for most Americans. The laws born out of Black resistance guarantee the franchise for all and ban discrimination based not just on race, but on gender, nationality, religion, and ability.… The truth is that as much democracy as this nation has today, it has been borne on the back of Black resistance and visions for equality."

Nikole-Hannah Jones, "Democracy," in *The 1619 Project: A New Origin Story,* created by Nikole-Hannah Jones and the New York Times Magazine (New York: One World, 2021), 33.

Chapter 5: Disenfranchisement and Voter Suppression

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The cornerstone of democracy is free and fair elections. Because of this, the right to vote is the most fundamental democratic privilege a citizen possesses. Since Barack Obama was elected the nation's first Black president in 2008, a resurgent white supremacist movement has made it their mission to disenfranchise minority voters under the veil of safeguarding elections. This effort is not new in United States (US) history. Despite its self-image as a bastion of democracy, the US's political history has been one of exclusion.

Nearly 250 years after its founding on self-governing and representative ideals, racist practices continue to undermine those most basic functions of democracy. At the time of the ratification of the Constitution of the United States, only "wealthy white male landowners" were granted suffrage.[632] This same demographic has consistently fought to maintain its monopoly on political power by limiting certain groups' ability to vote and by strategically manipulating the electoral apparatus itself.

Both major political parties in the US have a history of using institutional tools to weigh elections in their favor. Political leaders have redrawn election district maps, initiated burdensome voter identification (ID) laws, defunded, and delegitimized the vote-by-mail system, restricted access to ballot drop boxes, and brought lawsuits to court to challenge votes cast for other political parties. These tactics reached a pinnacle of dishonesty in the 2020 presidential election, where a faction of the electorate vocally defended President Donald Trump's "Big Lie," that the 2020 election was "stolen" from him by massive electoral and voter fraud after Joseph Biden won the presidency with 306 electoral votes and Trump lost after receiving only 232 (Biden also won the popular vote by approximately 7 million votes[633]).

The Big Lie is the newest phase of what has been named the "War on Voting," an ongoing, observable cycle of conflict between those who fight for every citizen's right to vote and those who believe that only certain citizens' votes are valid. The Big Lie shines a contemporary light on what has always been true in the nation—if the intended result of the US voting system is fair representative self-governance, it was defective from the start.

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[631] Nikole-Hannah Jones, "Democracy," in *The 1619 Project: A New Origin Story,* created by Nikole-Hannah Jones and the New York Times Magazine (New York: One World, 2021), 33.

[632] Amy McKeever. "Voter Suppression Has Haunted America since It Was Founded." History. National Geographic, May 3, 2021. https://www.nationalgeographic.com/history/article/voter-suppression-haunted-united-states-since-founded.

[633] "Presidential Election Results: Biden Wins." The New York Times. The New York Times, November 3, 2020. https://www.nytimes.com/interactive/2020/11/03/us/elections/results-president.html.

A Brief History of Political Representation in the United States

The Era of Slavery

The history of citizenship eligibility in the United States is fraught with ambiguity and contradictions. Citizenship for White people was assumed since White European colonists were the ones penning the foundational documents. Beyond that assumption, however, the Declaration of Independence, Articles of Confederation, and Constitution all fail to define US citizenship.[634] This left it up to each state to decide who qualified for suffrage. Most did not require voters to be citizens, just property-owning or tax-paying residents.[635] In fact, "in many States and territories in the 19th century, white-skinned immigrants didn't even need to become citizens to be granted the prized right of citizenship, the vote."[636] However, after the War of 1812 produced intense nationalism and suspicion of foreigners, many states implemented citizenship requirements for suffrage.[637] However, once Black suffrage became a true possibility, White leaders imposed strict barriers to citizenship and, thus, the voting booth. US citizenship became explicitly racialized with the Supreme Court's 1857 Dred Scott decision.

In 1846 Dred Scott filed a lawsuit against his enslaver. After being transported from Missouri (a slave state) to Illinois (a free state), then back to Missouri, Scott sued for his freedom. Since 1824, Missouri had a state law that a person held in wrongful servitude could sue for their freedom. The Missouri State Court had also ruled in the past that, by being taken to a territory or state where slavery was not sanctioned, an enslaved person could become free.[638] In 1846 Scott claimed he had a right to freedom, citing his time spent in a free state as being in concordance with the Missouri State Court's previous pattern of rulings that supported the idea of "once free, always free." In 1852 the Missouri Supreme Court denied Scott his freedom, overturning the "once free, always free" precedent.

Scott took the case to the US Supreme Court, and in 1857, the Court ruled that Scott did not have a right to freedom, arguing that, as the property of his enslaver, Scott's manumission would infringe on his enslaver's property rights.[639] The Court went further and declared that Scott did not even have the right to sue in federal court because he was not an actual citizen of Missouri. Democratic participation was restricted to US citizens. The "Negro race," the court ruled, was "a separate class of persons," one the founders had "not regarded as a portion of the people or citizens of the Government" and who, therefore, possessed "no rights which the white

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[634] Martha S. Jones, "Citizenship," In *The 1619 Project: A New Origin Story,* 222-223.

[635] Brower, Mac. "What Does the Constitution Say About the Right to Vote?" Democracy Docket, February 3, 2022. https://www.democracydocket.com/analysis/what-does-the-constitution-say-about-the-right-to-vote/.

[636] Heather McGhee. *The Sum of Us*, 142.

[637] Alan Kennedy-Shaffer, "Voters in a Foreign Land: Alien Suffrage and Citizenship in the United States, 1704-1926" (2009). *Dissertations, Theses, and Masters Projects*. Paper 1539626580. https://dx.doi.org/doi:10.21220/s2-115t-9130.

[638] Missouri State Archives. "Missouri's Dred Scott Case, 1846-1857." Missouri Digital Heritage. Accessed March 16, 2023. https://www.sos.mo.gov/archives/resources/africanamerican/scott/scott.asp#:~:text=Because%20of%20Missouri's%20long%2Dstanding,broken%2C%20they%20did%20not%20reattach.

[639] Matthew Desmond, "Capitalism," in *The 1619 Project: A New Origin Story,* created by Nikole Hannah-Jones and the New York Times Magazine (New York: One World, 2021), 172.

man was bound to respect."[640] With that decision, the nation's highest court conceived a permanent class of non-citizens.[641] Unable to identify with their African heritage and denied the rights of US citizens, Black people were left with no nationality to claim. Not foreigners, immigrants, or expatriates, Black people were—officially—citizens of nowhere.

However, the ruling was not unanimous. In his written dissent, Justice John McLean defended the notion that all persons born in the United States were citizens by birth. "In the [Court's] argument, it was said that a colored citizen would not be an agreeable member of society," Justice McLean reflected. "This is more a matter of taste than of law."[642]

Journalist Jamelle Bouie, contributor to *The 1619 Project: A New Origin Story*, asserts, "Ever since our founding, an exclusive, hierarchical, and racist view of political legitimacy has been a persistent strain in our politics."[643] After declaring independence from Britain in 1776, European colonizers in the United States were desperate to succeed as a sovereign nation. Post-revolution, leaders of the former colonies faced the task of creating a strong central government that could unite the group of disparate states. To do so, they had to reach an agreement on the nation's constitution. At the Constitutional Convention in Philadelphia in 1787, John Rutledge of South Carolina stated plainly, "if the Constitution thinks that North Carolina, South Carolina, and Georgia will ever agree to the plan [for a Constitution] unless their right to import slaves [from Africa] be untouched, the expectation is in vain."[644]

Ultimately, the founders' desire to reach a political compromise prevailed over any interest they had in using the founding document of the United States to end slavery. Article One of the Constitution, which enumerates the powers of Congress and the specific areas in which it may legislate,[645] ensured that Congress would not prohibit the international slave trade for twenty more years. In 1808, the "Act Prohibiting the Importation of Slaves" would take effect, ending the official, international Atlantic slave trade, but encouraging the expansion of a domestic slave trade in the US.[646]

To settle the debate over how much political representation states should receive on account of their enslaved population (who had no legal right to vote) delegates agreed on the Three-Fifths Clause. Section Two of Article One declared that any person who was enslaved would count as three-fifths of a free individual when determining a state's congressional

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[640] United States Supreme Court, Roger Brooke Taney, John H Van Evrie, and Samuel A Cartwright. *The Dred Scott decision: opinion of Chief Justice Taney*. New York: Van Evrie, Horton & Co., 1860, 1860. Pdf. https://www.loc.gov/item/17001543/.

[641] "Dred Scott, Plaintiff in Error, v. John F. A. Sandford." Legal Information Institute. Cornell Law School. Accessed February 14, 2023. https://www.law.cornell.edu/supremecourt/text/60/393.

[642] Ibid.

[643] Jamelle Bouie, "Politics," in *The 1619 Project: A New Origin Story,* created by Nikole Hannah-Jones and the New York Times Magazine (New York: One World, 2021), 198.

[644] "Records of the Federal Convention." Article 1, Section 9, Clause 1. The University of Chicago. Accessed February 16, 2023. https://press-pubs.uchicago.edu/founders/documents/a1_9_1s3.html.

[645] "The Legislative Branch." The White House. The United States Government. Accessed March 15, 2023. https://www.Whitehouse.gov/about-the-White-house/our-government/the-legislative-branch/#:~:text=Article%20I%20of%20the%20Constitution%20enumerates%20the%20powers%20of%20Congress,the%20government%20under%20the%20Constitution.

[646] "The Slave Trade." National Archives and Records Administration. Accessed February 14, 2023. https://www.archives.gov/education/lessons/slave-trade.html#:~:text=Article%201%2C%20Section%209%20of,1808.%5D%22%20was%20passed.

representation and its number of electors in the Electoral College.[647] Thus, slaveholding states gained outsized political power due to their disenfranchised enslaved population, but voters in these states had no intentions of voting in the interest of enslaved people or acting on their behalf. The Three-Fifths Clause was instrumental in the passage of the Indian Removal Act of 1830 which allowed the US government to forcibly move Native American communities within existing state borders (primarily Georgia, Tennessee, Alabama, Mississippi, and North Carolina) westward, a forced migration known as the "Trail of Tears."[648] Once Southerners occupied the "newly-vacant" land, it became "some of the most profitable cotton producing land in the world."[649] Thus, Southern states used the outsized political power they possessed due to their enslaved population to expand the institution of slavery.

For the extent to which the Constitution addresses slavery (out of eighty-four clauses, eleven deal directly with, or hold implications for, the enslaved and their enslavement[650]), the document failed to define exactly what constitutes US citizenship. It appears that the Founding Fathers prioritized national independence from Britain over efforts to ensure that the Constitution was comprehensive, representative, and sustainable. Instead, it granted the South disproportionate influence so that Southern states would join the Union without concern over their enslavement practices being threatened by Northern states. Today, this action might be assumed to prioritize the unity of the states over the morality of slavery.

The delegates' ambivalence towards slavery when writing the Constitution is indicative of the way earlier US political leaders generally regarded the institution. For example, while championed for promoting liberation and equality, the Emancipation Proclamation also served political interests. Amid the Civil War in 1862, President Abraham Lincoln issued a proclamation to emancipate all enslaved people in the Confederate states, partly as a stratagem to deprive the Confederacy of the majority of its labor force,[651] and it should be understood that Black citizenship in the US was not the goal of emancipation. White leaders could not envision a country where the group of people they had once enslaved would live freely and equally among them.

Lincoln's original plan was to follow the Emancipation Proclamation with a process of emigration, or "colonization," calling on freed people to voluntarily leave the US altogether, return to their country of birth, and/or resettle elsewhere.[652] On August 14, 1862, Lincoln invited a group of five, highly esteemed free Black men to the White House, all of whom were members of Washington D.C.'s well-organized and well-educated Black elite. John F. Cook was an Oberlin College-educated teacher who ran a Presbyterian school. Benjamin McCoy

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[647] "Pop Civ 3: Three-Fifths 'Compromise.'" The John Marshall Center for Constitutional History & Civics. Accessed February 16, 2023. https://johnmarshallcenter.org/pop-civ-3-three-fifths-compromise/#:~:text=%E2%80%9CThree%2Dfifths%20of%20the%20number,to%20the%20House%20of%20Representatives.%E2%80%9D.

[648] "Indian Removal Act: Primary Documents in American History." The Library of Congress , March 16, 2022. https://www.loc.gov/rr/program/bib/ourdocs/indian.html#:~:text=The%20Indian%20Removal%20Act%20was,many%20resisted%20the%20relocation%20policy.

[649] Michael McLean. "The 3/5ths Clause and Indian Removal." We're History, November 24, 2015. https://werehistory.org/indian-removal/.

[650] Nikole Hannah-Jones, "Democracy," in *The 1619 Project: A New Origin Story,* 19.

[651] Ibid, 22.

[652] Ibid, 23.

founded an all-black Methodist church and organized and ran his own private school. Edward M. Thomas was a well-known intellectual and cultural leader in the Black community, active in one of several of the city's Black debating societies. John T. Costin, along with Cook and Thomas, were leaders among Black Freemasons. Cornelius C. Clark, also along with Cook and Thomas, were members of the Social, Civil, and Statistical Association (SCSA), a Black city-based, mutual-aid organization led by some of the best-educated and wealthiest Black men in Washington D.C.[653]

President Lincoln, along with his newly appointed commissioner of emigration James Mitchell, informed his guests that "Congress had appropriated funds–some $600,000–to ship Black people, once freed, to another country."[654] They asked the five Black delegates to promote the idea of colonization in their political circles. The delegates refused, and the final version of the Emancipation Proclamation included no mention of colonization.

Once the proclamation was issued, most free Black people's ambitions were far from leaving the US. Rather, the newly emancipated people were eager to become educated,[655] own property and generate wealth,[656] and create families[657] on their own terms in the country they called home. In 1863, newly able to enlist, "an astounding 78 percent of free Black military-age men living in free states would serve the Union army,"[658] demonstrating their devotion to the Union and their belief in the promise of racial equality and US prosperity. Over the next twenty years, only slightly more than 4,000 Black people would move from the US to Liberia, the West African colony established by the American Colonization Society in 1822 as an alternative settlement outside the US for emancipated African Americans.[659]

The Reconstruction Era

Following the end of the Civil War in 1865, the Thirteenth, Fourteenth, and Fifteenth Amendments to the US Constitution were intended to abolish the institution of Black slavery. The Thirteenth Amendment prohibited slavery "except as a punishment for crime whereof the party shall have been duly convicted," and the Fourteenth granted citizenship to all persons born or naturalized in the US and guaranteed them "equal protection of the laws." The Fifteenth Amendment was intended to grant suffrage to newly emancipated Black men by protecting the right to vote on account of "race, color, or previous servitude" from infringements from the US

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[653] Kate Masur. "The African American Delegation to Abraham Lincoln: A Reappraisal." *Civil War History* 56, no. 2 (2010): 117-144. doi:10.1353/cwh.0.0149.

[654] Nikole Hannah-Jones, "Democracy," in *The 1619 Project: A New Origin Story,* 23.

[655] Ibid, 29.

[656] Ibram X. Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America*. New York, NY: Bold Type Books, 2017.

[657] Angela Davis. *Blues Legacies and Black Feminism*. New York, NY: Vintage Books, 1999, 10.

[658] Nikole Hannah-Jones, "Democracy," in *The 1619 Project: A New Origin Story,* 24.

[659] Martha S. Jones, "Citizenship," in *The 1619 Project: A New Origin Story,* created by Nikole Hannah-Jones and the New York Times Magazine (New York: One World, 2021), 226.

or any individual state.[660] Women were not granted the right to vote until the passage of the Nineteenth Amendment in 1920.[661]

For a brief time following the last of these amendments in 1870, there was hope of equitable suffrage for Black Americans. Ninety percent of Black men became registered voters, and this new bloc quickly outnumbered White voters in the South.[662] The Mississippi State Legislature elected the first two Black senators in the US, Hiram Rhodes Revels and Blanche Bruce, in 1870 and 1874, respectively.[663] However, the next Black American US Senator from the South would not be elected until 138 years later, in 2013. Throughout the early 1870s, Black men participated in politics and worked with White allies to write the most egalitarian state constitutions the South had ever seen. For a fleeting moment, it seemed as if the nation embraced the idea that the end of slavery, along with repairing the destruction caused by the Civil War, could be used as an opportunity to reconstruct a truly multi-racial, democratic society.[664]

After the Civil War, federal armed forces were stationed in states across the former Confederacy to dissuade potential uprisings and protect free Black Americans from White violence. This state-sponsored safeguard against racial discrimination proved to be short-lived because of a dramatic turn of events centering on disagreement about a presidential election outcome. In 1876 Samuel J. Tilden was the first Democrat to win the popular vote for US President following the Civil War. However, because of electoral disputes in Oregon, Louisiana, Florida, and South Carolina, Republicans refuted the election and claimed victory for their candidate, Rutherford B. Hayes. Tilden needed only one electoral vote from any of these contentious states to win the Electoral College. To solve the political gridlock that lasted months, the "Compromise of 1877" was an informal, unwritten bargain between Republicans and Democrats to give Hayes the presidency in exchange for the withdrawal of federal troops in the South.[665] With this deal, the era of Reconstruction ended and would be replaced with a patchwork of "Jim Crow" laws across the South.[666]

The Jim Crow Era

Immediately following the removal of federal troops, states across the South and West mobilized to secure a White monopoly over political power. Despite the Fifteenth Amendment granting Black men the constitutional right to vote, White Americans used a variety of tactics to

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[660] "15th Amendment to the U.S. Constitution: Voting Rights (1870)." National Archives and Records Administration. Accessed February 14, 2023. https://www.archives.gov/milestone-documents/15th-amendment#:~:text=Passed%20by%20Congress%20February%2026,men%20the%20right%20to%20vote.

[661] "U.S. Constitution - Nineteenth Amendment." congress.gov. The Library of Congress. Accessed February 18, 2023. https://constitution.congress.gov/constitution/amendment-19/.

[662] Boylan, Savannah. "Voter Suppression in the Southeast." *For Democracy*, October 28, 2020. https://doi.org/https://static1.squarespace.com/static/5f4400a38f22bb18b4e7a8a7/t/5f99cb862d55110978370df8/1603914630823/Voter+Suppression+in+the+Southeast+Report+for+Online+Publication.pdf.

[663] Ibid.

[664] Nikole Hannah-Jones, "Democracy," in *The 1619 Project: A New Origin Story,* 29.

[665] "The Compromise of 1877, a Story." African American Registry, December 2, 2022. https://aaregistry.org/story/the-compromise-of-1877-a-short-story/.

[666] "Apr. 24, 1877: President Hayes Withdraws Federal Troops from South, Ending Reconstruction." calendar.eji.org. The Equal Justice Initiative . Accessed February 15, 2023. https://calendar.eji.org/racial-injustice/apr/24.

create multiple obstacles between Black men and the voting booth. These ranged from *ad hoc* decentralized strategies such as intimidating and harassing Black voters at the polls, to institutionalized forms of disenfranchisement such as poll taxes and literacy tests, along with "grandfather clauses" which exempted (White) citizens who were enfranchised before 1866, along with their lineal descendants, from poll taxes and intelligence tests.[667]

In 1876, former Confederate General Martin W. Gary laid out a plan for the repressive campaign in the upcoming election, saying, "Every Democrat must feel honor bound to control the vote of at least one Negro, by intimidation, purchase, keeping him away or as each individual may determine, how he may best accomplish it."[668] Strategies devised to squelch Black votes were quite successful.

During Reconstruction, the percentage of Black voting-age men registered to vote in Mississippi was over 90%. By 1892, it had dropped to 6%.[669] Poll taxes usually ranged from $1-$2 [670] ($2 in 1890 being equivalent to over $66 in 2023.[671]) Throughout the 1920s and 1930s, New York required that new voters provide either proof of education or pass an intelligence test designed by the State Department of Education.[672] In North Carolina, literacy tests (some with unreasonable requirements such as "name all the signers of the Declaration of Independence"[673]) were upheld as constitutional by the state's Supreme Court as recently as 1959 in the unanimous *Lassiter v. Northampton County Board of Elections* decision. By suppressing the Black vote, White reactionaries kept a stranglehold on Southern politics for nearly a century.

The Civil Rights Era

The bulk of Jim Crow-era voting laws were revoked following the passage of the Voting Rights Act of 1965.[674] Removal of earlier prejudicial legislation was made possible by years of organizing, protesting, and lobbying led by Black activists of the Civil Rights Era. As well as outlawing literacy tests and poll taxes, the Voting Rights Act created mechanisms for federal enforcement and protection of voting rights.[675] Section Five of the Voting Rights Act required

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[667] "Grandfather Clause." Legal Information Institute. Cornell Law School, February 2022. https://www.law.cornell.edu/wex/grandfather_clause.

[668] "Martin W. Gary's Plan for the Conservative Campaign of 1876 After Slavery: Educator Resources · Lowcountry Digital History Initiative." Lowcountry Digital History Initiative. Accessed February 15, 2023. http://ldhi.library.cofc.edu/exhibits/show/after_slavery_educator/unit_nine_documents/document_11.

[669] "Bria 12 2 B Race and Voting in the Segregated South." Constitutional Rights Foundation. Accessed February 17, 2023. https://www.crf-usa.org/bill-of-rights-in-action/bria-12-2-b-race-and-voting-in-the-segregated-south.

[670] Heather McGhee. *The Sum of Us: What Racism Costs Everyone and How We Can Prosper Together*. New York, NY: Random House Publishing Group, 2021, 144.

[671] "Inflation Rate between 1890-2023: Inflation Calculator." $2 in 1890 → 2023 | Inflation Calculator. Accessed April 3, 2023. https://www.in2013dollars.com/us/inflation/1890?amount=2#:~:text=Value%20of%20%242%20from%201890,cumulative%20price%20increase%20of%203%2C205.93%25.

[672] Alexander Keyssar. *The Right to Vote*, 182.

[673] Heather McGhee. *The Sum of Us*, 158.

[674] "Jim Crow Laws: Definition, Facts & Timeline." History.com, February 28, 2018. https://www.history.com/topics/early-20th-century-us/jim-crow-laws.

[675] Vann R. Newkirk. "How a Pivotal Voting Rights Act Case Broke America." The Atlantic. Atlantic Media Company, April 26, 2021. https://www.theatlantic.com/politics/archive/2018/07/how-shelby-county-broke-america/564707/.

that certain states obtain prior federal approval, or "preclearance," of any change to their electoral laws or procedures, generally by demonstrating to a federal court that the change would not deny anyone "the right to vote on account of race or color."[676] Preclearance requirements enforced a national, congressionally mandated standard across all states exposing disenfranchising practices and ensuring that Black and other minority voters had access to cast votes. States were obliged to submit all laws that might restrict voting rights for federal review to determine if the law was explicitly or implicitly discriminatory.[677]

Author Heather McGhee writes, "It's hard to overstate the difference that the Voting Rights Act made in the country's journey toward true democracy. The year before its passage, less than 10% of eligible African Americans in Mississippi were registered; five years later that figure was almost 60%."[678] However, the optimism that preclearance requirements would sustain access for all voters did not last. As overtly racist practices were banned, those who had supported such practices shifted tactics to protect white supremacy through the veil of plausible deniability.

The Civil Rights Era was central in the realignment of US political parties thereafter. Democratic support for civil rights legislation led to a rapid decline of Democratic support from Southern states,[679] while the Republican party solidified its image as a bastion of White, male, political power. Retrogressive politicians returned to gerrymandering (the manipulation of electoral districts within a state to make a certain outcome more likely) to dilute Black voting power[680] and declared a so-called "War on Drugs" to imprison Black people at unprecedented rates–a cruel but effective stratagem, since most ex-felons are denied the right to vote.[681] Thus, White political power maneuvers evolved craftily, adapting and refining voter suppression tactics, many of which are still used in some regions.

Contemporary Voter Suppression

Much of the progress made during the Civil Rights Era was undone with the Supreme Court's 2013 decision in *Shelby County v. Holder.* This decision struck down the federal preclearance requirement for states instituting restrictive voting laws.[682] The court reasoned that the preclearance provision of the Voting Rights Act had become outdated and onerous for compliance. Supreme Court Chief Justice John Roberts' position was that progress made during the years since the Voting Rights Act's passage was sufficient, and that preclearance was no

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[676] Duignan, Brian. "Voting Rights." *Encyclopedia Britannica*, October 4, 2022. https://www.britannica.com/topic/voting-rights.

[677] Vann R. Newkirk. "How a Pivotal Voting Rights Act Case Broke America."

[678] Heather McGhee. *The Sum of Us*, 158.

[679] Amy McKeever. "Voter Suppression Has Haunted America since It Was Founded."

[680] Rik Haast. "Jim Crow Era: Continuities and Similarities in Recent Voter Suppression Acts." Radboud Educational Repository. Radboud University, July 4, 2017. https://theses.ubn.ru.nl/items/f2d2504c-c7f8-46d0-95c1-8ba80d9fec4c.

[681] Graham Boyd. "The Drug War Is the New Jim Crow." American Civil Liberties Union. NACLA Report on the Americas, August 2001. https://www.aclu.org/other/drug-war-new-jim-crow.

[682] Ellen Katz. "Justice Ginsburg's Umbrella." *University of Michigan Press*, U of Michigan Public Law Research Paper No. 389 (2014), Available at SSRN: https://ssrn.com/abstract=2402868.

longer necessary.[683] In her caustic dissent, Justice Ruth Bader Ginsburg likened the decision to throwing out one's umbrella during a rainstorm because you are not getting wet.[684]

Within 24 hours of the *Shelby* ruling, states were passing new restrictive voting laws.[685] Since that time, there has been continuing bad news for supporters of voting rights. A slew of voter identification laws, purges of voter rolls, restrictions on voting by mail, and highly gerrymandered election districts have been put into place across the United States.[686] This represents an attempt to institute a new Jim Crow era, one in which racial discrimination is no longer explicit but covered in a veneer of neutral language and bad-faith arguments.

For example, in the 2017 *Husted vs. A Philip Randolph Institute* decision, the US Supreme Court ruled that Ohio's system of voter purges, "in which the state uses a failure to vote as a trigger to begin the multistep process of taking people off voter rolls,"[687] did not violate federal law. While the justices who voted in support of the law treated the case as one of statutory interpretation, claiming that the Ohio law does not violate the National Voter Registration Act (NVRA) of 1993,[688] the dissenting justices argued that the social context of the policy must be considered. Justice Stephen Breyer asserted that this effort to ensure accurate voter rolls was not "reasonable" according to the NVRA, noting that "only 4% of Americans move to a different county each year, but that 59% of registered voters failed to vote in Ohio's 2014 midterm election."[689] Justice Sonia Sotomayor wrote in her dissent that the law's harsh effects would fall disproportionately on "minority, low-income, disabled, and veteran voters."[690] She noted that since 2021, majority-black Cincinnati neighborhoods "had 10% of their voters removed due to inactivity," while a nearby majority-White suburban neighborhood had only 4% of its voters removed.[691] Thus, while the policy was likely to disproportionately disenfranchise Black Ohio residents, it was judged solely on its "facial neutrality,"[692] or, lack of explicitly racialized language.

