

ALL Black Lives Matter.

In every circumstance. No matter what.



Systemic Racism in the United States *Comprehensive Report*

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SUMMARY OF CONTENTS

Overview – Page 3

Important Terms – Page 4

The U.S. Criminal Justice System – Page 5

Wealth Generation – Page 25

Eugenics, Birth Control, Sterilization, & Abortion – Page 32

The U.S. Healthcare System – Page 45

The U.S. Education System – Page 51

Conclusion – Page 62

Works Cited – Page 64

Overview

Heartbreak. Outrage. Protests. Demands for change. This upset comes in the wake of severe incidents of police brutality, many of which were captured on camera. It is the culmination of decades of police violence and years of organizing and rallying around the mantra, *Black Lives Matter*. Yet, while awareness of police brutality and racism have surfaced in the public arena due to video footage and media coverage, the dehumanization of black lives is far from a new phenomenon.

Systemic racism is embedded into the very fabric of American society; no institution is left unscathed. In fact, our treatment of black lives exemplifies the adage, “the more things change, the more they remain the same.” Our country was built on the labor of African slaves, and the abolition of slavery merely changed the terminology of the systems oppressing of black lives. Systemic racism remains entrenched in our criminal justice system, communities, healthcare system, and schools, producing severe racial disparities across each sector.

In our criminal justice system, people of color are more likely to be incarcerated, sentenced to death, and killed by police. Our communities remain stubbornly segregated, preventing adequate access to grocery stores, parks, and healthcare. Black women are significantly more likely to abort their babies, which is largely a function of decades of eugenic policies and racial targeting. When mothers of color carry their pregnancies to term, they face disproportionately high rates of maternal and infant mortality. Across numerous other health metrics, including life expectancy, people of color fare worse than their white counterparts. Finally, our schools remain segregated, leading to massive funding disparities between mostly white and mostly nonwhite schools.

Some people contend that poverty, not racism, is the driving force of inequality across racial groups. While racism and poverty certainly overlap and are interconnected, poverty alone does *not* account for the racial discrimination and disproportionately negative outcomes that people of color experience in America. Even when socioeconomic status and other confounding variables are controlled for, racial disparities remain.

This paper provides a historical account of systemic racism, contextualizing contemporary racial disparities by diving into America’s dark past and illuminating the systems of oppression that are preventing black Americans from realizing the rights and quality of life they are afforded as human members of our society. By learning our history and developing deeper understandings of systemic racism, we will be better equipped to identify and address racism in our daily lives, serving as anti-racist allies in this nationwide quest for racial justice.



Important Terms

Disproportionate indicates that a racial group is overrepresented or underrepresented in a given measurement compared to its percentage of the total population.

Disparity is a large difference between two things. In the case of this report, “disparity/disparities” and “disparate outcomes” refer to inequitable outcomes on the basis of race.

Implicit Bias refers to how people have racial prejudices that are not conscious or overt, but are still acted upon unintentionally (Brownstein, 2019).

Individual Racism involves individuals’ personal presumptions on race that result from conscious and unconscious prejudice.

Systemic Racism is used to describe the organized rollout of policies and practices that are embedded in societal structures and institutions, which facilitate the promotion of some racial groups to the exclusion of others (Alberta Civil Liberties Research Centre, 2019).

White Privilege refers to the inherent advantages, or privileges, that white people possess simply by being white in a society that is racially unequal and unjust (Oxford Dictionary). Note that it does *not* undermine the life struggles white people can, and do, experience. Regardless of race, people can face many trials and tribulations throughout their lives. However, some struggles people face are *specifically* due to their race, and regardless of the obstacles white people endure, those due to *race* will not be among them...*that is white privilege*.