An article on the case published in the *Harvard Law Review* points out that in the 1898 *Williams v. Mississippi* decision, the US Supreme Court ruled that literacy tests were constitutional since they "do not, on their face, discriminate between the races."[693] However, the impact of literacy tests was certainly racially disparate, since Black people historically lacked access to quality education that was available to White voters. Thus, while the realistic social context in which the policy is carried out effectively negates its "facial neutrality," the

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[683] Ibid.

[684] Ibid.

[685] Savannah Boylan. "Voter Suppression in the Southeast." *For Democracy*, October 28, 2020. https://doi.org/https://static1.squarespace.com/static/5f4400a38f22bb18b4e7a8a7/t/5f99cb862d55110978370df8/1603914630823/Voter+Suppression+in+the+Southeast+Report+for+Online+Publication.pdf.

[686] Vann R. Newkirk. "How a Pivotal Voting Rights Act Case Broke America."

[687] Ibid.

[688] Husted vs. A Philip Randolph Institute, 138 S. Ct. 1833 (2018).

[689] Ibid.

[690] Ibid.

[691] Ibid.

[692] "Husted V. A. Philip Randolph Institute." *Harvard Law Review*, 132, no. 1 (2018): 443. https://harvardlawreview.org/2018/11/husted-v-a-philip-randolph-institute/.

[693] Ibid.

absence of any explicit reference to race leaves room for lawmakers to argue on behalf of its impartiality.

Voter ID laws have become a centerpiece of voter suppression in the twenty-first century. While superficially nondiscriminatory, the process of getting a state ID (such as a driver's license or government-issued ID card) is bureaucratic, often inaccessible, and potentially expensive. These issues compound intersectionally across minority identities, especially affecting the poor, the disabled, the elderly, and rural residents. As of 2017, 25% of voting-age Black Americans did not have a valid government-issued ID, as compared to just 8% of White Americans without one.[694]

States select which identification(s) may be considered valid, which generally implicitly favors White citizens. Since Black people are more likely to be low-income and live in urban areas, they are less likely to own a car and therefore a driver's license. Poor people are more likely to have their license suspended or revoked due to a failure to pay outstanding fines, and less likely to have the time and resources to track down required documents such as birth certificates or social security cards. Additionally, minorities move from state to state more frequently, making it more difficult to meet varying requirements for documentation.[695]

In contrast to the United States' narrative of equality of opportunity, ID regulations can be observed to be intentionally discriminatory. For example, in Texas, voters may use a Carry a Concealed Weapon permit as valid identification, but may not use a school ID from public schools or universities, an arbitrary decision that potentially disenfranchises many members of the public.[696] In 2021 North Carolina attempted to exclude public assistance cards and state employee identifications, both of which are held disproportionately in greater numbers by Black people, but the law was later struck down as unconstitutional.[697] At the trial, an expert witness testified that Black voters in North Carolina were 39% more likely to lack a government-accepted ID than White voters.[698]

Most voting laws appear under the guise of preventing voter fraud, but a plethora of twenty-first-century examinations regarding voter fraud have proved this to be a virtually nonexistent issue in US elections. A Justice Department study of the 2002-2005 period found that of the 197 million votes cast, only 40 people were ever indicted for voter fraud.[699] Thus, we might surmise that fraudulent voters are not the true concern of White lawmakers, while Black voters are.

Racial bias in the criminal justice system, compounded with laws in some states barring citizens charged with felonies from voting (either temporarily or for the remainder of their

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[694] "Oppose Voter ID Legislation - Fact Sheet." American Civil Liberties Union, August 2021. https://www.aclu.org/fact-sheet/oppose-voter-id-legislation-fact-sheet?redirect=other%2Foppose-voter-id-legislation-fact-sheet.

[695] Forrest Wickman. "Why Do Many Minorities Lack ID?" Slate Magazine. Slate, August 21, 2012. https://slate.com/news-and-politics/2012/08/voter-id-laws-why-do-minorities-lack-id-to-show-at-the-polls.html.

[696] "Oppose Voter ID Legislation - Fact Sheet."

[697] Ibid.

[698] Michael Wines, "North Carolina Court Strikes Down a Voter ID Law, Citing Racial Discrimination." The New York Times. The New York Times, September 17, 2021. https://www.nytimes.com/2021/09/17/us/politics/north-carolina-voter-id-law.html.

[699] Savannah Boylan. "Voter Suppression in the Southeast."

lifetimes), has left countless Black people systematically disenfranchised for over 150 years since the passage of the Fifteenth Amendment. Black people make up 38% of residents who have been stripped of the right to vote due to conviction histories. Across the country, one in 13 Black Americans cannot vote due to disenfranchisement laws for formerly incarcerated people.[700]

In addition to the difficulties of registering to vote, states can also use biased processes to perform voter purges that disenfranchise Black people who are legally registered. Voter purges are intended to be the routine reorganizing and updating of voter registrations that change due to death, change of address, or ineligibility to vote. However, states can purge legitimate voters' registrations based on illegitimate claims or inaccurate data without notifying voters of this action.

In 2018 researchers at the Brennan Center for Justice examined data on purge rates in 6,600 jurisdictions across 49 states. They found that in 2013, 39,000 voters in Virginia were purged based on data on where (or if) they had moved that was later found to be up to 17% inaccurate, equaling a loss of 6,630 votes. In Arkansas in 2016, over 7,000 voters were purged from the rolls based on felony convictions. The list included names of people who had never been convicted of a felony, as well as people with past convictions whose voting rights had since been restored.[701] What's more, the report explicitly implicates the 2013 *Shelby County v. Holder* decision, calculating that 2 million voters would not have been purged across the country between 2012 and 2016 if jurisdictions previously subject to federal preclearance had purged at the same rates as jurisdictions that were not subject to preclearance.[702]

When Stacy Abrams ran for governor of Georgia in 2018, a race that could have made her the first Black governor of Georgia and the first Black female governor in US history, her opponent, incumbent Georgia Secretary of State Brian Kemp, had already purged over 500,000 names from voter rolls.[703] The main reasons used to justify these purges were so-called "use-it-or-lose-it" rules, referring to the mass cancelation of voter registrations due to inactivity, and "exact-match" policies, referring to requirements that voter registration applications must match the information on voters' driver's license, state-issued ID, or social security card. Registrations can be stalled due to the absence of a hyphen or apostrophe, the discrepancy between a given name and a chosen name, or a misspelling in government records.[704] The Associated Press found that out of a list of 53,000 Georgia citizens whose voter registrations were put on hold by

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[700] Karina Schroeder. "How Systemic Racism Keeps Millions of Black People from Voting." Vera Institute of Justice, February 16, 2018.https://www.vera.org/news/how-systemic-racism-keeps-millions-of-black-people-from-voting#:~:text=An%20estimated%20one%20in%2013,the%20books%20in%2048%20states.

[701] Kevin Morris, et al. "Purges: A Growing Threat to the Right to Vote." Brennan Center for Justice. New York University School of Law, July 20, 2018. https://www.brennancenter.org/our-work/research-reports/purges-growing-threat-right-vote.

[702] Ibid.

[703] Angela Caputo, Geoff Hing, and Johnny Kauffman. "After the Purge: How a Massive Voter Purge in Georgia Affected the 2018 Election." APM Reports, October 29, 2019. https://www.apmreports.org/story/2019/10/29/georgia-voting-registration-records-removed.

[704] Mark Niesse. "What You Need to Know about Georgia's 53,000 Pending Voters." The Atlanta Journal-Constitution, October 15, 2018. https://www.ajc.com/news/state--regional-govt--politics/what-you-need-know-about-georgia-000-pending-voters/0aulxJgIulIpKgMmpexBmK/.

Brian Kemp's office in 2018, 70% were Black.[705] Overall, the Brennan Center for Justice found that states removed almost 16 million names from voter rolls between 2014 and 2016, with significantly higher purge rates in states with histories of racial oppression.[706]

Black voters who do manage to register to vote and are able to remain registered may have their votes rendered powerless through gerrymandering: the process of manipulating electoral districts within a state. In a winner-takes-all voting system such as in the US, the process of gerrymandering allows some votes to be weighted more than others through one of many gerrymandering tactics, such as "cracking" and "packing."

"Cracking" is the splitting of a large demographic into multiple districts where they become a minority in each district.[707] This predominantly affects urban voters, as cities can be split among several districts having a majority rural population. This diffuses the power of urban voters and disproportionately favors rural voters.[708] "Packing" is the practice of concentrating many voters into one electoral district to reduce overall representation at the state level.[709] Where a bloc cannot be effectively cracked, packing mitigates their majority to only one district despite its not being a geographically cohesive group.

While cracking and packing focus on the distribution of voters across districts, "hijacking" and "kidnapping" are used to target specific candidates. In a process known as "hijacking," district lines are redrawn to shift an incumbent candidate's home address into another district, separating them from their constituency.[710] "Kidnapping" occurs when two incumbent candidates are gerrymandered into the same district, forcing them to face off in an election in which they otherwise would not have competed against each other.[711]

Lastly, prison-based gerrymandering counts prisoners as residents in the district in which they are incarcerated, rather than the district they call home, despite these prisoners being denied the right to vote.[712] This increases the voting power of the district at the state level without any accountability to a significant number of its alleged population, echoing how the historical Three-Fifths compromise gave slaveholding states inflated political power by including a partial count of their enslaved, disenfranchised population.

Restrictive voter ID laws, unnecessary voter purges, and gerrymandering result in unequal access to citizens' suffrage and, therefore, unfair election outcomes. Curbing the voice

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[705] Ben Nadler. "Voting Rights Become a Flashpoint in Georgia Governor's Race." AP NEWS. Associated Press, October 9, 2018. https://apnews.com/article/race-and-ethnicity-elections-voting-voting-rights-atlanta-fb011f39af3b40518b572c8cce6e906c.

[706] Kevin Morris, et al. "Purges: A Growing Threat to the Right to Vote."

[707] Julia Kirschenbaum and Michael Li. "Gerrymandering Explained." Brennan Center for Justice. New York University School of Law, August 10, 2021. https://www.brennancenter.org/our-work/research-reports/gerrymandering-explained.

[708] Andrew Witherspoon, and Sam Levine. "These Maps Show How Republicans Are Blatantly Rigging Elections." The Guardian, November 12, 2021. https://www.theguardian.com/us-news/ng-interactive/2021/nov/12/gerrymander-redistricting-map-republicans-democrats-visual.

[709] Julia Kirschenbaum and Michael Li. "Gerrymandering Explained."

[710] Ruth Greenwood, et al. "Designing Independent Redistricting Commissions." Campaign Legal Center, July 17, 2018. https://campaignlegal.org/document/designing-independent-redistricting-commissions.

[711] Ibid.

[712] Ibid.

of Black voters in governing bodies not only leaves the political interests of the Black community largely underrepresented but compromises US democracy as a whole.

This chapter presents ample evidence that US political leaders have historically targeted the Black community's access to political representation, but also shows that the US government has allowed such targeting to occur. Legislators have manipulated the electoral apparatus to protect personal interests more than to accept public consensus. A dysfunctional democracy not only hurts the citizens who are unable to vote but also damages the validity of the representative power of votes that are cast and counted.

In her book *The Sum of Us*, author Heather McGhee illustrates how the nation's founders compromised the foundations of the United States, negatively impacting most US residents today. According to McGhee, voter suppression, an "age-old racist tactic…is now useful against a broad base of white people who could be in a multiracial coalition with people of color."[713] In particular, politicians can undermine the political influence of young people and poor people by using the same tools they have used to target Black voters.

For example, Professor Nancy MacLean, author of *Democracy in Chains: A Deep History of the Radical Right's Stealth Plan for America*, recalled in 2021 how her home state of North Carolina "took pains to eliminate a program that led to the automatic registration of high school students" and "moved polling sites away from campuses,"[714] making the voting process less accessible to students. Additionally, election outcomes have become increasingly dependent on supporters' financial contributions to a candidate's campaign. McGhee observed, "the same movement that puts up barriers to voting has hacked away at the safeguards against money flooding into elections."[715] She pointed out that "the number of donors who give contributions large enough to require tracking (above $200) is minuscule, less than 1.2% of the entire adult population. Their outsized donations totaled more than 71% of all campaign contributions during the 2018 election cycle."[716] Perhaps this is why, according to political scientist Larry Bartels, "the opinions of millions of ordinary citizens in the bottom one-third of the income distribution have no discernable impact on the behavior of their elected representatives,"[717] leaving political influence seemingly limited to affluent and middle-class voters and donors.

Furthermore, intentional obstacles complicate the process of casting ballots and impact citizens' motivation to vote. McGhee notes, "The burdensome and confusing registration process is particularly onerous on people who move frequently (young people, people of color, and low-income people).… One of the top barriers to voting, the registration requirement kept nearly 20% of eligible voters from the polls in 2016."[718]

Sadly, voters have grown accustomed to excessive and relatively arbitrary requirements for voting. McGhee states that "around half of Americans are unsure whether their state permits

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[713] Heather McGhee. *The Sum of Us: What Racism Costs Everyone and How We Can Prosper Together*. New York, NY: Random House Publishing Group, 2021, 157.

[714] Ibid.

[715] Ibid, 160.

[716] Ibid, 161.

[717] Moorel Bey. "Revisiting This Proverbial Question of Equal Opportunity." Zeteo: The Journal of Interdisciplinary Writing, March 9, 2014. https://zeteojournal.com/2014/03/09/no-citizen-left-behind/.

[718] Heather McGhee. *The Sum of Us*, 144.

them to vote if they have unpaid utility bills or traffic tickets–prohibitions that no states have adopted."[719] However, the institutional barriers to voting which pose a challenge to most citizens still reveal obvious racial disparities: "Mississippi, the state with the highest percentage of Black citizens, is dead last of the fifty states in terms of ease of voting."[720]

A tolerance for a compromised Republic in the interest of racial slavery was accepted and established at the nation's founding. That same tolerance created an election system "full of unnecessary hurdles and traps–some set by malice and some by negligence."[721] All of this manipulation—who is able to cast a vote and which votes are more powerful than others—results in "a racially skewed system of influence and electoral gatekeeping that invalidates the voices of [all] Americans."[722] Political scientists Martin Gilens and Benjamin I. Page concluded in 2014 that, "in the United States…the majority does *not* rule–at least in the causal sense of actually determining policy outcomes."[723] Understanding the dissonance between public interests and policy decisions is easier when we digest the fact that the nation's founders, who preached a deep commitment to political representation and self-governance, "left holes in the bedrock of our democracy from the outset, in order to leave room for slavery."[724]

2020 and Beyond

Former President Donald Trump's false narratives around election integrity have not only drastically increased levels of distrust in the voting system among his supporters, but have also ingrained an ideology of suppressing non-Republican votes into its national political party agenda.[725] Since 2016, more than 20 states have enacted legislation that restricts access to voting and registration.[726] During the 2020 election between Trump and Biden, the worsening COVID-19 pandemic prompted a demand for mail-in ballots to prevent exposing voters to illness standing in queues at voting precincts. At that time, there was a compelling urgency for people to avoid all public contact. Trump and his supporters spread misinformation claiming mail-in ballots were more susceptible to fraud and would compromise election results.[727]

Preceding the election date in 2020, roughly 85,000 voters across Michigan, New York, Pennsylvania, Illinois, and Ohio received robocalls falsely telling them that their personal information would be turned over to the police and debt collectors if they were to vote by mail.[728] (In October 2022, Jacob Wohl and Jack Burkman, two reactionary activists, pleaded guilty to orchestrating the intimidation scheme. New York Attorney General Letitia James asserted that "Wohl and Burkman clearly and deliberately targeted Black communities in

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[719] Ibid, 147.

[720] Ibid, 148.

[721] Ibid, 147.

[722] Ibid, 161.

[723] Martin Gilens, and Benjamin I. Page. "Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens." *Perspectives on Politics* 12, no. 3 (2014): 564–81. doi:10.1017/S1537592714001595.

[724] Heather McGhee. *The Sum of Us*, 141.

[725] Savannah Boylan. "Voter Suppression in the Southeast."

[726] Ibid.

[727] Ibid.

[728] Emily Olson. "They Ran a Voter Suppression Scheme. Now They're Sentenced to Register Voters." NPR, December 1, 2022. https://www.npr.org/2022/12/01/1140096697/jacob-wohl-jack-burkman-robocalls-ohio-sentence.

carrying out their widespread robocall campaign."[729]) Additionally, during his term Trump's Presidential Cabinet decreased funding to the US Postal Service, creating public fears that mail-in ballots would miss submission deadlines or be misplaced,[730] and Florida and Texas enacted laws to restrict access to ballot drop boxes.[731] While the rampant misinformation decreased and delayed votes, the strategy was not effective enough for Trump to win the 2020 election over Biden.

Within the first few months of 2021, Republican party legislators introduced over 250 bills in 43 states with the intent of restricting mail-in and early voting systems.[732] Instead of directly targeting Black voters based on race, the party was working to target how Black citizens have voting access. For example, in Georgia, voting sites in predominantly Black districts routinely face exceptionally long lines of people waiting to vote,[733] and pending legislation restricting early voting will likely make this even worse. Georgia has also criminalized the granting of humane aid to voters, such as providing water to those waiting in line to cast their vote.[734] In Florida, after a public initiative passed granting suffrage to the disproportionately Black population of former felons, the Republican-dominated state government chose to override the will of its people by requiring that felons pay all fines before being granted the right to vote.[735] Without the use of racialized language, it appears that a version of the poll tax was revived in 2022.

The founders who created the US political apparatus declared that democracy was the nation's guiding principle. What was left out of these documents, unfortunately, was an official way to determine citizenship or suffrage for any non-White person living in the US. Such an oversight indicates that the founders saw the United States as a country where people from many different races could *reside* (some as citizens, others as forced laborers) but one that was ultimately ruled by, and aimed to represent the interests of, one specific "superior," race. This claim is further evidenced by historical policies such as the Indian Removal Act of 1830 which, through treaty, expelled Native Americans from their traditional lands in the South,[736] and the

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[729] "Attorney General James Stops Robocall Company Hired in Scheme to Suppress Black Voters Ahead of 2020 Election." New York State Attorney General, August 12, 2022. https://ag.ny.gov/press-release/2022/attorney-general-james-stops-robocall-company-hired-scheme-suppress-black-voters.

[730] Clarissa-Jan Lim. "The US Postal Service Is Now A Trump Target In The 2020 Election. Here's What's Going On." BuzzFeed News. August 23, 2020. Accessed May 17, 2021. https://www.buzzfeednews.com/article/clarissajanlim/trump-post-office-usps-election-funding.

[731] Corasaniti, Nick, and Reid J. Epstein. "Florida and Texas Join the March as Republicans Press Voting Limits." The New York Times. May 07, 2021. Accessed February 16, 2023. https://www.nytimes.com/2021/05/06/us/politics/florida-texas-voting-rights-bills.html.

[732] Kate Rabinowitz and Amy Gardner. "How GOP-Backed Voting Measures Could Create Hurdles for Tens of Millions of Voters." The Washington Post, March 11, 2021. https://www.washingtonpost.com/politics/interactive/2021/voting-restrictions-republicans-states/.

[733] Ibid.

[734] Ibid.

[735] Patricia Mazzei. "Ex-Felons in Florida Must Pay Fines Before Voting, Appeals Court Rules." The New York Times. The New York Times, September 11, 2020. https://www.nytimes.com/2020/09/11/us/florida-felon-voting-rights.html.

[736] Evelyn Nakano Glenn, "Settler colonialism as structure: A framework for comparative studies of US race and gender formation." *Sociology of Race and Ethnicity* 1, no. 1 (2015): 58. https://doi.org/10.1177/2332649214560440.

1882 Chinese Exclusion Act which barred Chinese laborers from immigrating to the US for 10 years and prohibited Chinese people already living there from becoming citizens.[737]

The logic behind this guiding principle, that the *truest* US citizens were White, was the simple belief that the political interests of White people are more important than the interests of anyone else. "The South does not want to deprive the Negro of a vote for the sake of depriving him of a vote," wrote William F. Buckley Jr., founding editor of *National Review*, in a 1957 editorial. He continued, "In some parts of the South, the white community merely intends to prevail–that is all. It means to prevail on any issue on which there is a corporate disagreement between Negro and white." The structure of the government merely reflected the unspoken rule of US society, that White interests predominate above all else. Buckley continued:

> The central question that emerges…is whether the white community in the South is entitled to take such measures as are necessary to prevail, politically and culturally, in areas which it does not predominate numerically? The sobering answer is *yes*—the white community is so entitled because, for the time being, it is the advanced race…. It is more important for any community, anywhere in the world, to affirm and live by civilized standards, than to bow to the demands of the numerical majority.[738]

By examining past efforts to preserve White political power through voter suppression, it becomes evident that no part of the contemporary voter suppression policy platform is unique or original. It may be seen as a rebranding of defunct Jim Crow laws refined by Southern legislatures during the Civil Rights Era and after. Ironically, however, the familiarity with time-tested suppression strategies has allowed some anti-racist movements to adapt and overcome racist voting systems.

In Nevada's 1998 senate race, an aggressive get-out-the-vote effort doubled Latino participation compared to that of 1996. Harry Reid won that Nevada election by just 379 votes.[739] In the state of Washington, the 2004 gubernatorial race was so close that it triggered two recounts and multiple trips to the state Supreme Court. Two months after election day, Christine Gregoire was certified as Governor with a winning margin of 129 votes out of nearly three million cast. Gregoire was significantly supported by the Asian American community with 54% of the state's Asian American population turning up to vote.[740] By comparison, according to the Census Bureau, the national Asian American voter turnout for Presidential Elections did not pass 50% until 2020.[741] When we see how much effort is needed for minority interests to be represented in political elections, we can grasp the effort that has been put toward their suppression.

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[737] Ibid, 68.

[738] Ryan Grim. "National Review Is Trying to Rewrite Its Own Racist History." The Intercept, July 5, 2020. https://theintercept.com/2020/07/05/national-review-william-buckley-racism/.

[739] Spencer Overton. *Stealing Democracy: The New Politics of Voter Suppression*. New York, NY: W. W. Norton & Company, 2006.

[740] Ibid.

[741] Jacob Fabina. "Despite Pandemic Challenges, 2020 Election Had Largest Increase in Voting Between Presidential Elections on Record." The United States Census Bureau , April 29, 2021. https://www.census.gov/library/stories/2021/04/record-high-turnout-in-2020-general-election.html.

While reactionary leaders were targeting and restricting voting access in the twenty-first century, a sort of re-Reconstruction movement gained momentum. On September 14, 2021, The Freedom to Vote Act was introduced in the US Senate. The bill limits removing voters from rolls, establishes Election Day as a federal holiday, protects the right to vote regardless of past criminal offenses (unless currently serving a felony sentence), and criminalizes conduct to hinder, interfere with, or prevent another person from voting or helping someone register to vote. Additionally, the act outlines criteria for nonpartisan congressional redistricting and requires that states conduct post-election audits for federal elections.[742]

Also in 2021, the John R. Lewis Voting Rights Advancement Act was passed by the US House of Representatives. The bill proposes new criteria to determine which states must obtain preclearance before changing their voting laws based on how many voting rights violations have occurred in the state over the past 25 years. The bill also requires that subdivisions that meet a certain threshold regarding minority groups must preclear changes to election methods and redistricting, and that all subdivisions notify the public of any changes to voting practices.[743] Thus, recent activists have been able to revive the spirit of the Voting Rights Act of 1965 to start reversing some of the damage done to voting rights since the Supreme Court's *Shelby v. Holder* decision. In 2022, the proposed legislation was combined to become the Freedom to Vote: John R. Lewis Act. As of June 2024, the act had yet to be voted on in the Senate.

The passage of the Freedom to Vote: John R. Lewis Act would make processes of registering to vote, remaining registered, casting a ballot, and having that ballot be counted profoundly more accessible to citizens across the US. Such a partisan issue may be unlikely to achieve the majority of votes required to pass in an evenly divided Senate.[744] Since the majority of US citizens cannot directly impact political legislation, the most effective tools for dismantling institutionalized voter suppression remain out of reach for most citizens. However, there are certain strategies at their disposal.

Participation of more voters means more competitive and representative elections.[745] A path to confront voter suppression requires acknowledging which groups have historically been denied the right to vote as well as identifying the institutional policies that allowed such exclusion to occur. Mass mobilization such as grassroots campaigns, political education, and community-organized demonstrations and rallies can counteract a certain extent of voter suppression. However, significant progress will only come from policies explicitly focused on increasing citizens' access to political representation based on ideals of genuine self-governance. Enabling people of all groups to register to vote, cast ballots, and have their votes count equally is a reclamation of power and equality in the democratic system. Ultimately,

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[742] "S.2747 - 117th Congress (2021-2022): Freedom to Vote Act." Congress.gov. The Library of Congress . Accessed February 16, 2023. https://www.congress.gov/bill/117th-congress/senate-bill/2747.

[743] "H.R.4 - 117th Congress (2021-2022): John R. Lewis Voting Rights." Congress.gov. The Library of Congress. Accessed February 16, 2023. https://www.congress.gov/bill/117th-congress/house-bill/4.

[744] Brian Naylor. "The Senate Is Set to Debate Voting Rights. Here's What the Bills Would Do." NPR, January 18, 2022. https://www.npr.org/2022/01/18/1073021462/senate-voting-rights-freedom-to-vote-john-lewis-voting-rights-advancement-act.

[745] Heather McGhee. *The Sum of Us*, 159.

dismantling the racist foundations of the US voting system begins with questioning, challenging, and recreating laws to reclaim the rights that underpin democracy.

Additional Resources

Podcast

Throughline Podcast with hosts Rund Abdelfatah & Ramtin Arablouei.

This history podcast aims to contextualize current events by exploring the historical events that contributed to them. Its episodes have outlined the history of modern political debates, civil rights issues, and domestic and international policy. Some recommended episodes: The Most Sacred Right (November 3, 2022); The Forgotten Mothers of Civil Rights History (May 7, 2022); (mis)Representative Democracy, A New Series From Throughline (October 8, 2020).

Video

Michelle Ferrari and Jelani Cobb, "The Riot Report: A presidential commission defied expectations by telling a hard truth," May 21, 2024, WGBH Educational Foundation, https://www.pbs.org/wgbh/americanexperience/films/riot-report/.

When Black neighborhoods in scores of cities erupted in violence during the summer of 1967, President Lyndon Johnson appointed the National Advisory Commission on Civil Disorders—informally known as the Kerner Commission. The bipartisan commission's 1968 report offered a shockingly unvarnished assessment of American race relations. This video explores this pivotal moment in the nation's history and the fraught social dynamics that simultaneously spurred the commission's investigation and doomed its findings to political oblivion.

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Chapter 6: Racism in the Administration of Justice

"What does come as a surprise, a welcome one, is that in 2020, the predictable cycle—white fear and violence, followed by uprisings and rebellions that lead to white reprisals, retaliation, and strengthening of systems of control—didn't play out exactly as usual. Instead, the largest racial justice protests in history—including people of all colors and ages and from all walks of life—occurred during the Trump presidency, after a major Black rebellion, and in the midst of a global pandemic. Protestors carried aloft signs saying, BLACK LIVES MATTER and DEFUND THE POLICE, reflecting the understanding that so long as we continue to invest in the types of punitive systems of organized violence that have oppressed and controlled Black people for centuries—rather than in programs, policies, and forms of structural change that Black communities need to thrive—we will never achieve a truly inclusive, egalitarian democracy that honors the dignity and value of Black lives."

> Leslie Alexander and Michelle Alexander, "Fear," in *The 1619 Project: a new origin story,* created by Nikole Hannah-Jones and *The New York Times Magazine* (New York: One World, 2021), 121-122.

Chapter 6: Racism in the Administration of Justice

"It is often said that law is the foundation of our society"–the authors of *Institutional Racism in America* wrote in 1969. It remains true today that laws are meant to set forth "commonly accepted standards of behavior in written form so that social controls may be applied in an orderly and consistent way."[746] Law enforcement agencies can keep communities safe from danger by punishing harmful behavior, therefore dissuading others from participating in such behavior. In theory, laws are intended to protect citizens from harm and maintain order in society.

This is what most White Americans experience when interacting with law enforcement: empathy, understanding, and patience for the sake of protection. When White Americans feel threatened, they usually feel safe calling the police for assistance or support. Unfortunately, this is not the case for Black Americans, as ample statistical and anecdotal evidence clearly shows. According to the United States (US) Department of Justice's report on "Contacts Between Police and the Public,"[747] in 2020 White people made up over 70% of US residents above the age of 16 whose most recent contact with the police had been "resident-initiated," while Black people made up only 8.8%.

In many Black communities, a call to law enforcement brings unpredictability and genuine risk in terms of possible outcomes. Often the police arrive late, or never. In other cases, their presence precipitates physical and/or psychological violence. Repeatedly, innocuous matters such as selling single cigarettes on a street corner, a child playing in a public park with a toy gun, or an uneasy clerk who is fearful of rambunctious teenagers in her store, have led to tragic results when police were called. Too often, responding officers, unfamiliar with the community, misinterpret the situation and respond with disproportionate force. A situation that in a suburban White community might lead to a citation or a warning becomes, in a Black neighborhood, an occasion of injury or death. Black citizens who commit minor crimes, or sometimes no crime at all, may end up imprisoned or dead at the hands of law enforcement officials who are supposed to be protecting the community.

Emblematic of these dangerous encounters is the well-known case of George Floyd's murder by a Minneapolis police officer in 2020. Unarmed and unaggressive, Floyd's alleged crime was paying for cigarettes with a counterfeit $20 bill at a convenience store. He was arrested, handcuffed, and placed face down on the pavement when he was killed by a lethal use of force by an arresting law enforcement officer. Because Floyd's death was caught on video by an onlooker who shared the video online, this case, unlike thousands of other unphotographed, deadly encounters between Black men and police, led to criminal convictions at state and federal levels for all four participating officers. Unfortunately, these convictions are a rarity. It is far more common for authority figures to defend officers, claiming that the level of violence used was an appropriate reaction to the threat posed by the victim.

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[746] Louis Knowles and Kenneth Prewitt. *Institutional Racism in America.* Englewood Cliffs, NJ: Prentice-Hall Inc, 1969, 58.

[747] Susannah N. Tapp, and Elizabeth J. Davis, "Contacts Between Police and the Public, 2020," Bureau of Justice Statistics, November 2022. https://bjs.ojp.gov/library/publications/contacts-between-police-and-public-2020#additional-details-0.

Black people are discriminated against in every facet of the legal system, from racially targeted searches to extended periods in pre-trial detention, to more severe sentencing by court systems. The dual forces of the legal establishment protecting Whiteness while criminalizing Blackness created the conditions in which Officer Derek Chauvin, an agent of the state, was able to intentionally press the life out of George Floyd on May 25, 2020.

The fact that people of different races have such markedly unequal experiences with law enforcement is a result of both the origin and the operation of the criminal justice system. This chapter will demonstrate the ways in which US law enforcement institutions were built by and for White people, who then manipulated these institutions over time according to political and economic interests. It will also analyze how US legal institutions continue to operate on the assumption that White people must be protected while people of color must be controlled. This chapter will explain how the United States came to have the highest incarceration rate of any country in the world, with Black Americans disproportionately represented in the incarcerated population. It will also illustrate how those convicted of crimes have become identified as the country's lowest social caste, citing some of the various laws, rules, and regulations that "operate to discriminate against people with criminal records and effectively prevent their reintegration into the mainstream society and economy."[748]

To effectively eliminate racist structures and policies within the US criminal justice system, it is helpful to understand the racist history of such institutions and how exactly they harm people of color. How is it that police officers, meant to enforce the law, are killing innocent Black people without due process of law? How is it that many more Black than White people are imprisoned for comparable crimes? This situation cannot be explained by anything other than racial discrimination.

The History of Police in the United States

The institutionalized version of the history of US policing taught in criminology classes maintains that the birth of policing occurred in 1838 in northern US cities with adoption of the London [England] Metropolitan Police Service model.[749] However, historical scholarship shows that the earliest example of individuals effectively acting on behalf of the government to control other citizens' behavior was the spread of slave patrols throughout the Thirteen Colonies.

By the early 1700s, race-based slavery in North America had proved so profitable that White leaders sought to expand the institution. Enslavers saw people of color as instruments of production to be manipulated according to the economic, cultural, and political desires of the dominant, White society. Notwithstanding their harsh oppression, however, enslaved people retained faith in the worth of their humanity. Dreams of liberation drove people to flee the farms and workshops where they were captive despite the dangers of doing so. Some fled to Mexico or hid out in the wilderness, but most traveled to the Northern free states or Canada.

Well-known examples of these freedom-seekers include Harriet Tubman and Frederick Douglass. After successfully escaping enslavement herself, Tubman completed an estimated 13 trips back to Maryland (where she had been enslaved and brutalized as a child) to help

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[748] Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness (2020 Edition)* (New York, NY: The New Press, 2020), 178.

[749] Ben Brucato, "Policing Race and Racing Police," *Social Justice* 47, no. ¾ (161/162 (2020): 128.

approximately 70 people escape using the Underground Railroad, a network of hidden routes, safe-houses, and abolitionist allies organized to help people flee slavery in the South.[750] Frederick Douglass escaped enslavement in Maryland by hiding in plain sight, bravely riding trains to New York disguised as a free sailor. Douglass would eventually become a prominent leader of the abolitionist movement.[751]

Beyond Tubman and Douglass, there are many extraordinary accounts of people risking their lives in search of freedom. In the decade preceding the Civil War, it is estimated that up to 100,000 Black people escaped enslavement. White leaders saw these attempts to gain freedom as troublesome impediments to their economic and political plans. White landowners created a domestic military force that would act as a deterrent against runaways or outright revolt: the slave patrol.[752] Each slave patrol militia captain would select ten men under his command to serve as "patrollers" who would be responsible for enforcing slave codes in a specific area. Slave codes were protective laws that perpetuated the institution of slavery and usually addressed the rights and duties of free people to control enslaved people.

Slave patrollers hunted down fugitives and acted as an intimidating presence dissuading enslaved people from escaping or rebelling. They routinely broke up gatherings among Black people,[753] inspected farms, invaded and aggressively searched enslaved people's homes, confiscated anything they thought was stolen or could be used as a weapon, and sometimes subjected enslaved women to sexual violence. By the mid-eighteenth century, colonial authorities in Virginia and North Carolina had transformed groups of White settlers, who were compensated for this duty, into a militarized law enforcement organization primarily engaged in "watching, catching, or beating Black slaves."[754]

Multiple laws existed that legalized the murder of enslaved people. In 1669, Virginia passed "An Act about the Casual Killing of Slaves," which not only extended the sovereign right to kill to individuals but also declared the murder of enslaved people completely legal. "Be it enacted and declared by this grand assembly, if any slave resist his master (or others by his masters order correcting him) and by the extremity of the correction should chance to die, that his death shall not be considered a felony."[755]

Soon after, the death of enslaved people was no longer considered an unintentional necessity of the slave codes. In 1680, Virginia passed "An Act for Preventing Negroes Insurrections," stating that if an escapee resisted capture, "it shall be lawful for such person or persons to kill the said negroe."[756] Murder became a solution to prevent an enslaved person from escaping. It is important to note that these laws were explicitly racialized. By 1705, Virginia's slave codes specified that without an order from a justice of the peace, no

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[750] Jesse Greenspan, "6 Strategies Harriet Tubman and Others Used to Escape Along the Underground Railroad." History.com. A&E Television Networks, October 30, 2019. https://www.history.com/news/underground-railroad-harriet-tubman-strategies.

[751] Evan Andrews, "5 Daring Slave Escapes." History.com. A&E Television Networks, September 23, 2014. https://www.history.com/news/5-daring-slave-escapes.

[752] Leslie Alexander and Michelle Alexander, "Fear," in *The 1619 Project: a new origin story,* created by Nikole Hannah-Jones and *The New York Times Magazine* (New York: One World, 2021), 104.

[753] Ben Brucato, "Policing Race and Racing Police," *Social Justice* 47, no. 3/4 (161/162) (2020): 125.

[754] Leslie Alexander and Michelle Alexander, "Fear," 104.

[755] Brucato, "Policing," 123-124.

[756] Ibid, 124.

"Christian white servant" could be whipped or subject to other punishments.[757] Laws criminalized sexual relations between the races (interpreted as Black men and White women, but customarily ignored regarding White men and Black women) and interracial marriage.

The more that chattel slavery contributed to prosperity, the more feasible it became to characterize the defense of slavery as a particularly "American" act of patriotism. After declaring independence from the British monarchy, the leaders of the former colonies felt pressured to prove that an alternate system of government could succeed. To deem the transition from monarchical rule to democratic rule successful, colonists had to prove that post-colonial life in the US was at least as prosperous as life had been under the British King.

However, economic growth in the US relied on the wealth produced by slavery, and enslaved people could only be forced to labor if they were deprived of the rights granted to citizens. The expansion of the very early colonial economy depended on the fact that indentured and forced laborers lacked citizenship status—many of these individuals were White emigrants or deportees. Later, as race defined eligibility for enslavement, it defined eligibility for citizenship, as well. Thus, a specific authority was needed to enforce the exclusivity of White citizenship and maintain the racial partition on which the economy relied.

During the 1730s, the responsibilities of slave patrollers expanded to include maintaining order within the entire community, not just slaves. According to critical theorist and social scientist Ben Brucato, these patrols met most criteria used to identify police today.[758] The role of slave patrollers evolved through a 1740 South Carolina law that established processes for the recruitment of officers as well as protocols for "districts of jurisdiction, and patrol beats to disperse their forces."[759]

This well-regulated structure remained in place through the Civil War. Once the Fourteenth Amendment was ratified in 1868, technically granting formerly enslaved people equal protection under the law, Jim Crow laws were passed to legalize racial segregation. In attempts to encourage compliance, local municipalities relied on the police to exert particular reprimand on Black citizens who violated Jim Crow laws. Thus, it was not increasing threats of danger that contributed to the demand for police presence. Rather, states required police to suppress and dissuade the social unrest that was often a result of legal racial discrimination.

The capacity of oppressed people to rebel and obtain liberation independently was considered a primary threat to national security.[760] "Police both established a basis for and defined the responsibilities of white citizenship. That police were directed to fabricate and administer racial domination was not incidental to the institution; it was, rather, fundamental to its very mandate."[761] This is why many scholars claim that "a critical theory of US police cannot survive a race-blind approach."[762]

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[757] Ibid, 125.

[758] Ben Brucato, "Policing Race and Racing Police," 128.

[759] Ibid.

[760] Ingolfur Blühdorn, "Liberation and limitation: Emancipatory politics, socio-ecological transformation and the grammar of the autocratic-authoritarian turn," *European Journal of Social Theory* 25, no. 1 (2022): 26-52.

[761] Ben Brucato, "Policing Race and Racing Police," 130.

[762] Ibid, 118.

Police and the Black Community

Modern US law enforcement institutions have not escaped this centuries-old, violent, racialized history. In 2022 alone, 1,194 people were killed by police without benefit of a trial. Officers were charged with a crime in only nine of these cases. Most of these killings occurred when police were responding to suspected non-violent offenses; sometimes to no crime at all. Eighty-six people were killed after police stopped them for a traffic violation. Even though Black people were more likely to be unarmed and less likely to be threatening someone at the time of their deaths, they made up a disproportionate number of people killed. Black people accounted for 26% of all police killings in 2022, and 32% of victims were unarmed or not alleged to be threatening when killed,[763] according to the Official Mapping Police Violence Database created by the Mapping Police Violence organization.[764]

Other than murder, the most grievous form of police brutality is sexual assault. Studies show that police who engage in sexual abuse target those who are less likely to be believed if they come forward, such as people of color, transgender women, drug users, and sex workers. In 2015 *The Buffalo News* compiled a database of cases of sexual misconduct from law enforcement personnel across the country over the previous ten years. This showed that an official was found to have engaged in sexual abuse or misconduct an average of once every five days. According to Andrea J. Ritchie, author of *Invisible No More: Police Violence Against Black Women and Women of Color*, these cases represent just the tip of the iceberg, since most instances of sexual assault go unreported or uninvestigated.

Ritchie asserts, "police sexual assault is facilitated by the structure of policing itself."[765] Officers can extort or bribe victims to perform sexual acts by threatening mandatory minimum sentences or offering release in exchange for sexual favors. If a victim decides to come forward and report the assault, they will likely be met with institutional forces designed to silence or invalidate their claims, including intense intimidation from law enforcement officials. Additionally, research shows that Black women are more likely than their White counterparts to be targeted by the police and less likely to be believed if they report an officer's sexual assault.[766] Black communities, having reckoned with the impacts of such rampant abuses of power, thus, understandably, tend to fear and distrust law enforcement officers and administrators.

Counterintuitively, the strained relationship between law enforcement and the Black community is complicated further by the employment of police officers of color. In *Institutional Racism in America* (1969)*, the authors suggest that "Much of the friction between law officers and the Black community stems from the overwhelming whiteness of most police departments." To underscore the degree to which the police departments in many major cities are racially homogenous, the authors reference the 1967 Kerner Commission

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[763] 2022 Police Violence Report. Mapping Police Violence, 2023. https://policeviolencereport.org/.

[764] Ibid.

[765] Andrea J. Ritchie, "Perspective | How Some Cops Use the Badge to Commit Sex Crimes." The Washington Post. WP Company, January 12, 2018. https://www.washingtonpost.com/outlook/how-some-cops-use-the-badge-to-commit-sex-crimes/2018/01/11/5606fb26-eff3-11e7-b390-a36dc3fa2842_story.html.

[766] Michelle S. Jacobs, "The Violent State: Black Women's Invisible Struggle Against Police Violence." *Wm. & Mary J. Women & L.* 24 (2017): 39.

Report's findings on the racial demographics of police departments in 28 major US cities[767] with the average proportion of non-White officers being 6.8%. Since then, police departments across the country have grown notably more diverse. In 2020, 40% of federal law enforcement officers were non-white, with Black officers comprising 10%.[768]

Despite the increasingly diverse demographics of police departments, racism continues to produce disproportionate pain within the Black community. The medical journal *The Lancet* recently published a report that found between 1980 and 2019, police officers "killed Black people at a rate 3.5 times higher than white people."[769] Civil rights lawyer and legal scholar Michelle Alexander wrote in 2010, "The color of police chiefs across the country has changed, but the role of the police in our society has not…the existing hierarchy disciplines newcomers, requiring them to exercise power in the same old ways and play by the same old rules in order to survive."[770] The case of Tyre Nichols is a tragic example.

Nichols was a 29-year-old Black man in Memphis, Tennessee, who died from excessive use of force by five police officers after being pulled over for reckless driving in January 2023. A unique element of this commonly happening episode was that all five officers who participated in the physical brutality were Black. The circumstances of Nichols' death contradict evidence that shows Black and Latino police officers are less inclined to use force than White officers.[771] However, the incident shows the power of institutional norms and mandates to dictate behavior.

Subsequent reporting showed that the officers who participated in Nichols' assault were part of an "elite" police unit which was treated as a sort of "tip of the spear" in the fight against street crime. These elite officers saturate crime hot spots in unmarked cars "to investigate homicides, aggravated assaults, robberies and carjackings" usually operating with "far more leeway and less oversight" than regular police officers.[772] In other words, the officers involved were rewarded for demonstrating toughness shading into brutality and were under less supervision than is standard. Such institutional triggers appear to negatively affect the behavior of individual officers no matter their race or ethnic origin. Furthermore, every Black officer carries within him or her the knowledge that they are much less likely to be reprimanded or prosecuted for violence against a Black arrestee than a White one.

Criminal justice researchers posit that police work comes with unique and inherent strains that foster distrust towards and isolation from ordinary citizens. Scholars describe

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[767] Otto Kerner et al., Report of the National Advisory Commission on Civil Disorders (Washington, D.C.: U.S. Government Printing Office, 1968), 169.

[768] Connor Brooks, "Federal Law Enforcement Officers, 2020-Statistical Tables," Office of Justice Programs. U.S. Department of Justice, 2022.

[769] GBD 2019 Police Violence US Subnational Collaborators, "Fatal police violence by race and state in the USA, 1980–2019: a network meta-regression," *The Lancet* 398, no. 10307 (2021): 1239-1255.

[770] Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness (2020 Edition)* (New York, NY: The New Press, 2020), 310.

[771] Bocar A. Ba, Dean Knox, Jonathan Mummolo, and Roman Rivera, "The role of officer race and gender in police-civilian interactions in Chicago," *Science* 371, no. 6530 (2021): 696-702.

[772] Radley Balko, "Tyre Nichols's Death Proves Yet Again That 'Elite' Police Units Are a Disaster," *The New York Times,* January 29, 2023. https://www.nytimes.com/2023/01/29/opinion/tyre-nichols-police-scorpion.html?campaign_id=39&emc=edit_ty_20230201&instance_id=84205&nl=opinion-today&regi_id=106540087&segment_id=124080&te=1&user_id=8328bfc0e684795e70a0c074e407504f.

traditional police departments as "a hierarchical, paramilitary organizational environment" in which officers "are far more likely to be reprimanded for mistakes than recognized for good work."[773] Outside of police departments, officers "must regularly contend with unpredictable and sometimes violent situations involving citizens." Thus, police departments naturally develop institutional attitudes, values, and norms that help officers cope with the stresses of intense scrutiny and uncertainty. This culture provides officers "'common sense' guidelines for how to comport themselves as police officers" as well as "a lens (or a worldview) for interpreting the world in which they work."[774]

Understanding police culture makes it clear that merely diversifying the ranks of police departments will not address the deeper issues of policy, training, and institutional values that underlie the persistence of racially disparate outcomes of police violence. Scholars Jasmine Silver, Sean Roche, Thomas Bilach, and Stephanie Ryon assert that traditional police culture incorporates a desire to "maintain the edge" in interactions with citizens by refusing requests to deescalate a situation as a demonstration of authority, and a "crime-fighting orientation" in which officers focus their efforts on catching "bad guys" rather than maintaining social order. Inside police departments, traditional police culture is characterized by a desire to avoid scrutiny from supervisors, loyalty to fellow police officers, and permissiveness toward misconduct.[775]

The attitudes, beliefs, and norms governing modern policing are founded on officers' perceptions of themselves as brave heroes constantly fighting evil, and of citizens as either "potential assailants or inconvenient bystanders." If the fundamental goal of law enforcement were the maintenance of peace and order in society, US systems of policing would look very different. In reality, the fundamental goal of law enforcement appears to be the maintenance of social hierarchies, which is only possible because of the extent to which Whiteness governs the institutions charged with identifying offenses and administering justice.

White Control Over Structures of Justice

Whiteness still dominates not only the racial demographics of police departments but also the values by which they operate. Legal scholars Devon W. Carbado and L. Song Richardson point out that police departments are intensely hierarchical and exhibit similar workplace cultures that emphasize "hard on crime" and "race-blind" policies.[776] To fit in and be accepted in the workplace, there is an unspoken, and in some cases spoken, expectation that Black police officers must prove they adhere to existing norms and do not confirm stereotypical tropes about Black police officers. For example, based on interviews with Black police officers, Carbado and Richardson observed that, while it is an institutional norm that police officers be status-quo oriented, a pervasive stereotype about Black officers is that they are anti-institutional. In general, Black officers are assumed by White colleagues to feel a stronger connection to their Black identity than their "Blue" (police) identity. Therefore, White officers

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[773] Jasmine R. Silver, et al., "Traditional Police Culture, Use of Force, and Procedural Justice: Investigating Individual, Organizational, and Contextual Factors." *Justice Quarterly* 34, no. 7 (September 28, 2017): 1272–1309. https://doi.org/10.1080/07418825.2017.1381756.

[774] Ibid.

[775] Ibid.

[776] Devon W. Carbado and L. Song Richardson, "The Black Police: Policing Our Own," Harvard Law Review, May 10, 2018. https://harvardlawreview.org/2018/05/the-black-police-policing-our-own/.

may suspect Black officers of being more loyal to members of their racial group than members of their profession, a relationship that is particularly tense in an institution as racialized as law enforcement.

Black police officers are placed directly at odds with the norms of their workplace and, to combat racial stereotyping, will participate in and perpetuate racist policing practices. As mentioned previously, recent statistics and criminology studies show that increasing police department diversity and creating more comprehensive use-of-force policies have not decreased the level of violence experienced by citizens at the hands of policing institutions.

Over the past decades, there have been numerous missed opportunities to stop the cycle of state-supported, sometimes violent racial discrimination that causes social unrest, which increases demand for law enforcement and intensifies state-supported racial discrimination. In 1967 President Lyndon Johnson created the Kerner Commission to investigate the causes of deadly riots in the cities of Detroit and Newark. The commission's report advised against investing in law enforcement as a strategy to maintain law and order, noting that, absent a massive investment in poor communities of color, Black rebellion and "white retaliation"[777] would render racial inequality a permanent feature of life in the US.[778]

Ultimately, White fears of losing political, economic, and social dominance, along with a perceived dread of a nation of unruly Black people in revolt against "traditional" society, led to a strengthened commitment to punitive control over Black people, rather than investments that might have repaired the harm caused by centuries of racial oppression[779] and which might eventually alleviate the authentic causes of social unrest. Institutions that have been assigned the task and necessary resources of managing social order and crime rates, deploy their power according to political and social interests unrelated to criminality.

Bestowed with the power to protect citizens, reduce the threat of violence, and rehabilitate those who choose to engage in harmful behavior, US criminal justice systems instead target certain citizens, contribute to threats of violence, and abandon those who could benefit the most from state-sponsored support. White leaders have repetitively chosen to believe that White society is not directly implicated in Black suffering despite the ample evidence that the criminal justice system, which is overwhelmingly governed by White people, disproportionately and unreasonably harms people of color.

It became easier to overlook the racialized nature of this disparate treatment with the rise of supposed "colorblindness," a "racial ideology that posits the best way to end discrimination is by treating individuals as equally as possible, without regard to race, culture, or ethnicity."[780] While, at face value, colorblindness may appear to be the ideal model of racial equality, it actually creates the opportunity for inherent racial bias to be explained away in technically race-neutral terms. Simply prescribing colorblindness without identifying and treating the causes of real racial disparities will only change the language we use to describe the system, rather than the rules on which the system operates.

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[777] Otto Kerner et al., *Report of the National Advisory Commission on Civil Disorders* (Washington, D.C.: U.S. Government Printing Office, 1968), 219.

[778] Leslie Alexander and Michelle Alexander, "Fear," 119.

[779] Ibid.

[780] Monnica Williams, "Colorblind Ideology Is a Form of Racism," Psychology Today, December 17, 2011. https://www.psychologytoday.com/us/blog/culturally-speaking/201112/colorblind-ideology-is-form-racism.

Centuries of White control over US structures of justice laid the groundwork for the Supreme Court decision that makes it extremely difficult to challenge racial bias in the criminal justice system. In 1987 the Supreme Court ruled in *McCleskey v. Kemp* that "racial bias in sentencing, even if shown through credible statistical evidence, could not be challenged under the Fourteenth Amendment [which guarantees equal protection under the law] in the absence of clear evidence of conscious, discriminatory intent,"[781] evidence which is incredibly rare in the purported age of colorblindness.

Explicitly racialized rhetoric has been replaced with more neutral language that still evokes deeply ingrained racial stereotypes. Now, racial discrepancies in employment can be explained by conventions of "professionalism," or residential segregation can be framed as the result of the free market economy of real estate. However, colorblindness has a particularly insidious effect on the criminal justice system. Disproportionate mass incarceration and disenfranchisement of Black Americans is seen not as evidence that racial discrimination is an issue in law enforcement and judicial systems, but rather serves as confirmation of racial stereotypes about criminality, delinquency, and substance use as seen through a White lens.

Coded Language, Colorblindness and Incarceration

Michelle Alexander argues in her book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, that the criminal justice system serves as a form of racialized social control resembling that of the Jim Crow era of legal discrimination against Black people. Alexander points out that, "today it is perfectly legal to discriminate against criminals in nearly all the ways that it was once legal to discriminate against African Americans."[782] This is especially concerning since Black people make up a significantly disproportionate share of the "criminal" population. Furthermore, Alexander warns of how a "colorblind" approach to racial progress, one that encourages us not to "see race," actually supports and maintains racialized systems of control–perhaps even more than overt racial hostility. By contrast, color consciousness, "places faith in our capacity as humans to show care and concern for others, even as we are fully cognizant of race and possible racial differences."[783]

To discuss the current state of US incarceration policies and practices, there must first be an understanding of the nation's history of institutionalizing racialized social control. The most salient historical example of this is the re-emergence of slavery in a different form following the Civil War. Forced labor was never fully outlawed in the United States, as there remains a clause in the Thirteenth Amendment of the US Constitution which states that, "Neither slavery nor involuntary servitude, *except as a punishment for crime* [emphasis added] whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." The "except as punishment for a crime" clause proved quite important in the southern United States when estate owners suddenly found themselves legally devoid of laborers forced to work for no pay after the Civil War.