The U.S. Criminal Justice System

SUMMARY:

People of color have historically, and are currently, disproportionately targeted by the criminal justice system. Throughout history, the criminal justice system has taken on many forms, but all have served as a means of social control for people of color. Each time blacks were afforded rights, backlash from opponents sought new ways to restrict those rights. At its inception, the police were used to capture and return runaway slaves and control the masses of factory workers clamoring for labor rights. Following the abolition of slavery, jails and prisons served as the primary form of social control for black Americans and backlash to racial progress. Jails for the first time became overpopulated with blacks, and convicts were leased to white business owners in need of cheap labor. Blacks performed free, grueling labor in horrendous working conditions that rivaled slavery. Backlash to the passage of the 13th and 14th amendments led to the Jim Crow Era, which ushered in public spectacle lynchings and segregation that terrorized African Americans and stripped them of their newfound rights. Rather than protect and defend the black population, the police often participated, and even facilitated, the lynchings. When lynchings became disfavored in the media, governments turned to legalized lynchings in the form of capital punishment. Overwhelmingly, black defendants were, and still are, overrepresented among those that receive the death penalty, with the race of both the victim and the defendant contributing to whether the death penalty is pursued. White mobs were often successful in demanding government officials perform public executions, which amassed thousands of people, long after such executions were prohibited by law. Despite its lynching roots and blatant racial disparities, capital punishment remains legal in the United States and continues to target people of color, many of whom are still convicted and sentenced with all-white, or nearly all-white juries on the basis of circumstantial evidence.

Backlash to the Civil Rights Movement brought a new tactic of socially controlling and disenfranchising blacks. This time, the backlash to racial justice manifested under the guise of the War on Crime and the War on Drugs. Latent with racially discriminatory rhetoric that was once only prevalent in segregationist circles, calls for law and order soon infiltrated and dominated mainstream political rhetoric among Republicans and Democrats alike. The consequences of these politically-driven initiatives led to the entrapment of millions of people in the U.S. criminal justice system, more than any other country in the world. Overwhelmingly and disproportionately, those incarcerated were people of color. The rates of incarceration of people of color were incongruent to their rates of offenses and proportions of the nation's population. Communities of color were deliberately targeted and people of color faced harsher punishments than white offenders who committed identical offenses. Even upon release, formerly incarcerated individuals face social restrictions and disenfranchisement, preventing them from freely and fully participating in society.

The U.S. is still grappling with the ramifications of these policies today. These historical and political contexts lay the framework for the police brutality and desperate outcries from communities of color seen today, with blacks 3 times as likely to be killed by police than whites, and 1.3 times as likely to be unarmed when killed. Police brutality is not a new phenomenon, nor is it the sole contributor to the institutional racism infecting the criminal justice system. To effectively address these racial injustices, a massive overhaul and reformatting of the criminal justice system is needed, in which individuals, police, government officials, and policymakers alike work together toward establishing a society that upholds the value of all its citizens' lives - not only in theory, but also in practice.

“By affording criminal suspects substantial constitutional rights in theory, the Supreme Court validates the results of the criminal justice system as fair. That formal fairness obscures the systemic concerns that ought to be raised by the fact that the prison population is overwhelmingly poor and disproportionately black” (Cole, 1999).

Slavery has had a lasting, damaging impact on the African-American experience in the U.S. Modern law enforcement in the south originated from Slave Patrols, which primarily functioned to capture and return runaway slaves and instill terror to deter slave rebellions (Potter, n.d.). After slavery was abolished, new systems meant to control and exploit black bodies were immediately ushered in. Following the Civil War, the south was decimated, with fields being destroyed from fires, floods, and neglect during the war. Whites, who had established homes, businesses, and customs prior to the Civil War, were teetering on the brink of poverty. Newly freed blacks, who had no assets or foundation as citizens, were freed into very perilous economic conditions. In desperation, many newly freed blacks began stealing food from whites to get by.

Historically, southern whites had already associated blacks with criminal behavior. Slaves routinely stole from their masters, deeming it recompensation for their exploitation or merely a “recycling” of the master’s property. Racist views of blacks’ biological inferiority caused many to accept such actions as “natural to the Negro” (Oshinsky, 1996). The difference now was that rather than an offense being perceived as committed against the slave owner, who would then privately punish the slave and move on, such crimes were now seen as offenses *against the state*. As such, it increasingly became law enforcement’s job to regulate the behaviors of former slaves (Oshinsky, 1996). Additionally, numerous laws were passed that specifically targeted black, leading to tens of thousands of African Americans being “arbitrarily arrested” and “hit with outrageous fines,” leading to further arrests when they were unable to pay such extreme fines (Blackmon, 2012).