While Black people could no longer be marked for slavery simply by being Black, they could be enslaved (to provide unpaid labor) if they were first labeled as criminals. What the law designates as criminal is decided by those who hold legislative power who, in the case

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[781] Alexander, *The New Jim Crow,* 137.

[782] Alexander, *The New Jim Crow*, 2.

[783] Ibid, 302.

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of the post-Civil War South, were almost entirely wealthy White men. "Black codes" were quickly passed to criminalize and incarcerate Black people, especially Black men. As recalled in *The New Jim Crow*, historian William Cohen explains that "the main purpose of the codes was to control the freedmen, and the question of how to handle convicted black lawbreakers was very much at the center of the control issue."[784]

Nine states in the former Confederacy adopted vagrancy laws, "which essentially made it a criminal offense to be unemployed and were selectively applied to blacks." One vagrancy act specifically required that "all free negroes and mulattoes over the age of eighteen" must have written proof of a job at the beginning of every year. Those with no lawful employment were deemed vagrants and convicted.[785] Eight of those states accompanied vagrancy laws with "convict leasing" laws which allowed for the hiring out of prisoners to private businesses such as plantations and factories.[19] Black people in search of paying work were rounded up and branded as criminals to be exploited for unpaid labor.

Thus began the institutionalized exploitation of people identified as criminals. Today, prisoners in the United States continue to work for prisons as cooks, groundskeepers, librarians, etc., and also for the US government at publicly funded agencies such as the Department of Transportation. According to the American Civil Liberties Union (ACLU), the average prison wage cap is 52 cents an hour, if workers are paid at all.[786]

As of 2023, the fraction of the incarcerated population made up of Black Americans hovers around 40%,[787] despite Black people representing only 13% of US residents.[788] This disproportionate representation was powered by policies set at the federal level in the second half of the twentieth century. The escalation in the incarceration of Black people, particularly young Black men, for low-level offenses such as drug possession or loitering can be traced to the end of the Civil Rights era and the beginning of the Southern Strategy, a political tactic employed in the late 1960s by regressive politicians to monopolize political power.

Alexander explains, "Martin Luther King Jr. and other civil rights leaders made it clear that they viewed the eradication of economic inequality as the next front in the 'human rights movement' and made great efforts to build a multiracial coalition that sought economic justice for all."[789] Racial justice, the movement reasoned, would foster economic equality. Regressive political and economic leaders recognized how this promise of economic fair play might appeal to low-income White people as well as Blacks. Fearing the emergence of a unified, multiracial bloc of working-class voters capable of creating a social and economic sea change in the US, White elites worked to eradicate the potential of such an alliance.

[784] Ibid, 35.

[785] Ibid.

[786] Beth Schwartzapfel, "Prison Money Diaries: What People Really Make (and Spend) Behind Bars," The Marshall Project, August 4, 2022. https://www.themarshallproject.org/2022/08/04/prison-money-diaries-what-people-really-make-and-spend-behind-bars?utm_source=npr_newsletter&utm_medium=email&utm_campaign=money&utm_content=20220811&utm_term=7098628&utm_id=5038570&orgid=454&utm_att1=.

[787] "Inmate Race," Federal Bureau of Prisons, May 20, 2023. https://www.bop.gov/about/statistics/statistics_inmate_race.jsp.

[788] Peter Wagner, and Wendy Sawyer, "Mass Incarceration: The Whole Pie 2020," Prison Policy Initiative, 2020. https://www.prisonpolicy.org/reports/pie2020.html.

[789] Alexander, *The New Jim Crow,* 49.

Prior to the emergence of the Civil Rights Movement in the 1950s, the US had engaged in World War II, an international conflict with the goal of defeating racist fascism as a sinister force in Europe and elsewhere. In other words, US leaders were fighting against systemic oppression and racism abroad while simultaneously pursuing racist strategies to weaken the working class at home. Alexander writes, "The blatant contradiction between the country's opposition to the crimes of the [German] Third Reich against European Jews and the continued existence of a racial caste system in the United States was proving embarrassing, severely damaging the nation's credibility as leader of the 'free world.'"[790]

By the late 1960s, the Civil Rights Movement had inspired the passage of legislation prohibiting explicit racial discrimination. However, reactionaries feeling pressure to distance themselves publicly from an explicitly racist agenda, continued to stoke racial anxieties to discourage poor White people from supporting progressive policies. Such dissonance required a creative solution: enter the Southern Strategy.

The so-called Southern Strategy was a rhetorical approach to race politics that relied on the persuasive powers of coded language. Individuals employ coded language when they use terms that sound neutral or ambiguous to negatively describe an identity. These terms are often so embedded in the social vocabulary that they appear standard or harmless.[791] When a conversation substitutes the language of racial identity with seemingly race-neutral terms, individuals trigger racial stereotypes or other negative racial associations without experiencing the stigma of promoting explicit racism.[792] Politicians can use coded language to spread unpopular ideas since it allows them to speak in "code" to the people who will interpret their message accurately, while their opposition may struggle to form clear critiques against the ambiguous language being used.

With the Southern Strategy, formulated in the 1960s, repressive politicians aimed to increase support for their candidates by appealing to voters' anti-Black racism using race-neutral rhetoric, therefore avoiding accusations of blatant racial discrimination. Michelle Alexander explains, "Barred by law from invoking race explicitly, those committed to racial hierarchy were forced to search for new means of achieving their goals according to the new rules of American democracy."[793] Furthermore, as part of the strategy to undermine support for the Civil Rights Movement, politicians frequently associated activism related to racial justice with violent crime. "Southern governors and law enforcement officials often characterized [activists'] tactics as criminal and argued that the rise of the Civil Rights Movement was indicative of a breakdown of law and order."[794]

By developing new race-neutral language that would appeal to entrenched racist sentiments, proponents of the racial hierarchy found that they could preserve White privilege without violating the law or the revised limits of acceptable political discourse by arguing *for*

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[790] Ibid, 45.

[791] "Coded Language." Language, Please: Style Guide & resources for journalists and storytellers, July 13, 2022. https://languageplease.org/coded-language/#:~:text=Coded%20language%20consists%20of%20seemingly,seen%20as%20normal%20and%20harmless.

[792] "Coded Language." EdJustice. National Education Association, November 2, 2018. https://neaedjustice.org/social-justice-issues/racial-justice/coded-language/.

[793] Alexander, *The New Jim Crow*, 50.

[794] Ibid.

"law and order" rather than *against* civil rights. "The direct action tactics of civil rights activists, violent rebellions in inner cities, and traditional crimes of an economic or violent nature" were all "subsumed under the heading of 'crime in the streets.'"[795] The narrative that US cities were overrun with crime along with political rhetoric that coded such crime as "Black," created the necessary conditions for the criminal justice system to expand dramatically and disproportionately target people of color, "in the absence of clear evidence of conscious, discriminatory intent."

US Presidents Richard Nixon, Ronald Reagan, and Bill Clinton took advantage of coded, racialized language to increase their political power. In doing so, they each contributed to the dramatic expansion of the US prison system in ways that would be detrimental to the Black community. Nixon's advisor, H.R. Haldeman, recalled that "[President Nixon] emphasized that you have to face the fact that the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to."[796] Consequently, "the subliminal appeal to the anti-black voter was always present in Nixon's statements and speeches."[797] During the 1968 presidential election, "Nixon dedicated seventeen speeches to the topic of law and order, and one television ad explicitly called on voters to reject the lawlessness of civil rights activists and embrace 'order' in the United States."[798]

The strategy proved successful. Alexander notes that "in the 1968 election, race eclipsed class as the organizing principle of American politics." By the time Nixon was elected for a second presidential term in 1972, "attitudes on racial issues rather than socioeconomic status were the primary determinant of voters' political self-identification."[799] Nixon successfully coded racial justice activism as being lawless and disorderly, thereby offering White Americans a way to express disapproval of it without invoking race. The backlash of powerful opponents against the Civil Rights Movement had begun—however, it was not clear what form the backlash would take until the Reagan administration.

President Reagan continued to rely on the Southern Strategy throughout the 1980s. Building on Nixon's narrative that Black people were violent criminals, Reagan intensified the perception that they imposed a strain on society by promoting the narrative that poor people, mainly comprised of a disproportionately Black population, unfairly relied on government assistance. He created the myth of the "welfare queen," a "ghetto mother" who didn't work but instead relied on "taxpayers' money" in the form of welfare payments to fund her comfortable life. He exploited the public concern around "law and order" by condemning criminal "predators" and promising to "crack down" on the issue of crime. Alexander writes:

> To great effect, Reagan echoed white frustration in race-neutral terms through implicit racial appeals. His "colorblind" rhetoric on crime, welfare, taxes, and states' rights was clearly understood by white (and black) voters as having a racial dimension, though claims to that effect were impossible to prove. The absence of explicitly racist rhetoric afforded the racial nature of his coded appeals a certain plausible deniability... forcing liberals into a position that would soon become familiar: arguing that something is racist but finding it impossible to prove in the absence of explicitly racist language.[800]

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[795] Ibid, 54.

[796] H.R. Haldeman, *The Haldeman Diaries* (New York: G.P. Putnam's Sons, 1994), 53.

[797] Alexander, *The New Jim Crow,* 56.

[798] Ibid, 59.

[799] Ibid.

[800] Ibid, 61.

In October 1982, President Reagan announced his administration's War on Drugs. At the time, "less than 2 percent of the American public viewed drugs as the most important issue facing the nation,"[801] and the rate of illegal drug use was actually declining.[802] Nevertheless, under Reagan "the Justice Department announced its intention to cut in half the number of specialists assigned to identify and prosecute White-collar crime and to shift its attention to street crime, especially drug law enforcement."[803] Despite research showing that "people of all races use and sell illegal drugs at remarkably similar rates,"[804] throughout the ensuing war, "Ninety percent of those admitted to prison for drug offenses in many states were black or Latino, yet the mass incarceration of communities of color was explained in race-neutral terms, an adaptation to the needs and demands of the current political climate."[805]

Additionally, the Reagan administration launched a media offensive to justify the War on Drugs to the public. Articles typically reinforced "already prevalent racial stereotypes of black women as irresponsible, selfish 'welfare queens,' and black men as 'predators'–part of an inferior and criminal subculture."[806] Reagan's racially coded rhetoric proved effective, as "22% of all Democrats defected from the party to vote for [Republican] Reagan."[807] Once political and media elites successfully constructed a public consensus that crime, specifically drug crime, was an overwhelmingly Black issue (in the absence of overtly racist language) the pieces were in place to create a system of law enforcement that disproportionately imprisoned Black people but could be defended as a race-neutral strategy for "crime control."

The dramatic shift towards punishing drug use resulted in a massive, consequential reallocation of public resources. Alexander provides these revealing statistics about changes made to various US institutional budgets under Reagan:

> Between 1980 and 1984, FBI antidrug funding increased from $8 million to $95 million. Department of Defense antidrug allocations increased from $33 million in 1981 to $1,042 million in 1991. During that same period, DEA [Drug Enforcement Administration] drug spending grew from $86 million to $1,026 million… By contrast, funding for agencies responsible for drug treatment, prevention, and education was dramatically reduced. The budget of the National Institute on Drug Abuse was reduced from $274 million to $57 million from 1981 to 1984, and antidrug funds allocated to the Department of Education were cut from $14 million to $3 million.[808]

The effects were staggering, the national prison population nearly doubled (from 329,000 to 627,000) under the Reagan Administration.[809] Reagan also passed the Anti-Drug Abuse Act in 1986, which allocated $1.7 billion to the War on Drugs initiative and established

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[801] Ibid.

[802] Ibid, 7.

[803] Ibid, 62.

[804] Ibid, 123.

[805] Ibid, 73.

[806] Ibid, 66.

[807] Ibid, 62.

[808] Ibid, 63.

[809] James Cullen, "The History of Mass Incarceration," Brennan Center for Justice, July 20, 2018. https://www.brennancenter.org/our-work/analysis-opinion/history-mass-incarceration#:~:text=When%20Reagan%20took%20office%20in,then%20and%20remain%20so%20today.

mandatory minimum prison sentences for drug-related offenses.[810] Alexander writes of the Anti-Drug Abuse Act, "the severity of this punishment was unprecedented in the federal system."[811] Additionally, cash grants were provided to "law enforcement agencies that were willing to make drug-law enforcement a top priority."[812]

After Reagan, "Presidents George Bush and Bill Clinton enthusiastically embraced the drug war."[813] In reaction to the increasing political attention on crime rates and drug use, public concern for these issues increased as well. Alexander asserts that the level of public concern about crime and drugs was weakly correlated with actual crime rates at this time, "but highly correlated with political initiatives, campaigns, and partisan appeals."[814] In 1989 President George H. W. Bush brandished a bag of crack cocaine while seated in the Oval Office during a nationally televised address remarking that it "looked like candy, but it's turning our cities into battle zones, and it's murdering our children." Days later a *New York Times*/CBS poll reported that 64% of those polled thought drugs were the most significant problem in the United States.[815] The solution, Bush claimed, was "more prisons, more jails, more courts, more prosecutors," and a $1.5 billion increase in federal police spending, "the greatest single increase in the history of drug enforcement."[816]

After reactionary politicians successfully intensified public concern about crime, and the Republican political party established itself as the party of "law and order," Democratic leaders felt pressure to adapt to the new focus of political discourse. They attempted "to wrest control of the crime and drug issues from Republicans by advocating stricter anti-crime and anti-drug laws" all to win back the so-called "swing voters" who had defected to the Republican Party.[817] "The $30 billion crime bill sent to [Democratic] President Clinton in August 1994 was hailed as a victory for the Democrats," who were now able to also claim ownership of solving the crime issue. The 1994 Violent Crime Control and Law Enforcement Act increased funding to hire 100,000 more police officers nationwide and provided incentives to build more state prisons, in addition to authorizing the death penalty for dozens of existing and new federal crimes and mandating life imprisonment for an individual's third violent felony (also known as the "three strikes" rule).[818]

While campaigning for Clinton's second presidential term in 1996, First Lady Hillary Clinton praised the President's approach to crime control and warned, "We need to take these people on.… They are not just gangs of kids anymore. They are often the kinds of kids that are

[810] "War on Drugs." Encyclopædia Britannica. Encyclopædia Britannica, inc., March 1, 2023. https://www.britannica.com/topic/war-on-drugs#ref1284289.

[811] Alexander, *The New Jim Crow,* 68.

[812] Ibid, 92.

[813] Ibid, 97.

[814] Ibid, 69.

[815] Richard Berke, "Poll Find Most in U.S. Back Bush Policy on Drugs," *The New York Times*, September 12, 1989. https://www.nytimes.com/1989/09/12/us/poll-finds-most-in-us-back-bush-strategy-on-drugs.html.

[816] Matthew Pembleton. "George H.W. Bush's biggest failure? The war on drugs," *The Washington Post*, December 6, 2018. https://www.washingtonpost.com/outlook/2018/12/06/george-hw-bushs-biggest-failure-war-drugs/.

[817] Alexander, *The New Jim Crow*, 70.

[818] Lauren-Brooke Eisen, "The 1994 Crime Bill and Beyond: How Federal Funding Shapes the Criminal Justice System," Brennan Center for Justice, September 9, 2019. https://www.brennancenter.org/our-work/analysis-opinion/1994-crime-bill-and-beyond-how-federal-funding-shapes-criminal-justice.

called 'superpredators,' no conscience, no empathy." Twenty-five years later, law professor Kim Taylor-Thompson reflected, "The superpredator language began a process of allowing us to suspend our feelings of empathy towards young people of color."[819] Years later, when running for president in 2016, Hillary Clinton expressed regret over her language, saying, "Looking back, I shouldn't have used those words, and I wouldn't use them today."[820]

In 1996, to bolster his "tough on crime" credentials, President Clinton declared that public housing agencies should "exercise no discretion when a tenant or guest engages in criminal activity, particularly if it is drug related."[821] Alexander writes, "Clinton escalated the drug war beyond what conservatives had imagined possible a decade earlier."[822]

By emphasizing the need for a "War on Drugs" while simultaneously pathologizing Black "culture" and Black people as irresponsible, drug-addicted criminals, political elites succeeded in using coded language to exploit White people's racial anxieties to their benefit. In the face of this evidence, and in contradiction of government rhetoric on this issue, it is clear that the War on Drugs was never meant to relieve communities from drug addiction.[823]

The actual outcome has been White politicians gaining support from low-income White voters in exchange for promising to criminalize and oppress those who supposedly take unfair advantage of social support systems. Due to the racially coded discourse surrounding criminality and delinquency, this group was largely understood to be Black. Thus, mass incarceration took hold as politicians across the partisan spectrum fought over the title of who is "toughest on crime."[824] What started as a political strategy rooted in politicians' self-interest soon resulted in the nation's incarcerated population becoming increasingly, and disproportionately, Black.

Mass Incarceration

As Alexander clarifies, "*Mass incarceration* refers not only to the criminal justice system but also to the larger web of laws, rules, policies, and customs that control those labeled criminals both in and out of prison."[825] The consequences of connecting with the criminal justice system as an offender reach far beyond years spent in prison. "Most people who are under state supervision and control are not in prison,"[826] but on probation or parole. Through a combination of laws, regulations, and informal rules, "all of which are powerfully reinforced by social stigma, [incarcerated people] are confined to the margins of mainstream society."[827]

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[819] Carroll Bogert and Lynnell Hancock, "Analysis: How the media created a 'superpredator' myth that harmed a generation of Black youth," NBC News, November 20, 2020. https://www.nbcnews.com/news/us-news/analysis-how-media-created-superpredator-myth-harmed-generation-black-youth-n1248101.

[820] Anne Gearan and Abby Phillip, "Clinton regrets 1996 remark on 'super-predators' after encounter with activist," The Washington Post, February 25, 2016. https://www.washingtonpost.com/news/post-politics/wp/2016/02/25/clinton-heckled-by-black-lives-matter-activist/.

[821] Alexander, *The New Jim Crow*, 181.

[822] Ibid, 71.

[823] Betsy Pearl and Maritza Perez, "Ending the War on Drugs," The Center for American Progress, June 27, 2018. https://www.americanprogress.org/article/ending-war-drugs/.

[824] Alexander, *The New Jim Crow*, 70.

[825] Ibid, 15.

[826] Ibid, 127.

[827] Ibid, 5.

According to Alexander, there exists meaningful similarities between the institutionalized exclusion of criminals from mainstream US society and the *formerly institutionalized exclusion of Black people* from mainstream US society. She writes, "the stigma of criminality functions in much the same way that the stigma of race once did. It justifies a legal, social, and economic boundary between 'us' and 'them.'"[828] While, on the surface, one's racial identity and one's criminal identity appear to have different sources (one biological, the other behavioral), racist associations between race and criminality function to connect a susceptibility to criminality to racial biology.

In our era of supposed enlightened colorblindness, we are duped into thinking that "the mass incarceration of people of color can be justified only to the extent that the plight of those locked up and locked out is understood to be their choice, not their birthright."[829] Instead of debating whether criminals deserve such treatment, Alexander encourages us to consider why and how such extreme marginalization remains institutionalized.

Formerly incarcerated people are excluded from the economy when they find they have to struggle to obtain employment. Job applications routinely ask if the applicant has ever been convicted of a felony. If applicants "check the box" indicating that they have been convicted, they may not be automatically disqualified from the position, but the employer will likely prefer to hire someone without a criminal record to preserve a certain perception of the company or to protect themselves from potential liability. Additionally, "post-release restrictions" make it difficult or impossible for formerly incarcerated people to obtain occupational licenses required for certain trades.[830] A 2021 report found that "72% of all post-release restrictions impact job opportunities."[831] Over the past decade, the unemployment rate among formerly incarcerated people hovered around 27%, over seven times higher than the national unemployment rate of 3.7%.[832]

Additionally, many formerly incarcerated people are deprived of basic social safety nets provided through government programs. For example, in Alaska, Georgia, Mississippi, South Carolina, West Virginia, and Wyoming, individuals convicted of drug-related felonies are banned for life from receiving Supplemental Nutrition Assistance Program (SNAP) benefits.[833] In Alaska, Arizona, Delaware, Georgia, Illinois, Mississippi, Missouri, Nebraska, South Carolina, South Dakota, Texas, and West Virginia, individuals convicted of drug-related felonies are banned for life from accessing Temporary Assistance for Needy Families (TANF), also known as welfare payments.[834]

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[828] Ibid, 56.

[829] Ibid, 308.

[830] Jamiles Lartey, "How Criminal Records Hold Back Millions of People," The Marshall Project, April 1, 2023. https://www.themarshallproject.org/2023/04/01/criminal-record-job-housing-barriers-discrimination.

[831] "After the Sentence, More Consequences: A National Snapshot of Barriers to Work." The Council of State Governments Justice Center, January 2021. https://csgjusticecenter.org/publications/after-the-sentence-more-consequences/national-snapshot/.

[832] Hanna Morzenti et al. "Exploring Employer Perceptions of Hiring Ex-Offenders," CrimRxiv, October 2, 2012. https://doi.org/10.21428/cb6ab371.222d9667.

[833] Eli Hager, "Six States Where Felons Can't Get Food Stamps." The Marshall Project. The Marshall Project, February 4, 2016. https://www.themarshallproject.org/2016/02/04/six-states-where-felons-can-t-get-food-stamps.

[834] Ibid.

Formerly incarcerated people are also excluded from mainstream society when they are disenfranchised, denied housing in certain neighborhoods, and ostracized due to the stigma associated with criminality. Once released from prison, many formerly incarcerated people are stripped of their voting rights and, in some states, unable to access government-assisted housing. In nine states, citizens with a criminal record may be denied the right to vote for the rest of their lives, depending on the details of their conviction and whether or not they have paid all fines and fees associated with their time in the system. In other states, convicted criminals may be re-enfranchised upon completion of parole and probation periods.[835] Two states, Maine and Vermont, allow people to vote while serving a prison sentence—in these states, unlike many others, the majority of criminals are White.[836] Additionally, ex-felons must wait until it has been at least five years since their conviction to access public housing through Section 8, a federally funded rental assistance program that exists in every state.[837]

Mass incarceration serves many purposes. It hides from public sight problems such as the increasing population of people experiencing homelessness, as well as those struggling with drug addiction. It provides cheap labor. It serves as a multibillion-dollar source of profit for private industries contracted to operate food, supplies, healthcare, infrastructure, and telecom services to prisons. All of these corporate and political interests have a stake in the expansion–not the elimination–of this system of mass incarceration.[838] It also perpetuates the US social class system, cementing in place a permanent bottom caste composed primarily of impoverished Black people. No matter how poor a White American may find themselves, they can be reassured by the national narrative that they are far less likely than "others" to end up at the absolute bottom of the social ladder. Those who do end up at the bottom are then deprived of political representation, erasing the opportunity for their lived experiences to impact the work of the government.

Racial, Cultural, and Economic Bias

In the United States, race and social class are intimately linked for people of color. As a result of the economic effects of slavery, Jim Crow practices, and the War on Drugs, social inequities permeate the lives of most, if not all, Black Americans. There are many ways in which the US legal system relies on these inequalities to foster racial, cultural, and economic bias both *against* low-income Black people and *toward* middle- and upper-class White people.

One of the ways in which the US criminal justice system is economically and racially biased is the cash bail system. The nonprofit think tank Prison Policy Initiative writes that "Jail churn [the rate of turnover within a jail] is particularly high because most people in jails have not been convicted. Some have just been arrested and will make bail within hours or days, while many others are too poor to make bail and remain behind bars until their trial."[839]

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[835] "State Voting Laws & Policies for People with Felony Convictions" ProCon/Encyclopaedia Britannica, Inc. May 1, 2023. https://felonvoting.procon.org/state-felon-voting-laws/.

[836] Nicole Lewis, "In Just Two States, All Prisoners Can Vote. Here's Why Few Do," The Marshall Project, June 11, 2019. https://www.themarshallproject.org/2019/06/11/in-just-two-states-all-prisoners-can-vote-here-s-why-few-do.

[837] Even then, certain felonies are considered "disqualifying." If any member of a household has been convicted of a disqualifying felony (either manufacturing methamphetamines in government assisted housing or a crime that requires one to register as a sex offender), the entire household is denied access to public housing.

[838] Ibid, 288.

[839] Peter Wagner, and Wendy Sawyer. "Mass Incarceration: The Whole Pie 2020."

The cash bail system disproportionately affects Black and Brown people as they are more likely to be impoverished due to systemic racism and less likely to post bail and return home while they await trial. If an arrestee cannot afford bail, they remain in jail until their trial, endangering their livelihood while they are absent from their jobs, even if innocent of the alleged crime. Pretrial detention is meaningfully racialized even when controlling for socioeconomic status. A study published in the *University of Pennsylvania Law Review* found that indigent Black defendants are held in pretrial custody 62% longer than indigent White defendants.[840]

The US court system is clogged with low-level criminal offenses, many a result of Clinton-era drug laws and the War on Drug policies. Those held in jail often wait months to see their case considered in court. A famous, ultimately tragic, example of this occurred in 2010 when a 16-year-old Black teen named Kalief Browder was arrested for allegedly stealing a backpack. He was charged with grand larceny, robbery, and assault, and his bail was set at $3,000, a price his family could not afford. Browder was taken to Rikers Island, New York City, where he was placed in the Robert N. Davoren Center (R.N.D.C.),[841] a juvenile jail with a known reputation for rampant abuse by guards. Even though Browder was appointed a public defense lawyer and told that his case was relatively straightforward, he spent three years in jail, two of which were spent in solitary confinement. This was in clear violation of the Mandela Rules, a basic minimum set of human rights laws published by the United Nations in 2015, which prohibits the use of solitary confinement for more than 15 consecutive days under any circumstance, as it is considered psychological torture.[842] Browder's case was dropped and he was released from jail, but in 2015 he took his own life, in large part due to the physical and psychological abuse he suffered while jailed at the R.N.D.C.[843]

Browder's distressing case is not an isolated incident. In 2023 the Prison Policy Initiative reported that 428,312 people detained in local jails have not been convicted and are either too poor to make bail or have recently been arrested and expect to make bail in the next few days.[844] In other words, these citizens are awaiting trial and are legally innocent, but remain detained, nonetheless. Beyond being immoral, this form of detainment directly contradicts precedents set in English common law and US constitutional law, both of which historically prioritize the protection of innocence above the punishment of guilt.

Most US residents have heard the phrase "innocent until proven guilty," but most do not know the actual origins of it. The phrase is derived from Blackstone's ratio, a legal principle formulated in the 1760s by English jurist William Blackstone, which remains prevalent in US

[840] Emily Owens, Erin M. Kerrison, and Bernardo Santos Da Silveira. Rep. *Examining Racial Disparities in Criminal Case Outcomes among Indigent Defendants in San Francisco*. Philadelphia, PA: University of Pennsylvania, 2017.

[841] Jennifer Gonnerman, Jeffrey Toobin, and Atul Gawande. "Before the Law." The New Yorker. The New Yorker, September 29, 2014. https://www.newyorker.com/magazine/2014/10/06/before-the-law.

[842] Nils Melzer, "United States: Prolonged Solitary Confinement Amounts to Psychological Torture, Says UN Expert." OHCHR. United Nations Human Rights Office of the High Commissioner, February 28, 2020. https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25633.

[843] David K. Li, "Family of Kalief Browder, Young Man Who Killed Himself after Jail, Gets $3.3M from New York," NBCNews.com. NBCUniversal News Group, January 25, 2019.

[844] Wendy Sawyer and Peter Wagner, "Mass Incarceration: The Whole Pie 2023." Prison Policy Initiative, March 14, 2023. https://www.prisonpolicy.org/reports/pie2023.html#dataintro.

legal discourse to this day. Blackstone's ratio states that "it is better that ten guilty persons escape than that one innocent suffer."[845] While legal scholars debate the specific burden of proof required to fulfill this mandate, it remains accepted that it is unjust to imprison a person until they have been proven to be guilty of a crime.

United States founding father and second President of the United States John Adams wrote after the Boston Massacre, "We are to look upon it as more beneficial, that many guilty persons should escape unpunished, than one innocent person should suffer. The reason is, because it is more important to the community that innocence should be protected, than it is that guilt should be punished."[846] The nation's founders understood the harm that is done to communities when individuals may be detained indefinitely while their innocence remains a possibility.

To be proven innocent or guilty, a defendant must find a lawyer and go through a legal trial, which can be onerous, expensive, and could still result in an incorrect verdict. The stress of going through a trial, combined with the fact that prosecutors may offer shorter sentences in exchange for a defendant's guilty plea, makes serving prison time the least costly (and sometimes the only) option for those who have been wrongly accused. In 2023 National Public Radio reported that, in any given year, 98% of criminal cases in the federal court system conclude with a plea bargain, "a practice that prizes efficiency over fairness."[847] Additionally, the burden of this legal injustice falls disproportionately on the Black population. Black people are more likely to be arrested, denied bail, found guilty, and convicted to longer sentences for crimes they potentially did not commit.[848] In 2023 the National Registry of Exonerations calculated that 3,284 people had been exonerated[849] (cleared of a crime after new evidence of innocence became available[850]) in the US since 1989. Those who were eventually declared innocent had served an average of 8.9 years in jail. Black people made up 52% of exonerations, demonstrating that they are disproportionately convicted of crimes of which they are innocent.

Another way in which the US criminal justice system discriminates against impoverished Black Americans is embedded in the cultural expectation of normative/ acceptable appearance, including hairstyles and clothing. When sitting in a jury trial, how the defendant is dressed has material significance to jurors. Legal scholar Christine Mukai suggests that allowing defendants to stand trial in a prison uniform is a violation of both their Fifth Amendment and Sixth Amendment rights under the Constitution. In her article, *Prisoner's*

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[845] Sir Blackstone, Commentaries on the Laws of England in Four Books, vol. 2. Philadelphia: J. B. Lippincott, 1753.

[846] "Adams' Argument for the Defense: 3–4 December 1770," *Founders Online,* National Archives, https://founders.archives.gov/documents/Adams/05-03-02-0001-0004-0016. [Original source: *The Adams Papers*, Legal Papers of John Adams, vol. 3, *Cases 63 and 64: The Boston Massacre Trials*, ed. L. Kinvin Wroth and Hiller B. Zobel. Cambridge, MA: Harvard University Press, 1965, pp. 242–270.]

[847] Carrie Johnson, "The vast majority of criminal cases end in plea bargains, a new report finds," NPR, February 22, 2023. https://www.npr.org/2023/02/22/1158356619/plea-bargains-criminal-cases-justice#:~:text=In%20any%20given%20year%2C%2098,from%20the%20American%20Bar%20Association.

[848] "Exonerations in the United States Map." The National Registry of Exonerations, January 9, 2023. https://www.law.umich.edu/special/exoneration/Pages/Exonerations-in-the-United-States-Map.aspx.

[849] Ibid.

[850] "Glossary." The National Registry of Exonerations. https://www.law.umich.edu/special/exoneration/Pages/glossary.aspx#:~:text=In%20general%2C%20an%20exoneration%20occurs,evidence%20of%20innocence%20becomes%20available.

Clothing During Trial, Mukai makes the case that in wearing a prison uniform to trial, the defendant is denied the right to an impartial jury as the jury could be swayed against the innocence of the defendant by the sight of them in a bright orange prison jumpsuit, a conclusion based on hundreds of studies which have detailed the power that attire has over people's perception of professionality and respectability.[851] Poor defendants of any race are disadvantaged in the courtroom when they are unable to afford professional attire, but poor Black defendants are hit hardest by intersecting factors of race and class. Racist stereotypes about Blackness and criminality are confirmed when Black defendants already resemble prisoners while standing trial.

Black people are more likely to have low-to-limited income, and therefore more likely to be impacted negatively by expenses associated with navigating the criminal justice system. However, even when controlling for economic class, Black people receive harsher treatment within the institution due to racial biases. Research shows that even when considering poor defendants exclusively, Black defendants are convicted of greater than 60% more felony charges than White defendants and receive sentences 28% longer than their White counterparts. Several solutions can be proposed, grounded in the analysis of policing, mass incarceration, and bias in the justice system provided in this chapter.

Solutions

"The myopia of white society permeates our judicial system, making it inherently incapable of delivering justice to people of color," wrote the authors of *Institutional Racism in America* in 1969. In the twenty-first century, institutions charged with protecting all US citizens and maintaining social order continue to prioritize the protection and preservation of White society. And, to note a marked characteristic of these institutions, they do not simply protect the White population while neglecting all other racial groups. Rather, they operate to protect White people *from* people of color, constantly creating the supposed "threats" as well as the prescribed solutions to them.

A meaningful, US historical comparison may be made:

- 1980s threats: violence in the streets, plummeting property values, the crack cocaine epidemic.
- 1980s solutions: law and order, residential segregation, and the War on Drugs.
- 1700s threat: social unrest due to enslaved people fighting for freedom.
- 1700s solution: the slave patrol.

Here is the foundation of modern policing in the US–the problem: the behavior of people of color; the solution: controlling the behavior of people of color. The nation's criminal justice system is not concerned with addressing the root causes of criminality–the many societal, psychological, and economic factors that lead to people committing crimes. Rather, administrators of justice are chiefly concerned with punishing criminals and expelling them from the society they allegedly do not deserve to be a part of. This punitive system is unjust and harmful, divesting people of color of their autonomy and prosperity as well as stripping US society of their talents and contributions.

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[851] Christine Mukai, "Prisoner's Clothing During Trial," *Cleveland State Law Review* 20, no. 2 (1971), https://doi.org/10.1177/17438721156083.

As far as policing, it has been shown over the past decades that "reform" is not effective. Despite new diversity training, body cameras, and other reformist approaches, the average frequency of police killings has not decreased.[852] Following the murder of George Floyd, the social movement to "defund" or "abolish" the police gained momentum. While some were horrified at the suggestion of a police-less society, others saw it as enabling an end to state-sanctioned racial violence. The movement to "abolish the police" quickly became a cultural lightning rod for political disputes, which often characterized supporters of the movement as anti-institutional rebels who delight in lawless anarchy.

Throughout the summer of 2020, former Fox News host Tucker Carlson constantly described Black Lives Matter demonstrations as "riots" and crowds as "mobs,"[853] warning his viewers that if the movement succeeded, "Violent young men with guns will be in charge. They will make the rules, including the rules in your neighborhood. They will do what they want. You will do what they say. No one will stop them."[854] Despite numerous reports that the protests were overwhelmingly peaceful,[855] Fox News consistently portrayed the movement as violent and dangerous.[856]

Meanwhile, many activist organizations made sincere efforts to promote alternative forms of law enforcement. Since this text is concerned with institutional oppression and therefore, institutional solutions, it is worthwhile to consider appeals to transform and humanize law enforcement institutions.

First and foremost is the desire to modify methods that determine funding for law enforcement, thoughtfully reallocating public budget resources. Proponents claim that funds previously used to purchase costly military-style tanks and weapons should be diverted to community programs that provide healthy food, safe housing, accessible childcare, affordable rehabilitation facilities, and necessary healthcare in the belief that this assistance to low-income, underserved people will dramatically reduce the underlying causes of many crimes. Reassigning police funding to programs supporting restorative justice may also involve proactive practices such as dismissing police officers who have received excessive force complaints, cutting funding aimed only at improving public relations, and suspending the use of paid administrative leave for officers under investigation.[857]

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[852] National Trends: Killings by Police 2013-2023. Mapping Police Violence, 2023. https://mappingpoliceviolence.us/nationaltrends.

[853] Justin Baragona, "Tucker Warns Fox Viewers That the Black Lives Matter 'Mob' Will 'Come for You,'" Daily Beast, June 8, 2020. https://www.thedailybeast.com/tucker-carlson-warns-fox-viewers-that-the-black-lives-matter-mob-will-come-for-you.

[854] Media Matters Staff, "Tucker Carlson: 'Violent young men with guns will be in charge. They will make the rules, including the rules in your neighborhood,'" Mediamatters.org, June 2, 2020. https://www.mediamatters.org/tucker-carlson/tucker-carlson-violent-young-men-guns-will-be-charge-they-will-make-rules-including.

[855] Sanya Mansoor, "93% of Black Lives Matter Protests Have Been Peaceful, New Report Finds," *Time*, September 5, 2020. https://time.com/5886348/report-peaceful-protests/.

[856] Tyler Monroe and Rob Savillo, "Fox News has attacked Black Lives Matter over 400 times in a 6-month period," Mediamatters.org, June 26, 2021. https://www.mediamatters.org/black-lives-matter/fox-news-has-attacked-black-lives-matter-over-400-times-6-month-period.

[857] 8 to Abolition . #8toAbolition, 2020. https://www.8toabolition.com/.

Second is an effort to demilitarize law enforcement. This would include ending federal funding programs that militarize police departments by providing military-grade weaponry and technology, prohibiting training exchanges between US law enforcement and international military entities that export the US model of racist policing overseas, and repealing laws that hide, excuse, or enable police misconduct. Demilitarizing neighborhoods of color also means ending "broken windows policing," a practice that emerged in the 1970s and 1980s with the War on Drugs. Based on the idea that visible signs of civil disorder, such as shattered windows, vandalism, or loitering encourage criminality, the "broken windows" tactic promotes aggressive policing of minor offenses to impose social order.[858] Instead, what broken windows policing has achieved is a court schedule clogged with "quality of life" offenses that pose no substantial safety threat to the community.

Additionally, activists advocate for the modification of laws that criminalize survival behaviors, particularly for people experiencing homelessness, including statutes against loitering, panhandling, soliciting, camping, and sleeping in public places, as well as public urination and defecation. In Seattle, one in five people arrested by the Seattle Police Department are homeless even though homeless people make up less than 1% of the Seattle population and are generally arrested for non-violent crimes.[859] Rather than punishing people for sleeping in public spaces or urinating in public because there are no available restrooms, government support could provide the most vulnerable members of our communities with treatment and assistance rather than criminal charges.

Criminal justice reform advocates call to "end all fines and fees associated with the criminal legal process, including ticketing, cash bail, court costs, and parole and probation fees." These economic burdens inherent in our legal institutions mean that impoverished people often find themselves unable to pay court or probation fees and are arrested and jailed until they can appear in court for an additional hearing regarding missing fines and fees. The revenue handily generated by these fines and fees further encourages over-policing minor offenses. In 2019 former public defender Alexandra Natapoff estimated that the 13 million misdemeanor cases filed annually in the US make up 80% of the nation's criminal dockets.[860]

Criminal justice reform advocates also argue that many people who are currently detained should be freed from involuntary confinement. This includes immigrants being held indefinitely at detention facilities on the US border, those being held in pretrial detention because they cannot afford to pay bail, as well as all "criminalized survivors." Criminalized survivors include people who committed a crime against someone who has harmed or abused them but end up incarcerated after failing to prove that the crime was committed in self-defense. Examples of this include the case of Cyntoia Denise Brown, a 14-year-old Black child who was sentenced to life in prison for killing a man who solicited her for sex via her trafficker; or the case of Chrystul Kizer, a 17-year-old Black teen facing murder charges for killing her trafficker after he raped her. Brown ultimately served 15 years in prison before

[858] Ayesh Perera, "Broken Windows Theory," *Simply Sociology*, April 20, 2023. https://simplysociology.com/broken-windows-theory.html
[859] David Kroman, "In Seattle, 1 in 5 People Booked into Jail Are Homeless," Crosscut, February 20, 2019. https://crosscut.com/2019/02/seattle-1-5-people-booked-jail-are-homeless.
[860] Terry Gross, "'Punishment Without Crime' Highlights The Injustice Of America's Misdemeanor System," NPR, January 2, 2019.https://www.npr.org/2019/01/02/681606995/punishment-without-crime-argues-that-americas-misdemeanor-system-targets-the-poor.

being released in 2019. In May 2024, after six years of on and off pre-trial detention, Kizer pled guilty to a charge of second-degree reckless homicide which is punishable by up to 25 years in prison.

These examples of criminalized survivors are eerily evocative of the case of an enslaved woman named Celia. In 1855, Celia killed the man who enslaved her, Robert Newsom, who had purchased Celia when she was fourteen years old for the purpose of having sex with her.[861] After five years of begging him to stop sexually assaulting her, Celia finally clubbed him over the head and killed him. At her trial, the presiding judge instructed the all-White jury that the state's self-defense law did not apply to Celia. The law provided that women could protect themselves against "every person who shall take *any woman* (emphasis added), unlawfully, against her will, with intent to compel her by force…to be defiled." According to the judge, the law did not apply to Celia, because she did not fall within the category of "any woman."[862] Celia was sentenced to death and hanged. Notably, the enforcement of self-defense laws today still varies widely according to race.[863] The criminal justice system is ten times more likely to rule a homicide justifiable if the shooter is White and the victim is Black than the other way around.[864]

Beyond legal systems, criminal justice activists support providing safe housing for all citizens. This means repurposing unused buildings to house people experiencing homelessness, increasing support and resources for refugees and asylum seekers, and making public housing available to everyone by repealing discriminatory laws that deny access to people based on their history of incarceration. They also advocate for community self-governance, which allows members of a community to assess their own needs and invest in community-based resources, from tenants' unions to local businesses.

Overall, advocates of criminal justice reform argue for a restorative approach to the administration of justice, rather than the punitive model currently in use. Restorative justice can be achieved through investing in forms of social support, rather than forms of social control. This means allocating sufficient public funding toward healthcare infrastructure (including mental healthcare); investing in teachers, counselors, and childcare; and making housing and public transit more accessible. Restorative approaches dismantle existing racism in law enforcement and judicial institutions while compassionately attending to the root causes of many crimes. These root causes include factors such as poverty and mental illness.

Conclusion

"Virtually all of us break the law at some point in our lives."[865] Given the illegality of drinking underage, using certain drugs, committing traffic violations, failing to report cash income on tax returns, and even jaywalking, it is nearly impossible to get through life in the US without technically breaking the law. In theory, laws are created to mitigate the harm of potentially

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[861] Dorothy Roberts, "Race," in *The 1619 Project: a new origin story,* created by Nikole Hannah-Jones and *The New York Times Magazine* (New York: One World, 2021), 53.

[862] Ibid, 54.

[863] Carol Anderson, "Self-Defense," in *The 1619 Project: a new origin story,* created by Nikole Hannah-Jones and *The New York Times Magazine,* (New York: One World, 2021), 252.

[864] Ibid, 266.

[865] Alexander, *The New Jim Crow*, xl.

dangerous acts and maintain social order. However, laws will inevitably be broken, and the treatment of individuals who have failed to meet these "commonly accepted standards of behavior" is an integral part of a society's ability to meaningfully reduce harm. Punishing those who engage in harmful behavior may dissuade others from following suit.

However, robbing people of the opportunity to change for the better and be reintegrated into society not only causes unnecessary suffering but also leaves unrealized the vision of an effective system of crime control. Unfortunately, "the notion that if you've ever committed a crime you're permanently disposable"[866] has the most prominent influence on our criminal justice system. Michelle Alexander writes, "This is not to say crime is unimportant.… We *need* an effective system of crime prevention and control in our communities, but that is not what the current system is."[867]

Our current system of criminal justice is ineffective at both delivering justice and controlling crime. If punishments for crimes were proportional to their social harm, it would not be the case that drunk drivers "are generally charged with misdemeanors and typically receive sentences involving fines, license suspension, and community service"[868] while certain drug offenses are considered felonies and automatically result in a prison sentence. At the time these respective penalties were created, "the number of deaths related to *all illegal drugs combined* was tiny compared to the number of deaths caused by drunk drivers."[869]

Furthermore, Alexander claims, imprisonment creates far more crime than it prevents. "By locking millions of people out of the mainstream legal economy, by making it difficult or impossible for people to find housing or feed themselves, and by destroying familial bonds by warehousing millions for minor crimes, we make crime more—not less—likely in the most vulnerable communities."[870] When judged on the merits of crime prevention and harm reduction, our criminal justice system is a disappointment. However, when "understood as a system of social control—specifically, racial control—then the system is a fantastic success."[871]

After the Civil Rights Movement, regressive politicians who sought to undermine the goals of racial equality (but could no longer explicitly do so in the era of colorblindness), took advantage of their ability to reshape law enforcement institutions according to their personal and political interests. Alexander observes, "The most ardent opponents of civil rights legislation and desegregation were the most active on the emerging crime issue."[872] In her book *Frontlash: Race and the Development of Punitive Crime Policy*, political scientist Vesla Weaver explains, "Members of Congress who voted against civil rights measures proactively designed crime legislation and actively fought for their proposals."[873] The toll the War on Drugs took on Black communities as well as the dramatic increase in the prison population at

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[866] Ibid, xxxix.

[867] Ibid, 293.

[868] Ibid, 257.

[869] Ibid, 256.

[870] Ibid, 295.

[871] Ibid.

[872] Ibid, 54.

[873] Vesla M. Weaver, "Frontlash: Race and the Development of Punitive Crime Policy," *Studies in American Political Development* 21, no. 2 (Fall 2007): 262.

the end of the twentieth century (from approximately 200,000 in 1970 to approximately 1.5 million by 2006[874]) was not caused by dramatic increases in drug use or crime rates, but, rather, by changes in laws and policies.[875] In effect, political leaders used institutions designated to administer justice to, instead, carry out unrelated political interests, and, in doing so, corrupted the function of the institutions themselves. Extensive social science research shows how governments habitually have used their authority to punish crimes as a tool of social control.

Due to decades of this strategic manipulation, the laws that structure the criminal justice system deliver "guaranteed discriminatory results."[876] The process of mass incarceration systematically and disproportionately marginalizes people of color. Alexander concludes, "Racially targeted drug law enforcement practices taken together with laws that specifically discriminate against people with drug convictions in employment, housing, and public benefits have relegated the majority of black men in urban areas across the United States to a permanent second-class status."[877] Without any explicit mention of race, policies that direct our judicial system ensure that the disenfranchisement of former criminals will impact the Black population more than any other group.

Furthermore, these policies ensure that anyone convicted of a crime, particularly drug offenses, will face extreme difficulty being reintegrated into mainstream society once they've served their time. "They will be discriminated against, legally, for the rest of their lives—denied employment, housing, education, and public benefits. Unable to surmount these obstacles, most will eventually return to prison and then be released again, caught in a closed circuit of perpetual marginality."[878] This process of exile reinforces the fiction that "a vast gulf exists between 'criminals' and those of us who have never served time in prison."[879] After decades of biased political declarations influencing the development of public concern, it is far more common for criminals to be understood as inhuman, incapable of change, and undeserving of our empathy.

The criminal justice system in the US has been shaped little by ideas of justice and far more by feelings about race. When we choose to be conscious of—rather than blind to—racial differences, and when we commit to deciphering and exposing coded language, we can minimize the impact of prejudiced interests on the administration of justice. And, we must do this for our criminal justice system to reach its full potential, delivering adequate justice, and effectively protecting all communities against harm.

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[874] "Growth in Mass Incarceration: Prison Population Over Time," The Sentencing Project. https://www.sentencingproject.org/research/.

[875] Alexander, *The New Jim Crow*, 117.

[876] Ibid, 21.

[877] Ibid, 289.

[878] Ibid, 231.

[879] Ibid, 268.

Additional Resources

Podcast

Throughline Podcast with hosts Rund Abdelfatah & Ramtin Arablouei.

This history podcast aims to contextualize current events by exploring the historical events that contributed to them. Its episodes have outlined the history of modern political debates, civil rights issues, and domestic and international policy. Some recommended episodes: The 14th Amendment (April 11, 2024); The Real Black Panthers (February 2, 2023); The Long Hot Summer (July 14, 2022); Policing in America (April 8, 2021); Reframing History: Mass Incarceration (September 3, 2020).

Video

Michelle Ferrari and Jelani Cobb, "The Riot Report: A presidential commission defied expectations by telling a hard truth," May 21, 2024, WGBH Educational Foundation, https://www.pbs.org/wgbh/americanexperience/films/riot-report/.

When Black neighborhoods in scores of cities erupted in violence during the summer of 1967, President Lyndon Johnson appointed the National Advisory Commission on Civil Disorders—informally known as the Kerner Commission. The bipartisan commission's 1968 report offered a shockingly unvarnished assessment of American race relations. This video explores this pivotal moment in the nation's history and the fraught social dynamics that simultaneously spurred the commission's investigation and doomed its findings to political oblivion.

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Chapter 7: Institutional Racism in Healthcare

"Structural violence… is embedded in the very laws, policies, and rules that govern day-to-day life. It is the cumulative impact of laws and social and economic policies and practices that render some Americans less able to access resources and opportunities than others... Often it is a product of racism, gender, and income inequality… As a result of these fault lines, a disproportional burden of illness, suffering, and premature mortality falls on certain [bodies and]… can overwhelm an individual's ability to live a free, unfettered, healthy life."

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Chapter 7: Institutional Racism in Healthcare

Introduction

The role of medical and public health institutions in society is to provide equal treatment for injuries and illnesses and promote a community's overall health and well-being. Nevertheless, in the United States (US), how residents experience illness, injury, and death aligns with how they live–unequally, based on race and class. Poor people of color, particularly Black people, experience higher rates of morbidity (the condition of suffering from a disease or medical condition[1]) and mortality (death from a specific disease or medical condition[2]) than most other racial and ethnic groups in the nation. This has remained true over the five decades that have passed since the writing of the *Institutional Racism in America*, despite many advances in the field of healthcare during the same period. This racial disparity has long been a matter of interest and concern to a select few researchers, advocates, and healthcare professionals. However, the first wave of the COVID-19 pandemic–which peaked in the US in April 2020–in conjunction with the murder of George Floyd on May 25, 2020, triggered widespread interest in understanding and addressing systemic racism in health and healthcare in the United States.

This chapter will begin by comparing morbidity rates (the rate of disease in a population[3]) and mortality rates (the number of deaths from a particular cause[4]) between White and Black people in the United States to illuminate persistent racial disparities in health. For clarity, all data presented in this chapter relates to non-Hispanic Black and non-Hispanic White individuals. This chapter will then explore some of the ways systemic racism contributes to these disparities. Finally, this chapter will present proposals for action provided by medical and public health experts.

The reader may notice that, unlike other chapters in this book, this chapter is written in a modified APA (American Psychological Association) citation and format style. The author of this chapter used the APA style because it is the most commonly used style within the health sciences, including public health which is the focus of this chapter. The purpose of writing this chapter in APA style is not only to conform to the typical practices of the field but to make the content more accessible and useful to students and researchers in the health sciences.

Section I. Differences in morbidity and mortality

To understand the disproportionate burden of morbidity and mortality borne by Black people in the United States due to systemic racism, we begin by examining data on health outcomes among Black people as compared to White people. In other words, we must examine why Black people in the US get sicker and die sooner.

It is important to acknowledge two points. First, to conduct this analysis we examine aggregate data from national and local public health agencies as well as data published in peer-reviewed journals, as they are the most reliable sources available. Second, to understand that competent researchers, such as those presented in this chapter, do not *begin* their studies with the conclusion that systemic racism is the cause of racial health disparities. Rather, they consider other possible causes, including socioeconomic factors such as education, income, occupation, and social class, and find that racial inequality in health outcomes persists. Thus, they conclude that systemic racism is the cause of the disparities observed in the data (Williams et al., 2019).

Differences in morbidity and mortality from communicable diseases

COVID-19. The racial disparities in morbidity and mortality rates during the first wave of the COVID-19 pandemic prompted widespread interest in the role of systemic racism in health and healthcare. Researchers at the VA Portland Health Care System (US Department of Veterans Affairs), Oregon Health and Science University, and National Institutes of Health (NIH) (Mackey et al., 2021) analyzed data from the Centers for Disease Control (CDC) and Prevention and American Public Media (APM) Research Lab, in addition to 52 observational studies examining SARS-CoV-2 (popularly named "COVID-19") infections, hospitalizations, or deaths by race/ethnicity across the US during the first wave of the pandemic. Researchers found that Black people experienced disproportionately higher rates of COVID-19 infection, hospitalization, and related mortality compared with White people. Most of the studies detected a marked disparity in infections, estimating that Black populations had a 1.5 to 3.5 times higher risk for infection than White populations. Likewise, Black populations were 1.5 to 3 times more likely to be hospitalized when compared with White populations. Finally, data from APM Research Lab showed that Black populations had 3.2 times the risk for mortality compared with White populations (Mackey et al., 2021).

According to data reported to the CDC by state and territorial jurisdictions, Black people in the US are almost as likely to be infected with COVID-19 as White people. However, Black people are 2.3 times more likely to be hospitalized and 1.7 times more likely to die from the infection (CDC, 2022a; see Table 1). When examining the demographic trends of COVID-19 deaths from the beginning of the pandemic in late 2019 to early 2022, 13.7% of deaths have been of Black patients. Given that Black persons make up only 12.5% of the US population,[5] this difference–which represents tens of thousands of people–indicates a disproportionate and excessive rate of mortality[6] for Black people due to COVID-19 (CDC, 2022b).

Table 1: Black COVID-19 rate ratios compared to White (2022)

Rate of:	Black rate ratios compared to White
Cases	1.1x
Hospitalization	2.3x
Death	1.7x

Influenza

As with COVID-19, racial disparities in morbidity and mortality rates for other communicable diseases have been observed for decades in many research studies, and some are cited in the following paragraphs. A large study conducted by researchers affiliated with multiple public health departments and universities (O'Halloran et al., 2021) examined differences in rates of influenza-related hospitalization, intensive care unit (ICU) admission, and in-hospital death by race and ethnicity during ten flu seasons (2009–2010 through 2018–2019). The researchers found that Black people were more likely to be hospitalized and to be admitted to an ICU compared with White people of the same age. Furthermore, Black people had the highest overall age-adjusted hospitalization rate and ICU admission rate compared with all other races and

ethnicities. Additionally, the authors observed that the greatest disparities in influenza-associated hospitalization, ICU admission, and in-hospital death rates were among younger age groups. As a result, Black children had three times the rate of in-hospital death compared with White children (O'Halloran et al., 2021).

Pneumonia. Another study conducted in 2010 by researchers affiliated with multiple public health departments and universities (Burton et al., 2010) examined the associations between socioeconomic characteristics and racial/ethnic disparities in the incidence of community-acquired bacterial pneumonia among adults in nine US states. Researchers found that from 2003 to 2004, the average annual incidence (the average number of newly diagnosed cases in a year) of bacterial pneumonia was 24.2 episodes per 100,000 Black adults versus 10.1 episodes per 100,000 White adults. This means that, overall, there were 2.5 times more new diagnoses of bacterial pneumonia among Black people than among White people each year. In addition, to assess the role of poverty in these disparities, the researchers compared the number of newly diagnosed cases among Black residents living in the most impoverished census tracts (with 20% or more of persons in poverty) to the number of newly diagnosed cases among White residents living in the least impoverished census tracts (with less than 5% of persons in poverty). The researchers found that there were 4.4 times more new diagnoses of bacterial pneumonia among Black people than among White people each year in these two different socioeconomic communities. When researchers controlled for poverty level and other socioeconomic factors, these disparities in incidence were reduced by approximately half but not eliminated, thus confirming that racism itself played a significant role in this disparity (Burton et al., 2010).

HIV/AIDS. The evolution of the HIV/AIDS epidemic in the United States from the 1980s to the present has revealed stark racial disparities in health and healthcare. While the HIV/AIDS epidemic was initially documented primarily among White men, today it is most prevalent among people of color. This is despite vast improvements in HIV/AIDS diagnosis, prevention, and treatment which have the potential to dramatically reduce HIV transmission rates across all populations. Data from 2019 revealed that the highest HIV infection rate was among Black people. Of the approximately 34,800 new HIV infections recorded in the United States in 2019, 41.1% (14,300) were among Black people. By comparison, 24.7% (8,600) were among White people (CDC, 2021a). Again, when these infection numbers are compared to the current distribution of the US population by race–12.5% of the US population is comprised of Black persons[7] while 60.1% of the US population is comprised of White persons–it is clear that the proportion of HIV infections among Black people in the United States is much greater than their proportion of the US population (see Table 2). This trend is present in regions and localities across the country. For example, in Los Angeles County (CLA), Black people represented 8% of the population in 2019, yet they comprised 21% of new HIV diagnoses (Department of Public Health CLA, 2021).

Table 2: Population Ratio Compared to HIV Infection Ratio by Race

Race	Percent of US Population	Percent of New HIV Infections in US in 2019
Black	12.5%	41.1%
White	60.1%	24.7%

Differences in morbidity and mortality from non-communicable diseases

Racial disparities in morbidity and mortality rates are also present in the data on non-communicable diseases (NCDs). Non-communicable diseases are chronic (long-lasting) diseases that do not result from infections and are not transmissible directly from one person to another. The prevalence of NCDs like obesity, heart disease, stroke, diabetes, and cancer has been rising in the United States overall and within all subpopulation groups. NCDs are now the leading cause of death and disability in the US. However, NCDs disproportionately affect the Black community more than every other racial or ethnic group in the United States, except for indigenous American Indians and Alaska Natives.

Obesity. In their study of the prevalence of high body mass index (BMI) among children and adolescents in the United States, researchers at the National Center for Health Statistics (NCHS) (Ogden et al., 2010) found that 35.9% of Black children between the ages of two and nineteen were overweight or obese as compared to 31.7% of all children nationwide and 29.3% of White children. An influential literature review by Serdula and other researchers at the National Center for Chronic Disease Prevention and Health Promotion found that high BMI in childhood often leads to high BMI in adulthood (Serdula et al., 1993) and that similar racial disparities persist. Black children are more likely to have high BMIs and to grow up to be adults with high BMIs. A report by the National Center for Health Statistics (Hales et al., 2020) on the prevalence of obesity among adults in the US showed that the prevalence of obesity was highest among Black adults (49.6%) as compared to all adults nationwide (42.4%) and White adults (42.2%). These statistics are troubling because medical research has observed that adults with high BMI have increased risks of developing NCDs like hypertension, coronary heart disease, cerebrovascular disease/stroke, and diabetes, among other conditions which are currently the leading causes of disability and death in the United States (Marini et al., 2020; NIH, 2021; Parto and Lavie, 2017; Seravalle and Grassi, 2017; Verma and Hussain, 2017).

Coronary Heart Disease. In a scientific statement from the American Heart Association regarding cardiovascular health among Black people in the US, authors highlighted data that consistently shows that "the burden of cardiovascular disease[8] in Black communities remains disproportionately high and is a primary cause of disparities in life expectancy between Black and White individuals" (Carnethon et al., 2017). In a data brief for the National Center for Health Statistics, Ni and Xu (2015) wrote that from 2000 through 2014 the rate of heart failure-related deaths was higher for the Black population than for the White population. In 2014 the heart failure-related death rate was 91.5 deaths per 100,000 people for the Black population and 87.3 for the White population (Ni and Xu, 2015).

Although rates of coronary heart disease (CHD) have declined in recent decades, those declines are smaller among Black people in the United States than among Whites. In the Atherosclerosis Risk in Communities (ARIC) study (2021) the decline in CHD incidence among Black men was half (3.2% per year) that of the decline among White men (6.5% per year). This disparity is also present (though not as significant) among women. Black women experienced a decline of 4.0% per year, whereas White women experienced a decline of 5.2% per year (Rosamond et al., 2012). Additionally, in his review of CHD data, Graham (2015) highlighted a significant and troubling dynamic for racial and ethnic minorities, including Black people–the higher overall prevalence of risk factors for coronary heart disease that are not recognized and therefore not treated.

Examples include undiagnosed and untreated hypertension (high blood pressure) and diabetes. This increases the likelihood of Black people experiencing higher morbidity and mortality due to adverse health outcomes including CHD (Graham, 2015).

Cerebrovascular Disease/Stroke. Black people have the highest incidence of cerebrovascular disease, commonly known as stroke, among all groups in the US (Carnethon et al., 2017; Graham, 2015). According to the Department of Health and Human Services Office of Minority Health (OMH), Black adults in the United States are 50% more likely to have a stroke than their White counterparts, with Black women being twice as likely as White women to have a stroke (see Table 3; OMH, 2021b).

Table 3: Rate of stroke among adults[9] in 2018 (OMH, 2021b)

	Black	**White**	**Black/White Ratio**
Men	3.2	3.1	1.0
Women	4.6	2.3	2.0
Total	4.0	2.7	1.5

Furthermore, strokes among Black patients tend to be more severe, resulting in greater disability. Strokes among Black patients also tend to result in higher mortality (Carnethon et al., 2017; Graham, 2015). According to the OMH, Black adults are 70% more likely to die from a stroke than their White counterparts, with Black men being 70% more likely to die from a stroke than White men and Black women being 30% more likely to die from a stroke than White women (see Table 4; OMH, 2021b). Notably, although stroke mortality has fallen by 80% overall since the earliest studies in the 1950s, there has been no meaningful decrease in the Black-to-White racial disparity in stroke mortality—these mortality rates in Blacks remain 4.5 times higher than among Whites (Carnethon et al., 2017).

Table 4: Stroke death rates per 100,000 in 2018 (OMH, 2021b)

	Black	**White**	**Black/White Ratio**
Men	59.0	35.7	1.7
Women	48.0	35.6	1.3
Total	53.0	36.0	1.5

Type 2 Diabetes. As with coronary heart disease and cerebrovascular disease, the burden of Type 2 Diabetes in Black communities is disproportionately high. According to the 2020 edition of the *National Diabetes Statistics Report*, a periodic publication of data on diabetes in the United States, 34.1 million adults (10.5% of the total population) were estimated to have had diabetes (diagnosed and undiagnosed) in 2018. Of these, 5.2 million adults (15.2%) were Black, and 19.5 million adults (57.2%) were White. Given that, in 2018 Black people were 13.4% of the total US population and White people were 76.4%[10] of the total US population, the prevalence of diabetes in the Black population is disproportionately high as compared to the White population (CDC, 2020a).

These disparities persist in data comparing the prevalence of diagnosed diabetes[11] among Black and White adults in the US (see Table 5). This data shows that Black adults in the US are 60% more likely than their White counterparts to have been diagnosed with diabetes. Moreover, Black men are 30% more likely than White men to have been diagnosed with diabetes and Black women are 80% more likely than White women to have been diagnosed with diabetes (CDC, 2020a). Given the higher overall prevalence of diabetes among Black adults compared to White adults, these disparities are unlikely to reflect the underdiagnosis of diabetes among White adults and, rather, reveal a racial disparity in diabetes prevalence. Unfortunately, this also means that Black people in the US are significantly more likely to suffer from diabetes-related complications such as hyperglycemia and vision impairment, coexisting conditions such as kidney disease and coronary heart disease, and, ultimately, premature death.

Table 5: Prevalence of diagnosed diabetes among US adults, 2017–2018 (CDC, 2020a)

	Black	White	Black/White Ratio
Men	11.4	8.6	1.3
Women	12.0	6.6	1.8
Total	11.7	7.5	1.6

Differences in morbidity and mortality from other causes

Racial disparities exist in other markers of health not caused by communicable diseases or non-communicable diseases. These markers are wide-ranging and diverse, including maternal mortality, infant mortality, and preterm birth; food insecurity and malnourishment; environmental pollution and climate change; drug abuse, addiction, and overdose; violence and homicide by community members, including gender-based violence; and harassment, violence, and homicide by law enforcement, among others. While all of these markers are significant, this chapter focuses on maternal and infant mortality, because the health and survival of mothers and infants depends upon the characteristics of the society in which mothers deliver and infants are born. Maternal and infant mortality are key indicators of the overall health of society (Fishman et al., 2020). Additionally, both maternal mortality and infant mortality are clear examples of systemic racism in healthcare because, as shown in the data below, racial disparities persist *regardless of socioeconomic status,*[12] commonly known as social class.

Maternal Mortality. The overall pregnancy-related mortality[13] rate (PRMR) in the United States is significantly higher than that of other high-income countries. A 2020 report that compared the PRMR in the United States, the United Kingdom, the Netherlands, Canada, and Australia showed that, in 2017, the PRMR in the US was nearly twice the PRMR in Canada and roughly three to four times the PRMR of the United Kingdom, Netherlands, and Australia (see Table 6; Douthard et al., 2021).

Table 6: Pregnancy-related mortality Rate (PRMR) per 100,000 in five comparable high-income counties in 2017

Country	PRMR
Australia	6
Canada	10
Netherlands	5
United Kingdom	7
United States	19

Data analyzed by researchers at the CDC's Division of Reproductive Health (2019), showed that between 2007 and 2016, approximately 700 women died each year in the United States as a result of pregnancy or its complications. Put another way, the US overall PRMR for this period was 16.7 maternal deaths for every 100,000 live births (Petersen et al., 2019). Later, researchers Hoyert and Miniño (2020) found that, in 2018, there were 17.4 maternal deaths for every 100,000 live births in the US. Given these statistics, it is no exaggeration to describe the overall state of maternal care in the United States as deplorable.

Disturbingly dramatic discrepancies are revealed when these total numbers are broken down by race (Hoyert and Miniño, 2020; Petersen et al., 2019). Petersen and colleagues (2019) found that the PRMR for Black women was higher than all other ethnic groups at 40.8 for every 100,000 live births and more than three times higher than the PRMR for White women (12.7 per 100,000 live births). Similarly, Hoyert and Miniño (2020) found that the number of deaths per 100,000 births for Black women was 37.1, a rate more than two times higher than that for White mothers in 2018 (14.7 per 100,000 births). Petersen and colleagues (2019) reported that racial disparities were present at all education levels–education level is often used as an indicator of socioeconomic status. Among women with a college education or higher, the PRMR for Black women was 5.2 times that of their White counterparts. When compared to White women with less than a high school diploma, the PRMR for Black women with a completed college education or higher was 1.6 times greater. The persistence of this disparity *regardless of socioeconomic status* makes maternal mortality a compelling example of systemic racism in healthcare.

Infant Mortality. The CDC defines Infant Mortality Rate (IMR) as the death of an infant before their first birthday. The five leading causes of infant mortality in the United States are birth defects, preterm (early) birth and low birth weight, sudden infant death syndrome, injuries (e.g., suffocation), and maternal pregnancy complications. In 2018, the overall IMR in the US was slightly higher at 5.7 per 1,000 live births (OMH, 2021c). Again, when overall rates are examined by race, significant disparities are demonstrated. Data presented by the OMH (2021c) showed that Black infants were 2.3 times more likely to die than White infants in 2018, with an IMR of 10.8 for Black infants as compared to 4.6 for White infants (see Table 7).

Table 7: Infant mortality rate per 1,000 live births in 2018 (OMH, 2021c)

Black	White	All Races	Black/White Ratio
10.8	4.6	5.7	2.3

To understand the inequalities that result in life-or-death outcomes for infants, Fishman and colleagues (2020) examined racial disparities in IMRs along with maternal educational attainment data. The researchers found that within each racial group, infants born to women with higher levels of education have lower IMRs. However, researchers also found substantial differences in IMRs between racial groups having corresponding levels of educational attainment ("less than high school," "high school," "some college," "bachelor's degree," and "more than a bachelor's degree"). Strikingly, 7.9 more infant deaths per 1,000 live births were observed among Black women with a "high school degree or less" than their White counterparts with the same level of education. Furthermore, deaths of infants born to Black women in each educational attainment group were substantially higher than infants born to White women with a "high school degree or less." Significantly, researchers observed 3.1 more infant deaths linked to college-educated Black mothers per 1,000 live births (46% higher mortality) compared to infants of White women with a "high school degree or less." The researchers concluded that disparities in IMRs between Black infants and White infants cannot be explained by differences in maternal educational attainment. Moreover, these researchers stated that their data and analyses "strongly suggest that racial disadvantage remains a cruel, punishing, and deadly phenomenon for [Black people] in the United States, even for those who have achieved very high levels of educational attainment" (Fishman et al., 2020).

Resulting Life Expectancy Outcomes

One of the most dramatic results of the aforementioned racial disparities in morbidity and mortality is the racial disparity in life expectancy. According to the OMH, in 2019 there were 40.6 million Black people in the United States, representing approximately 12.5% of the total population (OMH, 2021a).[14] Based on US Census Bureau projections, the 2020 life expectancy at birth for this population is 77.0 years, compared to White people whose projected life expectancy is 80.6 years. When these projections are calculated by gender, the 2020 life expectancies at birth for Black women are 79.8 years and 74.0 years for Black men. By contrast, projected 2020 life expectancies for White women are 82.7 years, and 78.4 years for White men (see Table 8). The approximate four-year gap in life expectancies is attributable, in large part, to the higher morbidity and mortality rates that persist throughout the life course of childhood, adolescence, adulthood, and old age for Black people than White people for communicable diseases, non-communicable diseases, and other causes of death (OMH, 2021a; Seyffert, 2021).

Table 8: 2020 Life Expectancy at Birth (years) (OMH, 2021a)

	Black	White	Difference
Men	74.0	78.4	4.4
Women	79.8	82.7	2.9
All	77.0	80.6	3.6

Comparing historic and contemporary health statistics

        Having reviewed the discouraging data on contemporary racial disparities in morbidity and mortality, it is reasonable to ask, as did the authors of *Institutional Racism in America* in 1969: *Is the disparity between White and Black health outcomes decreasing over time to any discernible degree?* (Knowles and Prewitt, 1969) As Knowles and Prewitt pointed out, this question has two aspects and requires distinguishing between improving health and decreasing disparities in the health outcomes of Black and White residents. It can objectively be shown that the health of all US residents has improved over the past five decades and continues to improve. However, it is also true that Black people in the United States have never been and still are not benefiting from medical and public health progress as much as White people (Knowles and Prewitt, 1969). Comparing age-specific mortality rates for 1963 and 2017, as well as comparing the mortality rates for some diseases in 1950 and 2013, will disclose to what degree health disparities persist in the present as compared to 50 years ago.

 Age-specific mortality rates by race

        An age-specific mortality rate is a measure of the frequency of death from all causes in a particular age group in a specific period. Age-specific mortality rates compare health status among groups which, in this case, are the White and Black populations in the US during two time periods. The following tables present age-specific mortality rates of Black and White people in the United States in 1963 (Table 9) and 54 years later in 2017 (Table 10).

Table 9: Age-specific Death Rates, White and Black Populations, 1963 (US Department of Health, Education and Welfare, 1965 cited in Knowles and Prewitt, 1969); Rate per 100,000 Population in Each Age Group

Age	White	Black	Black/White Ratio
Under 1	2,230	4,170	1.9
1-4	90	180	2.0
5-14	40	60	1.5
15-24	100	160	1.6
25-34	130	320	2.5
35-44	260	650	2.5
45-54	680	1,320	1.9
55-64	1,620	2,790	1.7
65-74	3,750	5,290	1.4
75-84	8,580	7,490	0.9
85+	21,580	14,570	0.7

Table 10: Age-specific Death Rates, White and Black Populations, 2017 (NCHS, 2018); Rate per 100,000 Population in Each Age Group

Age	White	Black	Black/White Ratio
1-4	22	40	1.8
5-9	11	19	1.7
10-14	15	23	1.5
15-19	48	80	1.7
20-24	95	141	1.5
25-29	128	171	1.3
30-34	159	204	1.3
35-39	188	258	1.4
40-44	234	332	1.4
45-49	327	461	1.4
50-54	500	703	1.4
55-59	742	1,088	1.5
60-64	1,041	1,584	1.5
65-69	1,464	2,169	1.5
70-74	2,240	2,900	1.3
75-79	3,604	4,258	1.2
80-84	6,079	6,364	1.0

The average of the Black/White ratios of the 1963 age-specific death rates presented in Table 9 is 1.7 when in 1963, Black people were 70% more likely to die at any age than White people. Over five decades later, the average of the Black/White ratios of the 2017 age-specific death rates presented in Table 10 is 1.4, when in 2017, Black people were 40% more likely to die at any age than White people. This overall 30% decrease shows a modest but meaningful decrease in racial disparities in mortality rates in the intervening 54 years. A close examination of these tables reveals that the greatest decrease in racial disparities in mortality rates has occurred among adults in their prime working years, ages 25-44. In 1963 Black people ages 25-44 were 2.5 times or 250% more likely to die than White people of the same age, while in 2017 Black people ages 25-44 were 1.3 times or 30% more likely to die than White people of the same age. It can be seen that racial disparities for children and youth under age 20 have improved little, or not at all.

Mortality Rates for Selected Diseases

Table 11: Age-adjusted death rates for selected diseases by race, 1950 and 2013 (NCHS, 2014); Rate per 100,000 Population

	1950			**2013**		
	White	**Black**	**Black/White Ratio**	**White**	**Black**	**Black/White Ratio**
Diseases of the heart	586	589	1.0	168	210	1.25
Cerebrovascular diseases	176	234	1.3	35	49	1.4
Malignant neoplasms	195	176	0.9	164	189	1.2
Influenza and pneumonia	45	77	1.7	16	17	1.1
Chronic liver disease and cirrhosis	12	9	0.8	11	7	0.6
Diabetes mellitus	23	24	1.0	19	38	2.0

The data in Table 11 shows that racial disparities in mortality rates for selected diseases have mostly increased since 1950. This is despite the overall decrease in racial disparities in mortality rates seen when comparing Tables 9 and 10. Therefore, while mortality rates have decreased overall, statistical research reveals that once Black people become ill, they are more likely to die than their White counterparts with the same illness–and this likelihood was *greater* in 2013 than it was in 1950. This supports Knowles' and Prewitt's (1969) assertion that Black people have not benefited from advancements in medicine and healthcare as much as White people.

This data demonstrates that while White and Black people used to die at similar rates from diseases of the heart and diabetes, Black people currently die at higher rates from these diseases. This is because Black people have generally been deprived of the advancements in medicine and healthcare from which White people have routinely benefitted. It is important to acknowledge that this has not been the case in every instance. For example, the data in Table 11 shows that racial disparities in mortality rates for influenza and pneumonia as well as chronic liver disease and cirrhosis have decreased. Not only do these examples of decreasing disparities give us hope and encouragement, but if examined for their causes, they could provide guidance for decreasing disparities among patients suffering from other medical conditions.

 Far-reaching Impacts

Comparing age-specific mortality rates for 1963 and 2017 and comparing mortality rates for selected diseases in 1950 and 2013 allows us to determine to what degree health disparities persist in the present as compared to roughly 50 years ago. Data on age-specific mortality rates reveal that while racial disparities in mortality rates in most age groups have decreased, they

have not been eliminated. Furthermore, the data on racial disparities in mortality rates for selected diseases reveal that they have mostly increased since 1950. These disparities in mortality impact more than just the individuals represented by the numbers—these losses impact society overall.

While it is impossible to know how many people are affected by an individual's death, social scientists have proposed estimates to study the impacts of these losses. One estimate by Verdery et al. (2020) is that, on average, every COVID-19 death in the United States leaves nine close relatives–grandparents, parents, siblings, spouses, or children–bereaved. Given the data examined above, this means that a far greater proportion of Black people than White people have lost a close relative to disease. Note that this does not account for the constellation of extended family, friends, neighbors, colleagues, community members, and others surrounding every victim who is also affected by loss.

The deficit created by the absence of these family and community members, caregivers, and breadwinners results in social and economic impacts, including but not limited to, losses of income and wealth, losses of supportive services such as childcare, and losses of parental figures. In addition, when individuals suffer from a disease but do not die from it, they might be less involved in family and community life, might work less or retire earlier, and might require more resources and care from other family and community members (Chen et al., 2018). These disproportionate losses translate to increased hindrances which compound the disadvantages already experienced by Black families and communities. For this reason, Dr. David Ansell, Senior Vice President for Community Health at Rush University Medical Center, Chicago, Illinois, characterizes structural racism in healthcare as structural violence (2017).

Section II. Contributing Systemic Factors

Given the reality and degree of racial disparities in morbidity and mortality in the United States, a natural next question is: *How do the medical, public health, and other institutions in the United States contribute to this racist situation?* What has allowed "fact"–that morbidity and mortality rates are significantly worse for Black people than White people–and "philosophy"– that the goal of society in general and healthcare institutions is to help all people maintain a state of complete physical, mental, and social well-being–to become so unequal in the US (Knowles and Prewitt, 1969)? To answer these questions, this section explores some of the medical, public health, and societal factors that contribute to racial health disparities.

It is important to recognize the difficulty of the task for at least two reasons. First, there is no uniform system of healthcare to analyze in the United States, but rather a complex dominion of independent institutions that struggle to collaborate to provide healthcare to a huge and diverse populace. In addition, as explained by the Institute of Medicine (US) Committee for the Study of the Future of Public Health, no single official governing body has ultimate responsibility for health outcomes nor ultimate power for healthcare reforms (1988). Second, racism is like salt sprinkled throughout society and includes the delivery of health care. Thus, racist elements can be difficult to single out in every case. Nevertheless, contributing factors to racial disparities in medical care delivery, public health policy, and US society are readily apparent.

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Medical System Factors

Two-tiered System of Medicine. The fundamentally deep-seated predicament contributing to racial disparities regarding health is the discrepancy in individual access to healthcare. Unlike other high-income countries, the US has embraced the concept that healthcare is a privilege and not a human right. Instead of adopting the globally accepted notion of the social benefit of providing government-guaranteed healthcare to all inhabitants, the US has a profoundly unequal distribution of medical services utilizing a two-tiered system of provision that is based on citizens' medical insurance status.

One tier is for patients who pay for healthcare services themselves either directly or, more commonly, through purchased medical insurance either through their employers or through the Affordable Care Act (ACA) exchange. The other tier is for patients who receive services paid for by publicly financed mechanisms, such as Medicaid or other public health insurance. Some exceptions are federally supported programs for veterans (CHAMPVA) and military personnel (TRICARE) provided through the US Department of Veterans Affairs. Federally supported care for individuals over the age of 65 and younger people with disability status is available through the Medicare program. Even with these programs, and despite essential reforms such as the passage of the ACA (often referred to as ObamaCare) in 2010, the distribution and delivery of healthcare remains unequal.

This economic separation of health services has resulted in two unconnected, unequal levels of care. Knowles and Prewitt's (1969) description of healthcare provided to low-income people through Medicaid and other public health insurance still generally applies today. Numerous studies on patient encounters show that healthcare for people with limited income and resources–primarily people on Medicaid–is notably inferior, and the experiences of patients receiving this tier of healthcare are inadequate (Okunrintemi et al., 2019; Oza-Frank et al., 2018). This is particularly true for Black patients for whom race and income status intersect (Blair et al., 2013; Cooper et al., 2012; Cuevas et al., 2016; Okoro et al., 2020). Since 18.6% of Medicaid enrollees nationwide are Black, these deficient healthcare services disproportionately affect Black patients (KFF, 2022).

Researchers evaluating the experiences of Medicaid patients have found that the circumstances in which Medicaid medical care is administered are frequently characterized by disrespect for patients. During interactions with healthcare providers, belittlement of Medicaid patients has been documented to manifest itself in providers' poor communication approaches such as using verbal dominance and slower speech. The disregard shown by healthcare providers is also demonstrated via negligent interpersonal treatment of patients. These behaviors vary from not including patients in decision-making regarding the management of their conditions, to lackadaisical patient-centered focusing, and discrediting patients' symptoms or problems. At worst, providers have shown they expect Medicare patients to be lazy and uncooperative with medical instructions, and they sometimes stereotype these patients as drug-seeking and having sexually transmitted diseases without prior verification of these assumptions (Cooper et al., 2012; Okoro et al., 2020; Okunrintemi et al., 2019; Oza-Frank et al., 2018).

In interacting with the healthcare system and healthcare providers, Black patients in particular experienced discrimination based both on race and socioeconomic status (Okoro et al.,

2020). Unsurprisingly, there was a consistent association between clinicians' implicit bias and their Black patients' negative healthcare experiences (Blair et al., 2013; Cooper et al., 2012). Clinician bias and the resulting behaviors contribute to patients feeling dissatisfied with the healthcare they receive, choosing not to remain with their clinician, and choosing not to adhere to medical advice. This results in care that is neither continuous nor comprehensive, ultimately impacting a patient's clinical outcomes (Blair et al., 2013). This supports the Institute of Medicine's suggestion that clinician bias may contribute to health disparities (Institute of Medicine, 2003).

Apart from unsatisfactory interactions with healthcare providers, structural issues such as the location of services, availability of public transportation, hours that services are offered, and other such factors, reflect conditions that are expedient for service providers but inconvenient or inaccessible for patients. For example, a 2022 study led by Jan M. Eberth found that the nearest hospital was significantly farther from rural zip codes with a high demographic of Black people compared to areas with high White representation, making healthcare access more challenging for Black patients. This indicates how "patient-centered care" for low-income patients is considered to be a low priority by providers (Okunrintemi et al., 2019).

The healthcare inequality towards low-income residents especially impacts Black people. According to the Department of Health and Human Services Office of Minority Health (OMH), in 2019 only 55.9% of Black individuals used private health insurance as compared to 74.7% of White individuals. As a result, during the same year, 43.5% of Black people relied on Medicaid or public health insurance, and 10.1% were uninsured. By comparison, 34.3% of White people relied on Medicaid or public health insurance, and 6.3% were uninsured (OMH, 2021a). This exposes that healthcare is both an economic and a racial issue. If education, labor, and business institutions make it difficult for Black people to earn a sufficient living, healthcare institutions perpetuate institutional racism by rationing healthcare according to patients' ability to pay, by providing inadequate and inferior health care for low-income earners, and by failing to establish systems to meet health needs in ways that care for all patients.

Unequal Preventive Care. Beyond the basic problem of healthcare access is the unequal quality of medical care experienced by many Black patients when they can obtain healthcare at all. One area in which this disparity exists is preventive healthcare, essential to an individual's overall well-being. Preventive healthcare consists of measures taken for disease prevention and includes a wide range of health services including vaccinations, diagnostic screenings, and medical or mental health counseling.

During a presentation at the 2021 conference of the Society to Improve Diagnosis in Medicine, Dr. Ansell described setting out to understand why Black women in Chicago were dying of breast cancer at higher rates than White women in the city, despite a county program that had been implemented to improve Black women's access to mammography screening. Dr. Ansell's investigation revealed that contrary to what some might theorize, Black women do not have a biologically different type of breast cancer, nor are they likely to die earlier or at a faster rate than White women.

The factor that explained the higher breast cancer death rates for Black women in Chicago was a lack of access to quality mammography. More specifically, in screening centers

where Black women were likely to get their mammograms, they were approximately 50% less likely to receive screening with the latest technology, and they were approximately one-third less likely to have their mammogram read by a specialist who was expressly trained to detect cancers. As a result, these centers missed cancers developing in Black women far more often than cancers were missed in White women. Furthermore, Black women were less likely to have a face-to-face conversation with their provider on the day of their mammograms, resulting in a decreased likelihood that they would receive their results on the same day as their screening and reducing the likelihood that treatment could begin promptly (Ansell, 2021).

A different investigation by Doll and colleagues (2021) found that unequal access to quality healthcare was not the result of defectively executed preventive care but rather that some standard preventive care procedures are ineffective for Black patients. In this research, knowing that Black women in the US with endometrial cancer (EC) had been more likely to be diagnosed with advanced-stage disease regardless of insurance status and type of cancer, this study intended to investigate whether the most common way of diagnosing EC at early stages, transvaginal ultrasonography (TVUS), disproportionately underperforms in Black women. The study did indeed find inequity in the performance of TVUS as a screening tool for EC diagnosis among US women. Researchers found that TVUS screening of endometrial thickness (ET) underperforms in Black women due to a higher prevalence of fibroids and non-endometrioid EC in this population, both of which affect the quality of ET measurement. Thus, when used as recommended by current guidelines, almost five times more cases among Black women with EC were missed compared with those among White women (Doll et al., 2021).

The use of inadequately justified—but widely used—racialized "adjustments" in health screening tests that determine the diagnosis and treatment of diseases also results in preventive care that is ineffective for Black patients. One example is the estimated glomerular filtration rate (eGFR), the predominant method of assessing kidney function and progression of chronic kidney disease (CKD). Patients' eGFR thresholds inform their referral to specialty care, medication dosing, and evaluation for the kidney transplant waitlist. The two equations for eGFR used in North American healthcare systems include race adjustments for patients identified as "Black." These race adjustments require Black patients to reach greater kidney dysfunction before meeting recognized benchmarks of disease, thereby restricting access to treatment at critical junctures. The analysis by Tsai and colleagues (2021) showed that without the eGFR race adjustment, 3.3 million (10.4%) more Black Americans would reach a diagnostic threshold for Stage 3 CKD, 300,000 (0.7%) more would qualify for beneficial nephrology specialty referral, and 31,000 (0.1%) more would become eligible for transplant evaluation and waitlist inclusion.

Finally, as discussed by Seyffert (2021), health education is often ineffective among patients of color due to providers' lack of cultural competence, i.e., an understanding of vital differences found within cultural folkways. An important folkway in all cultures is the consumption of traditional foods and the use of legacy recipes. While nutritional science is essentially universal, its application often fails to account for the importance of preserving traditional foods and recipes, thereby failing to improve health outcomes due to patients' perceived lack of personal relevance to the guidelines (Seyffert, 2021). A 2004 study investigating factors that influence food choices within the Black community revealed that respondents felt as though eating healthfully would require giving up a part of their cultural identity and conforming to the dominant White culture. Respondents also expressed confusion

regarding how they could improve nutritional habits (James, 2004). These factors were attributed to a lack of cultural competence in nutrition education that uses examples of healthy foods based on a customary White American diet (Seyffert, 2021).

Scarcity of Black Healthcare Providers. When *Institutional Racism in America* was published (1969), Knowles and Prewitt reported that only 2% of all doctors and dentists were Black. Today those numbers have improved slightly but not significantly. A study by Salsberg and colleagues (2021) estimated the racial/ethnic makeup of the healthcare workforce and the population of graduates for ten healthcare professions to evaluate the current and future diversity of the healthcare workforce. Their findings are presented below in Table 12 (current workforce) and Table 13 (future workforce).

Table 12: Current Workforce Estimates of Health Practitioners by Race

Practitioner	Race/ethnicity, %	
	White	Black
Advanced practice registered nurse	79.4	7.3
Dentist	68.7	4.4
Pharmacist	65.4	7.5
Physician	62.4	5.2
Physician Assistant	75.9	4.5
Occupational therapist	80.5	6.1
Physical therapist	76.7	3.3
Respiratory Therapist	66.3	11.4
Speech-language pathologist	84.4	4.7
Registered nurse	68.9	11.3

Table 13: Estimates of Graduating Health Practitioners (Future Workforce) by Race

Occupation	Race/ethnicity, %	
	White	Black
Advanced practice registered nurse	63.7	14.2
Dentist	56.5	4.9
Pharmacist	53.3	9.5
Physician	59.5	5.8
Physician Assistant	77.2	3.1
Occupational therapist	78.2	4.2
Physical therapist	76.1	3.2
Respiratory Therapist	54.3	13.3
Speech-language pathologist	79.1	3.9
Registered nurse	65.2	11.3

The findings of this study show that, while numbers have improved since the 1960s, Black people are still significantly, and proportionally underrepresented in healthcare professions and are projected to remain so in the future workforce. "Although the data show greater diversity among the new graduates who will be entering the health care professions compared with the current health care workforce, the diversity of the educational pipeline remains substantially below the diversity of the general population for almost all health care occupations analyzed in this study" (Salsberg et al., 2021). The reasons for this remain strikingly similar to those noted by Knowles and Prewitt in 1969. They include, as noted by Salsberg and colleagues (2021), low-quality secondary education, limited financial support, lack of mentorship and role models, and unreceptive educational environments.

As Knowles and Prewitt (1969) pointed out, even taking the Medical College Admissions Test (MCAT), a critical prerequisite to applying to medical school, is a far greater challenge for many Black students who are less likely to have the resources necessary to help them take the test and achieve competitive scores to gain consideration for medical school acceptance. Furthermore, some professions have recently increased the educational levels required for entry into the workforce, further increasing the barriers Black students must overcome to enter these professions (Salsberg et al., 2021).

It does little good, therefore, for schools and programs to seek out qualified Black students to add diversity to their cohorts and qualified workforce while refusing to address obstacles–from primary through postsecondary education to the application process to graduation and employment–that keep Black students from becoming healthcare professionals. This inaction may be due, in part, to the scarcity of Black faculty in healthcare training programs who may be familiar with the struggles of Black students. Additionally, the lack of Black administrators–as

well as sympathetic White administrators–with the power to change or influence institutional policy is a serious hindrance to encouraging and nurturing Black students.

Rotenstein and colleagues (2021) found that only 3.6% of medical school faculty in the United States are Black. The scarcity of Black faculty not only affects the experience of Black students in these programs but also that of White students, many of whom hold biased views about race-based differences that ultimately influence their professional treatment recommendations (Deyrup and Graves, 2022). For example, Hoffman and colleagues (2016) found that a substantial number of White medical students and residents still held false beliefs about biological differences in pain perception between Blacks and Whites, leading them to assess the pain of Black patients as less and to make inaccurate, even harmful, treatment recommendations.

Medical Mistrust. Unequal access to quality healthcare and the scarcity of Black healthcare providers compounds the Black community's mistrust of the US healthcare system in combination with historical mistreatment by the medical and research communities. Verifiable examples of medical and research mistreatment of Black bodies abound. Two salient examples are the Tuskegee Study of Untreated Syphilis in the Negro Male (1931-1972) and the harvesting of Henrietta Lacks' cancer cells without her knowledge or consent, an example of unethical medical malpractice that occurred in 1951 and only widely revealed 60 years later (Skloot 2010).

The Tuskegee Study began in 1931 in Alabama. The experiment enrolled 399 men previously diagnosed with syphilis and 201 uninfected men to serve as controls. All were at least 25 years old at enrollment. The men were told they were participating in a research study but were never educated about or informed of the implications. When an effective treatment for their disease became available in 1943, the men were not notified, and treatment was intentionally withheld from them to observe the natural progression of syphilis. The trial continued until 1972 (Brawley, 1998). By this time, only 74 of the test subjects were still alive. Of the original 399 men with syphilis, 28 had died of the disease, 100 died of related complications, 40 of their wives had been infected, and 19 of their children were born with congenital syphilis (Magner and Kim, 2017).

In 1951, Henrietta Lacks, a 31-year-old Black mother with five children, was diagnosed with cervical cancer at Johns Hopkins Hospital in Baltimore, Maryland. After her diagnosis, in a procedure that inflicted great pain on her, Lacks' doctors took samples from her cervix without her knowledge or consent. Later that year, Lacks died of cancer in a racially segregated ward of the hospital. However, unlike most cells kept in a laboratory setting, the cells from her cervix, named "HeLa cells," remained viable and rapidly reproduced. That remarkable quality dramatically expanded scientific research capacity and helped to shape modern medicine, contributing to numerous breakthroughs: the effects of zero gravity in space on cells, polio and coronavirus vaccines, sequencing the human genome, and understanding diseases such as leukemia and AIDS. Until recently, Henrietta Lacks' identity and extraordinary contribution to science was largely unknown. As of 2021, her descendants had not been compensated for the harm done to Mrs. Lacks when she was alive or for the unauthorized use of her cells (Davies, 2021). It has been estimated that the resulting profits by researchers and companies have amounted to billions of dollars over the past decades (Pazanowski, 2021).

To many in the Black community, these instances of exploitation and abuse by White physicians and researchers are not one-time mistakes that took place sometime in the past. These atrocities feel very much present and serve as warnings of what might happen to any Black person who puts too much trust in medical and research establishments. This mistrust is bolstered by commonplace experiences of healthcare providers conveying disrespect toward Black patients through careless communication methods such as "talking over" and not listening, dismissive attitudes toward patients' narratives, and discrediting symptoms or problems, as well as other more blatantly discriminatory behaviors such as disproportionately funneling Black patients and their families into the criminal legal system. An example of this is targeting Black mothers for actual or suspected substance use during pregnancy despite the similar rates of substance use by Black and White pregnant people (Cooper et al., 2012; Cuevas et al., 2016; Okunrintemi et al., 2019; Oza-Frank et al., 2018; Perritt, 2020). Together, these historical and present-day experiences combine to damage Black patients' trust in healthcare providers and institutions.

Public Health System Factors

Failures of Public Health Agencies. Extending beyond the medical system which focuses on the health of individual patients is the public health system, focused on the health of groups or populations. In the US, the public health system is composed of a complex, broad network of federal, state, and local health departments, laboratories, and hospitals, in addition to non-governmental public and private agencies, voluntary organizations, and individuals, all of which are committed to promoting and protecting the health of its citizens. On the federal level, the Centers for Disease Control and Prevention (CDC), the United States Department of Agriculture (USDA), and the Food and Drug Administration (FDA) are three influential institutions tasked with overseeing the health and nutrition of all US residents.

As institutions responsible for public health, these agencies are tasked with managing and studying the treatment of patients, viewing health by utilizing a holistic understanding of the complex ways that environment, government policy, social dynamics, genetic makeup, and other factors affect health. While the specific missions and responsibilities of these institutions may differ, the combination of their efforts is designed to aid in the combating of disease and illness throughout the country.

According to its mission statement, the CDC "saves lives and protects people from health threats" (CDC, 2023). The USDA claims to "promote agriculture production that better nourishes Americans" (USDA, n.d.), and the FDA "is responsible for protecting the public health by… ensuring the safety of our nation's food supply" in addition to "ensuring the safety, efficacy, and security of human and veterinary drugs, biological products, and medical devices" (FDA, 2018). These institutions are integral to our nation's prevention of and response to diseases. However, the disproportionate effects of illness on communities of color throughout the country, specifically Black communities, raises doubts about their ability or willingness to create the conditions in which all residents of the United States can receive the same degree of protection and care (Seyffert, 2021).

According to the Core Public Health Functions Steering Committee, a 1994 group that included representatives from US Public Health Service agencies and other major public health

organizations,[15] the ten essential functions of public health institutions are: (1) monitor health status to identify and solve community health problems; (2) diagnose and investigate health problems and health hazards in the community; (3) inform, educate, and empower people about health issues; (4) mobilize community partnerships and action to identify and solve health problems; (5) develop policies and plans that support individual and community health efforts; (6) enforce laws and regulations that protect health and ensure safety; (7) link people to needed personal health services and assure the provision of health care when otherwise unavailable; (8) ensure competent public and personal health care workforces; (9) evaluate effectiveness, accessibility, and quality of personal and population-based health services; and (10) research for new insights and innovative solutions to health problems (PHNCI, 2019).[16] Examining how structural racism permeates and influences each of these functions of public health is beyond the scope of this chapter. However, given that structural racism is embedded throughout the US healthcare system, it is assumed that structural racism is likely present in each of these agencies and organizations and their essential functions. It is thus necessary for public health professionals to examine and address how systemic racism may have influenced the policies and practices of each function.

Scarcity of Black Public Health Professionals. Reforms reducing racism in healthcare institutions will happen if there are more public health professionals of color, especially Black public health professionals, working in each of these essential functions, identifying shortcomings, and implementing approaches to improve health in underserved communities. However, the scant research that exists on the diversity of the public health workforce indicates both a lack of minority representation and a lack of decision-making power by minorities in the public health workforce. A collaborative paper written by researchers at the CDC, University of Michigan, Georgia Southern University, American University, de Beaumont Foundation, and University of Minnesota (Coronado et al., 2020) cited survey data that indicated that the demographic representation of minority groups in the governmental public health workforce is generally lower than the corresponding portion of these groups in the US population.

Furthermore, it was seen that most persons of color filled administrative and clerical positions while Whites held the majority of public health science positions and supervisory or managerial positions. These positions arguably provide a significantly greater opportunity to impact policy than administrative or clerical positions (Coronado et al., 2020). People who belong to marginalized communities, and Black people in particular, are similarly underrepresented among public health faculty who teach future public health professionals and conduct research that influences public health policy. Research by Goodman and colleagues at New York University and the Association of Schools and Programs of Public Health (2020) showed that in 2017, among 27 schools and programs of public health in their research cohort, Black persons comprised 10.1% of faculty at the assistant professor level, 5.6% at the associate professor level, and 2.8% at the professor level (Goodman et al., 2020).

Societal Factors

Social Determinants of Health. The disproportionate effect of communicable diseases, non-communicable diseases, and other causes of morbidity and mortality in Black communities point not only to the failings of medicine and public health but also to disparities in the non-medical forces and systems that influence health (Seyffert, 2021). These are known as social

determinants of health (SDOH) and are described as the conditions into which people are born, grow, work, live, learn, and age, as well as the wider set of forces and systems shaping the conditions of daily life. SDOH can be grouped into five domains: economic stability, education access and quality, healthcare access and quality, neighborhood and built environment, and social and community context (CDC, 2021b). Table 14 provides a description and examples of each SDOH domain.

Table 14: Descriptions and Examples of the Five Domains of the Social Determinants of Health

SDOH Domain	Description	Example(s)
Economic stability	The connection between the financial resources people have–income, cost of living, and socioeconomic status–and health.	Poverty, employment, food security, and housing stability.
Education access and quality	The connection of education to health and wellbeing.	Early childhood education and development, graduating from high school, enrollment in higher education, educational attainment, language skills, and literacy.
Healthcare access and quality	The connection between people's access to and understanding of health services and personal health.	Access to healthcare, access to primary care, health insurance coverage, and health literacy.
Neighborhood and built environment	The connection between where a person lives–housing, neighborhood, and environment–and their health and well-being.	Housing, access to transportation, availability of healthy foods, air and water quality, neighborhood crime, and violence.
Social and community context	The connection between characteristics of the contexts in which people live, learn, work, and play, and health and well-being.	Cohesion within a community, civic participation, discrimination and racism, workplace conditions, over-policing, and incarceration.

SDOH provides a framework for tracing the causal relationship between Black America's historic enslavement followed by generations of oppression, discrimination, and exclusion in broader society and the resulting significant health disparities experienced by the Black community. For example, studies have shown that increases in neighborhood-level racial residential segregation are associated with increases in hypertension and increases in cardiovascular disease among Black residents (Kershaw et al., 2011; Kershaw et al., 2017), even after accounting for other factors such as individual socioeconomic position and cardiovascular disease risk factors (Kershaw et al., 2015; Javed, et al., 2022). Such findings lead some researchers to conclude that many racial health "disparities are principally attributable to social determinants of health and the complex interplay of structural racism on the health of people from underrepresented communities" (Sula and Peterson, 2021).

Thus, even "modifiable-risk diseases," as non-communicable diseases are often called, are mediated by factors that the individual may struggle to modify or not be able to modify at all. For example, according to the World Health Organization (WHO), the "major risk factors" for non-communicable diseases are tobacco use, physical inactivity, unhealthy diet, and harmful use of alcohol (WHO, 2021). At first glance, these risk factors appear to be entirely within the control of the individual. However, in many Black communities, these factors can be problematic to modify due to a lack of access to affordable and nutritious food, nutritional education, safe and affordable places for physical activity, and access to preventive care like smoking cessation programs (Seyffert, 2021), as well as the high prevalence of liquor stores in poor Black neighborhoods (LaVeist and Wallace, 2000; Shimotsu et al., 2013).

Section III. Addressing the Contributing Factors

Having examined some of the medical, public health, and societal factors that contribute to racial health disparities in the US, this section presents ideas to address, and hopefully mitigate, these contributing factors. Note that policy actions necessary to eliminate health disparities in the Black community and achieve health equity for all people in the United States are numerous. Therefore, the following is not an exhaustive list but merely a starting point.

Medical System Factors

Universal Healthcare. As physicians Frenk and Gómez-Dantés (2021) argue in their opinion piece in *The New England Journal of Medicine*, access to healthcare is a human right and should be universally available to all people in the US. The majority of countries in the world, and all Western nations except the United States offer universal health care to their citizens. Frenk and Gómez-Dantés present Mexico as an example of how the US could achieve universal health coverage because, like the US, Mexico had employer-based health insurance as the principal means by which its citizens accessed healthcare. Also like the US, unemployed or self-employed workers and their families did not have access to health insurance, and most of that group were low-income and at risk for catastrophic health expenditures. In 2004, guided by a human rights framework, Mexico launched a reform to achieve universal coverage through a public scheme, called Seguro Popular, aimed at uninsured residents. While the population of the US is larger than Mexico's and has particularities that would have to be considered, "Mexico's experience illustrates how the abstract notion of human rights can be translated into policies and programs with large positive effects for populations" (Frenk and Gómez-Dantés, 2021).

Reforming Existing Healthcare Programs. Regrettably, the prospect of the US following the example of Mexico and of European and many African nations looks bleak due to multiple factors. These include but are not limited to a lack of political will and strong resistance from financial beneficiaries of the current system such as health insurance companies, medical technology corporations, and pharmaceutical industries. In the meantime, researchers and policy experts argue for improving existing healthcare systems that cover the most underserved populations which are mostly people of color due to the demographics of inequality in the US.

In their opinion piece in *The New England Journal of Medicine*, Perrin and colleagues (2020) focus on the Children's Health Insurance Program (CHIP), a subprogram of Medicaid that covers impoverished children, many of whom are Black. They argue for improving the funding scheme for CHIP to ensure that all infants and children have access to primary medical

care, regardless of their family's financial ability to buy health insurance. Finally, Chatterjee and colleagues (2020), and Knudsen and Chokshi (2021) argue for the need to provide better funding for "safety net" healthcare systems–including hospitals and community-based independent clinics–that serve Medicaid-insured and uninsured patients, many of whom are Black.

Increasing Black Representation in Healthcare. The next recommendation (Simon 2020) echoes the primary recommendation given by Knowles and Prewitt (1969) in *Institutional Racism in America*: more Black healthcare providers are urgently needed. As Knowles and Prewitt (1969) explained, "When the majority of healthcare professionals are white there cannot be fair representation of the needs and experiences of the Black patients being served. This lack of representation allows bigotry to prevail at decision-making levels, which results in actions that have racist results." Both research and personal experiences have shown the positive difference that having a Black healthcare provider can make to a Black patient.

In his opinion piece in *The New England Journal of Medicine,* Dr. Kevin Simon (2020), a psychiatrist, illustrates the difference a Black physician like himself can make when young Black patients are referred to him for displaying "aggressive, out-of-control, noncompliant, and apathetic behaviors" at their schools. In one narrative he recalled a Black child that was behaving as any typical preschooler would but was seen through the biased eyes of the educators at his school as more aggressive and challenging. Dr. Simon's solution was not to medicate the child but rather to validate the mother's concerns about structural racism in the education system and encourage her decision to move the child to a more culturally diverse kindergarten (Simon, 2020). Being Black and a physician allowed Dr. Simon to see his patients as they are–young people contending with a racist society whose experiences need to be heard and validated. Had a Black physician not been available, there is a significant likelihood that the children's behavior would have been pathologized, resulting in additional harm inflicted on them and their families at the hands of the medical establishment.

Likewise, a study by Greenwood and colleagues (2020) examining the effects of physician-patient racial concordance[17] on disparities in birthing mortality for newborns found that Black newborns were significantly less likely to die when cared for by Black physicians as compared to White physicians. In fact, "when Black newborns are cared for by Black physicians, the mortality penalty they suffer, as compared with white infants, is halved" (Greenwood et al., 2020). Even more striking is that these effects are greater in more complicated cases, and when hospitals deliver a greater number of Black newborns as a segment of the babies they serve. This and many other studies give support to previous research that has shown the importance of racial coherence between providers and patients in addressing healthcare disparities.

However, while increasing the number of Black healthcare providers is an oft-cited solution to racism in healthcare, achieving it has not been easy. This is evidenced by the marginal increase made in the intervening decades between the research presented in *Institutional Racism in America* (1969) and the present day. One cause for this is that medical schools often remain hostile environments for aspiring Black healthcare providers during the application process.

As described by the physicians Ellis, Otugo, Landry, and Landry (2020), "Being interviewed while Black involves a collision of microaggressions and feelings and experiences

related to stereotype threat, tokenism, imposter syndrome, and homophily…In turn, Black interviewees collect impressions that make them doubt that they will be welcomed and valued in medicine." Seeing the dearth of Black medical school professors–from the classroom to the portraits of White professionals on the walls–further contributes to Black students' feeling that they do not belong in medical school (Owoseni, 2020).

In addition to sharing their experiences, the physicians interviewed suggested several strategies for medical schools to improve the experiences of Black applicants and students. These include recruitment of diverse interviewers, incorporating work related to diversity and inclusion when describing the mission and values of the program or institution (Ellis et al., 2020), including the portraits of Black physicians on school walls, hiring more Black professors, and encouraging more Black guest lecturers (Owoseni, 2020). However, given the nature of systemic racism and institutions' resistance to change, each one of these strategies presents a hurdle that will require time and effort to remove. For example, retaining Black faculty means creating an inclusive environment for them, which will require reexamining the institutional culture and establishing procedures by which Black faculty members (1) can speak out against racist experiences–including unequal compensation or recognition and questions of their worth, capabilities, and qualifications–and (2) can be assured that injustices will be corrected (Owoseni, 2020). Neither of these conditions is widely extant for Black professionals in healthcare settings.

Historically, an important option for Black students who desire to become healthcare providers without enduring the stresses of applying to and attending a predominantly White educational institution is attending a Historically Black College or University (HBCU) and/or a Historically Black Medical School (HBMS). Unlike other colleges and universities, HBCUs and HBMSs are designed to support Black students by providing educational learning environments that take into consideration their unique challenges while also celebrating their cultural heritage and individual strengths. As a result, HBCUs and HBMSs have had success in preparing Black students for careers in healthcare (Gasman et al., 2017). Due to chronic under-resourcing, several HBCUs have in recent decades been shuttered or are in decline. Nevertheless, there are more than 100 HBCUs across the US and four HBMSs: Meharry Medical College in Nashville, Morehouse School of Medicine in Atlanta, Howard University College of Medicine in Washington, D.C., and recently accredited Charles R. Drew University of Medicine and Science in Los Angeles.

It is important to note that simply increasing the number of Black professionals and employees will not end institutional racism in healthcare. Systemic racism is, by definition, deeply rooted in the laws, policies, practices, systems, and institutions of healthcare. Addressing inequitable care requires a profound reckoning and transformation of policy and practice in the United States. Furthermore, it is unjust to ask Black healthcare providers–who are themselves underrepresented and mistreated–to be responsible for correcting the consequences of decades of mistreatment of Black patients by White healthcare providers and institutions. When society claims that employing Black healthcare providers is the only solution to Black mistrust and Black healthcare inequities, we are avoiding the hard work of reforming medical institutions and retraining White healthcare providers, thus exacerbating the existing burden on Black healthcare providers (Newman, 2021).

Healthcare Education Curricula. Schools and programs must reform their preclinical and clinical curricula to ensure that all students, not just Black or other students of color, graduate with the knowledge, tools, and experience necessary to equitably treat all members of diverse patient populations (Nolen, 2020). At a minimum, preclinical curricula must include required courses about racial health disparities that include a review of their historic and contemporary contexts and that directly dispel unfounded and persistent myths about racial biological differences (Deyrup and Graves, 2022). These courses should include evidence-based assignments like the mapping project described in detail by Dancis and Coleman (2021). For the mapping project assignment, nursing students collaboratively built an online, interactive map called "Revealing Systemic Racism" that charted locations in the US that represented specific themes related to systemic racism. Map locations were linked to student-written articles discussing the locations and describing their relation to systemic racism. Outcomes of the project as seen by the professional researchers found that the assignment helped White nursing students overcome previous socialization that ignores or denies health inequities. The assignment compelled them to confront and reflect on instances of systemic racism in locations to which the participants had some personal connection.[18]

Schools and programs must review learning materials to address how minority populations are misrepresented and underrepresented. Outdated and inaccurate learning materials contribute to the disparities they hope to address. One prominent problem is the standard, homogenous representations of White males in medical textbooks and audiovisual aids to the exclusion of practitioners and patients of color and women. Conscious efforts must be made to reform this throughout curricula by, for instance, including images of maladies on more than one skin type in learning materials and obtaining a variety of mannequin body sizes, genders, and skin colors for CPR training (Nolen, 2020).

Instructors must also prompt students to interrogate the role of race in the practice of medicine. Brett and Goodman (2021) assert that students and professors should discuss the common practice of including race and ethnicity at the beginning of clinical case presentations and raise the complexities of continued inclusion of this information in clinical training, clinical decision-making, and healthcare. To clarify, including this information holds vital nuance that should be understood by practitioners—it could "prime" healthcare providers to apply racist notions to patients, or conversely, sway providers to use a "color blind" approach which might leave out relevant patient information (Brett and Goodman, 2021).

Interrogating and Reforming "Best Practices." As Doll and colleagues (2021) state, long-standing mortality gaps between Black and White individuals mandate that each step along the care continuum be reevaluated concerning its specific effectiveness among Black patients, aiming at a goal of racially equitable care. An example of reevaluation and reform of a particular step in the care continuum is detailed in an article by Pierson and colleagues (2021). The researchers describe their development and application of an algorithm intended to address racial disparities in pain measures among patients suffering from osteoarthritis. Disparities in pain measures matter because these measures powerfully influence access to interventions such as arthroplasty, commonly known as knee replacement surgery.

Pierson and colleagues trained the algorithm on a diverse dataset, with "nearly 20% Black patients and many lower-income and lower-education patients" (Pierson et al., 2021). The

researchers then tasked the algorithm with assessing x-ray images of the knees of 4,172 study participants suffering from osteoarthritis and assigning a pain score to the knees. Compared to standard measures of pain severity by radiologists, the measures of pain severity assigned by the algorithm dramatically reduced racial disparities in pain assessments among participants. Algorithmic predictions eliminated 43% of racial disparities in measures of pain severity and "doubled the potential eligibility for arthroplasty for Black patients, increasing it from 11% to 22% of knees" (Pierson et al., 2021). All healthcare providers must be empowered and rewarded, like Pierson and their colleagues, for interrogating and reforming current "best practices" that are not serving all patients equally.

Public Health System Factors

Reforming Public Health Agencies. To address the instability and weakness of federal public health institutions in the US, Salwa and Robertson (2021) proposed several reforms to re-establish existing federal public health agencies, particularly the CDC, which was placed under tremendous, partisan political pressure during the COVID-19 pandemic to the detriment of US public health. They suggest re-establishing these entities as independent, bipartisan public health agencies with mandates to protect health, underpinned by a legal basis that will withstand changing political winds. They hold up several examples of existing agencies, among them the Federal Reserve Board, which is largely able to resist political pressure and reliably exert federal power to fulfill its mandates. A key feature of this agency includes having a multi-member board of qualified experts in leadership positions, enjoying independence from the US President (so individuals in agency leadership positions may not be fired without cause), and having statutory budgetary authority "by not requiring congressional appropriation or allowing executive reallocation." The creation of independent federal public health institutions would support efforts aimed at increasing health equity and reducing health disparities and provide barriers to being undermined, as they often have been (Salwa and Robertson, 2021).

Reforming Public Health Functions. Unfortunately, reforming public health functions will require Congressional action and given the current state of partisan politics in Congress, this is unlikely to be enacted soon. In the meantime, researchers and policy experts argue for reforms of the previously mentioned ten functions of public health institutions within existing US systems. While structural racism needs to be confronted and must be excised from every function of public health, this section will focus only on the tenth function: "research for new insights and innovative solutions to health problems."

In their opinion piece in *The New England Journal of Medicine*, researchers Quinn and Andrasik (2021) argue that preventative vaccine hesitancy and medical mistrust by communities of color signal that medical and public health institutions, providers, and researchers need to work toward greater trustworthiness, partnership, and reciprocity with communities of color. A primary path toward trust and confidence is relationship-building between healthcare providers and patients, and between healthcare and research institutions and communities of color (Quinn and Andrasik, 2021).

One way to foster relationship-building is by increasing research participation in historically marginalized communities (Armstrong and Ritchie, 2022), assuring that Black patients do not serve as "guinea pigs" as in the past, but as actively engaged partners in the

research process. As Armstrong and Ritchie describe, "Ideally, such engagement informs the research question, guides study design, influences the selection of study outcomes, facilitates recruitment of participants, and drives effective dissemination of results." Community engagement is essential for ensuring diversity among research participants in all medical research studies. Diversity is also crucial for the production of quality data and reliable results that can be generalized to the widest population, unlike the majority of research conducted with only White participants (Takvorian et al., 2021).

Community engagement in research is essential to increase trust in healthcare and research systems to reduce widespread mistrust stemming from long-standing racism and discrimination perpetuated by the medical community and predominantly White research teams (Armstrong and Ritchie, 2022; Takvorian et al., 2021). There are many barriers–language, cultural, financial, and bureaucratic–to be overcome for increased research participation by communities of color to become a reality. The paper by Takvorian and colleagues (2021), and the paper by Chowkwanyun and Reed (2020) both provide detailed frameworks, goals, and strategies to aid in the implementation of community-engaged research.

An important point noted by Power-Hays and McGann (2020) is that addressing systemic racism in medical and public health research does not only mean including more people of color in research but also conducting research on diseases that predominantly affect people of color. This includes, for example, putting substantial resources toward research on Sickle Cell Disease (SCD), which primarily affects Black people. SCD is a life-threatening, inherited blood disorder, affecting more than 100,000 people in the United States. The hallmark of painful episodes results in substantial suffering and leads to associated stigma. Without adequate treatment, SCD eventually affects all organs and is associated with decreased quality of life and shortened life span. Therefore, unlike Cystic Fibrosis which primarily affects White people in the US, and which is comparable to SCD as an inherited, progressive, life-threatening disease associated with decreased quality of life and shortened life span, SCD has received meager research funding. Federal funders, lawmakers, advocates, researchers, and healthcare leaders must work together to reverse the impact of decades of structural racism on funding, research, and policy decisions for diseases such as SCD that primarily affect Black people (Power-Hays and McGann, 2020).

Increasing Black Representation in Public Health. Essential to ensuring that public health institutions adequately respond to the needs of Black people is having more Black people in the decision-making structure of these institutions (Knowles and Prewitt, 1969). Strategies to improve workforce diversity are often focused on two main areas: (1) diversifying the educational pipeline, and (2) developing organizational strategies to improve worker recruitment and enhance worksite climate and inclusivity (Coronado et al., 2020).

In line with the first strategy, Goodman and colleagues (2020) conducted a follow-up study of a 1996-1997 examination of the racial/ethnic composition of students and faculty at schools of public health. The researchers found that increases in racial/ethnic diversity among students, graduates, and faculty in schools and programs of public health definitively contributed to corresponding increases in racial/ethnic diversity in the public health workforce. They concluded that schools and programs of public health should prioritize recruitment and retention of racially/ethnically diverse students and faculty by recruiting clusters of minority students. This may be achieved by using holistic application review processes, providing enrolled students with

racially/ethnically diverse role models and mentors, and dedicating staffing to ensure a student-centered approach. In addition, those who mentor racially/ethnically diverse students and junior faculty should be rewarded.

To recruit and retain Black public health professionals, Coronado and colleagues (2020) suggested that agency leaders design initiatives to create a culture of engagement, diversity, and inclusion across their departments. In addition, they must identify structural barriers within their organizations and in the public health system that impede diversity and inclusion efforts and develop evidence-based recruitment and retention guidelines, programming, and norms within the organizational culture to support a diverse workforce. Examples include providing mentors and role models to interns and employees, eliminating inequity in the hiring processes, and addressing retention issues that disproportionately affect people of color working within public health agencies (Coronado et al., 2020).

Most importantly, however, public health requires "diversity that goes beyond representation to the empowerment of identities, ideas, and lived experiences that can deepen the collective consciousness and prevent the willful ignorance of the past" (Paul et al., 2020). Simply adding Black people to the ranks without authentic empowerment and personal agency will continue to perpetuate systemic racism and its resulting health disparities.

Societal Factors

As the authors of the *Healthy People 2030*[19] document stated, the solutions mentioned above will not on their own eliminate health disparities (HHS ODPHP, 2022). Medical racism is one part of a broader system of interlocking oppressions based on structural, economic, technological, geographic, and other factors combined resulting in Black suffering (Newman, 2021; Doll et al., 2021). Therefore, healthcare providers, medical institutions, and public health organizations must work with partners in education, transportation, employment, housing, and public policy sectors to take action to improve the conditions in which people live (HHS ODPHP, 2022).

An example of such a partnership is illustrated in the drafting and passage of California Senate Bill 464, the California Dignity in Pregnancy and Childbirth Act which, according to Annie Dade, policy analyst at the University of California, Berkeley's Center for the Study of Child Care Employment (2021), was authored by California State Senator Holly Mitchell, and sponsored collaboratively by Black Women for Wellness, NARAL Pro-Choice America, Act for Women and Girls, California Nurses Association, the California Nurse-Midwives Association and Western Center on Law and Poverty amongst other groups. The purpose of the bill was to address obstetric racism and racial disparities in birthing and maternal health outcomes, particularly for Blacks.

To this end, SB 464 authorized the following statewide mandates: (1) required implicit bias training for all perinatal and obstetric inpatient providers, (2) improved death certificate reporting to get a more accurate understanding of mortality due to pregnancy-related factors, (3) required California Department of Public Health reporting of maternal mortality/morbidity by race and other determinants by region, and (4) required patient education upon admission about their right to be free of discrimination and how to file a complaint if they encounter racial discrimination during their healthcare experience. Unfortunately, while the bill has been in effect

since January 1, 2020, COVID-19 pandemic restrictions delayed implementation of the bill's mandates. Nevertheless, SB 464 was pivotal because its intent was to shift responsibility for racial disparities in birth outcomes onto healthcare systems instead of patients (Dade, 2021).

The readers of this chapter are encouraged to study other chapters in this book and to participate–through study, advocacy, direct action, or other means–in the implementation of one or more proposed solutions to systemic racism in the areas of education, justice, economics, or housing to "create social, physical, and economic environments that promote attaining the full potential for health and well-being for all" (HHS ODPHP, 2022).

Section IV. Conclusion

In 1900, during his closing address at the first Pan-African Convention, W. E. B. Du Bois stated that "the problem of the Twentieth Century is the problem of the color line" (Du Bois, 1900). Having examined the data on health disparities, it is clear that the "color line," a term originally coined by Frederick Douglass (1881) to describe widespread discrimination and exclusion of Black people from "the opportunities and privileges of modern civilization" (Douglass, 1881; Du Bois, 1900), continues to be a significant dilemma in healthcare more than a century later. This problem negatively affects the dignity, stability, productivity, and civic participation of communities of color, and by extension, negatively affects the health of the entire nation.

Perhaps at one time, it might have seemed that careful, patient, managerial policies and practices intended to make healthcare systems work as well as possible without threatening existing structures would be sufficient to reduce health disparities in the United States. Yet disparities persist. Eliminating health disparities requires a movement away from research and policy focused on incremental change and toward the creation of an actionable agenda centered on achieving racial equity by dismantling pervasive structural racism in US healthcare. This will require the adoption of a truly antiracist framework for healthcare research, policy, and practice moving forward.

Additional Resources

Books

The Death Gap: How Inequality Kills (2017) by David A. Ansell, MD.
Drawing on a four-decade career practicing medicine in Chicago, Dr. Ansell's book is an indictment of economic inequality and its impact on health.

Health Equity: African Americans and Public Health (2023) by Daniel E. Dawes, JD, Kisha B. Holden, PhD, MSCR, and David R. Williams, PhD, MPH
This book aims to help advance health equity by providing a critical examination of the factors that create, perpetuate, and exacerbate health inequities for African Americans.

Just Medicine: A Cure for Racial Inequality in American Health Care (2015) by Dayna Bowen Matthew.
In this book, the author unites medical, neuroscience, psychology, and sociology research on implicit bias and health disparities with her expertise in civil rights and constitutional law.

Madness: Race and Insanity in a Jim Crow Asylum (2024) by Antonia Hylton.
A journalist traces the legacy of slavery to the treatment of Black people's bodies and minds in our current mental healthcare system. It is a meditation on how America decides who is sick or criminal, and who is worthy of our care or irredeemable.

Under the Skin (2023) by Linda Villarosa.
A journalist demonstrates that it is racism, embedded for centuries in American institutions including health care, that negatively impacts not only the health of poor Black Americans but the health of Black Americans of all social classes.

Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care (2003) by Institute of Medicine (US) Committee on Understanding and Eliminating Racial and Ethnic Disparities in Health Care; Editors: Brian D. Smedley, Adrienne Y. Stith, and Alan R. Nelson.
In this book, a panel of experts documents evidence of racial and ethnic disparities in healthcare and explores how persons of color experience the healthcare environment. The book examines how disparities in treatment may arise in healthcare systems and looks at aspects of the clinical encounter that may contribute to such disparities. The book also offers recommendations for improvements in medical care financing, allocation of care, availability of language translation, community-based care, and other arenas.

Weathering: The Extraordinary Stress of Ordinary Life in an Unjust Society (2023) by Arline Geronimus.
A public health researcher shows how racism "literally wears down your heart, your arteries, your neuroendocrine systems, ... all your body systems so that in effect, you become chronologically old at a young age," showing how racism in health care itself often overlooks the physical impact of racism.

We've Got You Covered: Rebooting American Health Care (2023) by Amy Finkelstein and Liran Einav.
In this book, economists Amy Finkelstein and Liran Einav argue that the US healthcare system was never deliberately designed, but rather pieced together to deal with issues as they became politically relevant, resulting in a sprawling yet arbitrary and inadequate mess. They advocate for tearing down the existing patchwork system and rebuilding, sensibly and deliberately, to provide free, automatic basic health coverage for all with the option for people to buy extra insurance.

Podcasts

Color Code with host Nicholas St. Fleur.

This podcast covers the intersection of race and medicine to illuminate the history of racism in health care, how it continues to impact people of color, and what needs to be done to create an equitable system. All episodes are recommended.

Tradeoffs with host Dan Gorenstein.

Tradeoffs' journalism combines data, evidence, and storytelling to help people better understand the complicated, costly, and often counterintuitive world of health care. Recommended episodes: How Can Health Policy Researchers Measure Structural Racism? (June 11, 2021); The Challenge of Improving Birth Outcomes for Low-Income Women (July 6, 2022); Racial Bias Lurking in Patient Records (February 15, 2022); When Racial and Rural Disparities Collide (March 8, 2022); Rooting Out Racial Bias in Health Care AI, Part 1 (May 25, 2023); Rooting Out Racial Bias in Health Care AI, Part 2 (June 1, 2023).

Throughline Podcast with hosts Rund Abdelfatah & Ramtin Arablouei.

This history podcast aims to contextualize current events by exploring the historical events that contributed to them. Its episodes have outlined the history of modern political debates, civil rights issues, and domestic and international policy. Some recommended episodes: The Everlasting Problem (October 1, 2020).

Video

Michelle Ferrari and Jelani Cobb, "The Riot Report: A presidential commission defied expectations by telling a hard truth," May 21, 2024, WGBH Educational Foundation, https://www.pbs.org/wgbh/americanexperience/films/riot-report/.

When Black neighborhoods in scores of cities erupted in violence during the summer of 1967, President Lyndon Johnson appointed the National Advisory Commission on Civil Disorders—informally known as the Kerner Commission. The bipartisan commission's 1968 report offered a shockingly unvarnished assessment of American race relations. This video explores this pivotal moment in the nation's history and the fraught social dynamics that simultaneously spurred the commission's investigation and doomed its findings to political oblivion.

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Endnotes

[1] In healthcare, *morbidity* is defined as "the condition of suffering from a disease or medical condition" (OED Online, 2022).

[2] In healthcare, *mortality* is defined as "death from a particular cause" (OED Online, 2022).

[3] In healthcare, *morbidity rate* is defined as "the rate of disease in a population" (OED Online, 2022).

[4] In healthcare, the *mortality rate* is defined as "the number of deaths from a particular cause" (OED Online, 2022).

[5] Note that different sections of this chapter give somewhat different percentages of the Black population in the United States, ranging from 12.5% to 13.4% of the total population of the United States. This reflects multiple factors including the dynamic nature of populations over time, variations in population calculation methods, and the diverse sources referenced by the researchers cited in each section.

[6] The term *excess deaths* is used to describe a situation where the percentage of deaths for a racial/ethnic group due to a particular cause (such as COVID-19) is higher than the %age of that racial/ethnic group in the overall population.

[7] Note that different sections of this chapter give somewhat different percentages of the Black population in the United States, ranging from 12.5% to 13.4% of the total population of the United States. This reflects multiple factors including the dynamic nature of populations over time, variations in population calculation methods, and the diverse sources referenced by the researchers cited in each section.

[8] The term *cardiovascular diseases* collectively includes coronary heart disease (CHD), sudden cardiac death/sudden cardiac arrest, stroke/transient ischemic attack, and peripheral arterial disease (Carnethon et al., 2017).

[9] Adults are defined as persons 18 years of age and over.

[10] Note that different sections of this chapter give somewhat different percentages of the Black population in the United States, ranging from 12.5% to 13.4% of the total population of the United States. This reflects multiple factors including the dynamic nature of populations over time, variations in population calculation methods, and the diverse sources referenced by the researchers cited in each section.

[11] This excludes estimated data on undiagnosed diabetes.

[12] Socioeconomic status is the social standing or class of an individual or group. It is often measured as a combination of education, income, and occupation.

[13] Pregnancy-related death is defined as the death of a woman while pregnant or within one year of the end of pregnancy from any cause related to or aggravated by the pregnancy (CDC, 2020).

[14] Note that different sections of this chapter give somewhat different percentages of the Black population in the United States, ranging from 12.5% to 13.4% of the total population of the

United States. This reflects multiple factors including the dynamic nature of populations over time, variations in population calculation methods, and the diverse sources referenced by the researchers cited in each section.

[15] The Public Health Functions Steering Committee included the American Public Health Association, the Association of Schools of Public Health, the Association of State and Territorial Health Officials, the Environmental Council of States, the National Association of County and City Health Officials, the National Association of State Alcohol and Drug Abuse Directors, the National Association of State Mental Health Program Directors, the Public Health Foundation, U.S. Public Health Service agencies: the Agency for Health Care Policy and Research, the Centers for Disease Control and Prevention, the Food and Drug Administration, the Health Resources and Services Administration, the Indian Health Services, the National Institutes of Health, the Office of the Assistant Secretary for Health, and the Substance Abuse and Mental Health Services Administration (PHNCI, 2019).

[16] More information on the National Public Health Performance Standards and the 10 Essential Public Health Services is available at http://www.cdc.gov/nphpsp/essentialservices.html.

[17] Racial concordance refers to having a shared identity between a physician and a patient regarding their race whereas racial discordance refers to patients and physicians having different racial identities.

[18] For a full description of the mapping project, its analysis, and its theoretical framework, see Dancis and Coleman's 2021 publicly available article *Transformative dissonant encounters: Opportunities for cultivating antiracism in white nursing students*.

[19] *Healthy People 2030* is the fifth iteration of the Healthy People initiative by the U.S. Department of Health and Human Services (HHS) Office of Disease Prevention and Health Promotion (ODPHP). It builds on the knowledge gained over the past 4 decades and aims to address the latest public health priorities and challenges by setting data-driven national objectives to improve the health and well-being of people in the United States over the next decade.

Acknowledgments

This book is the outcome of years of teamwork involving many devoted contributors. We are proud to present a product that draws upon the research, insights, expertise, and encouragement of individuals who care deeply about ending the injustice and ignominy of institutional racism in our nation. This work is the result of several (add the prefix) "multi"s: -years, -majors, -generations, -races, -religions, -ethnicities, and -vocations. It is a testament to our collaborative spirit and shared commitment. While the names of all contributors may not be listed here, please know that your involvement in this project is genuinely valued and has left an enduring impact not only on this work but also on your fellow contributors.

First, we want to acknowledge the operatives crucial to the heart of the project. These include the original authors of 1969's *Institutional Racism in America*—Owen Blank, Jim Davis, Jacquelyn Griffith, Sue Haley, Andrew Horowitz, Louis L. Knowles, Kenneth Prewitt, and Peter Ware, along with Paul Drews and Sue Mithune Duncan of blessed memory. Surviving authors faithfully attended Dr. Carmichael Peters' year-long HON 329 class, "Race Matters II: Institutional Racism in the US," given through Chapman University's Honors Program.

From the outset, an important goal of the class was to offer Chapman students the challenge of updating the 1969 research to compare how institutional racism in the US had changed since then. Attending Chapman undergraduates whose research has been incorporated into this text were Sofia Bain, Natalie Brown, Chris Cobb, Samori Cullum, Elizabeth Eicher, Sasha Espinosa, Jackie Gold, Bobby Houston, Glennan Keldin, Hayley Nelson, Sam Ross, Amalie Seyffert, Joie-May Silvers, Chloe Stricker, and Nishaad Trivedi.

This class was held remotely on Zoom on Saturday afternoons during the 2020-2021 pandemic lockdown. The format permitted participants from across the country to attend, quite literally. It allowed special guests to join to deliver expert lectures and ideas, including one of the original editors, Kenneth Prewitt, retired Director of the US Census Bureau (1998-2001). To prepare for class, Peters assigned participants five required texts, nine suggested texts, and a plethora of articles, documents, videos, and web pages.

During class, the older adults shared recollections of real-life episodes from the 1960s, and the undergraduates provided perspectives from the vantage point of young adults facing the recent horror of the murders of George Floyd, Tyre Nichols, Breonna Taylor, and others. Some of the 1969 authors additionally worked outside class time with Chapman undergraduates to provide advice on research and suggestions for framing findings in their final class papers. These details are given here to recognize the steadfastness and generosity of all HON 329 class participants, without which there would be no updated research, no lists of resources, and no thoughts about solutions to alleviating institutional racism provided in this book.

Secondly, we are indebted to the stalwart backing received from Chapman University. President Daniele Struppa bestowed his enthusiastic "yes!" on the HON 329 class and subsequent book project. His endorsement allowed Peters and the editorial team to access university resources for essential administrative needs. Chief among expert supporters was Ashley Cosgrove, Program Coordinator in the Honors Program, who did many helpful things for us, not least of which was negotiating Chapman's thorny fiscal processes. Kristin Laughtin-Dunker, Chair of Resources and Scholarly Communications at the university's Leatherby Libraries, guided us through the steps needed to upload the book electronically to the Digital Commons. Reginald "Reg" Chhen Stewart, Vice President of Diversity, Equity, and Inclusion was willingly open to us with his time and counsel more than once.

We also express our heartfelt appreciation to our expert readers, whose feedback and valuable suggestions have been instrumental in informing the content of the text. Foremost among these are one of the 1969 authors, Jim Davis, MD; plus, former Dean of Chapman's Argyros School of Business and Economics, Reginald Gilyard, MBA; former Chapman Vice Chancellor Jeanne Gunner, Ph.D.; and former Dean of Chapman's Wilkinson School of Humanities and Social Sciences Roberta Lessor, Ph.D. Chapman faculty who served as expert readers include Gordon Babst, Ph.D.; Lilia Monzo, Ph.D.; and Jana Remy, Ph.D. These authorities provided indispensable knowledge and accurate criticisms from a variety of academic specialties and scholarly experience.

Lastly, we look inward to the core editorial team. The project was envisioned by Andrew Horowitz, currently a member of the Chapman Board of Trustees and one of the authors of the 1969 text. He was motivated by his daughter-in-law in 2020, who wondered aloud how or if institutional racism had changed over 50 years since the original book was written. Ever the activist and engager of student involvement, Horowitz took the idea of mounting a new investigation to the university president, and the idea was given life when Struppa approached the Director of the Honors Program and associate professor of religious studies, Dr. Carmichael Peters, to create the special course outlined above. Peters' scholarly expertise in history and religion and his personal experience of the twentieth-century civil rights movement made him exactly the right person to undertake the development of the course and launch the book's arranging.

With the course completed and a stack of undergraduate research papers on file, an editorial group of eight people committed themselves to making a book out of them. This commitment turned out to be an ongoing effort of over three years' duration. Rev. Lou Knowles, retired clergy and one of the authors and editors of the 1969 *Institutional Racism in America*, took on the role of editor-in-chief and the project's trustworthy moral compass. Horowitz and his wife, Pamela Lawrence, MD, provided knowledgeable guidance on effective conceptual approaches, healthcare, and educational matters with encouraging spirits. Susanna Branch, former grants writer, provided editing and technical computer expertise. Artist and Chapman alumna Lucia Beatty created poignant, original paintings for the cover and chapter "splash" pages that express the distressing impact of racist oppression in a way that text alone might not achieve.

Students (at that time, soon-to-be graduates) Glennan Keldin and Hayley Nelson along with alumna Rodè Cramer—all with differing areas of academic background—agreed to compile the research papers from the course, fill in research gaps, and write a cohesive narrative of seven chapters modeled on the 1969 book. Keldin served as a proficient project coordinator, organizing documents and worklists, scheduling meetings, distributing notes, and more. Cramer ably took over this vital role after Keldin had to leave it. These three authors took on the "heavy lifting" of the entire book compilation and have the sincere, full-strength admiration of the rest of the editorial team.

Significantly, except for paying the student authors part-time wages early in the project and our artist, no contributor, editor, or reader has received additional compensation for any of this work. We fervently hope it will make a difference.

-Susanna B. Branch, MA, Associate Editor, May 2024