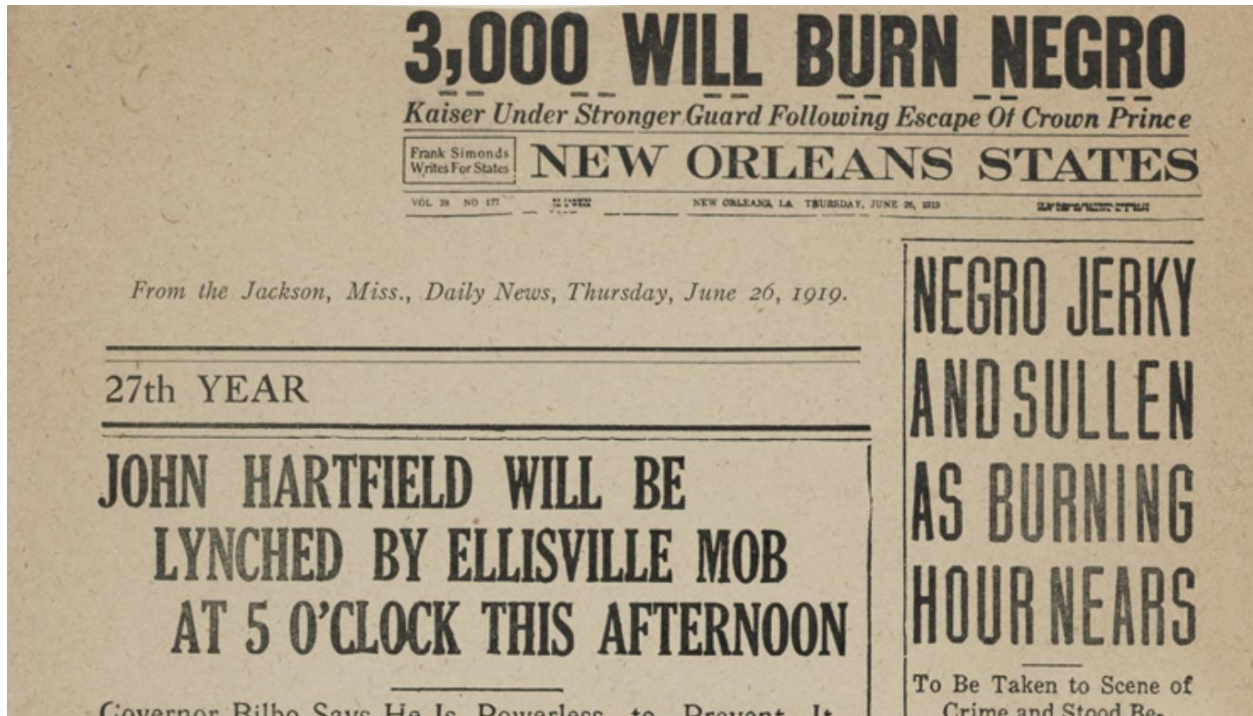
Convictions against blacks rose, and the demographic composition of Southern jails and prisons changed rapidly. It what seemed to be overnight, “the jailhouse had become ‘a negro preserve’” (Oshinsky, 1996). Thus marked the beginning of racially targeted arrests and the disproportionate incarceration of people of color that persist today (Blain, 2020). The southern prison infrastructure was not designed to accommodate this influx of people. One state official observed “Emancipation will require a system of prisons,” citing that prisons were nearly at capacity prior to the end of slavery and blacks’ involvement in the criminal justice system (Oshinsky, 1996). The solution for these overwhelmed jails and prisons was convict leasing.

Edmund Richardson, a southern businessman who had lost much of his fortune during the Civil War, struck a deal with Mississippi's federal officials. He convinced them to ease the burden of the jails and prisons by leasing some of the convicts, who were overwhelmingly former slaves, to him, as he needed cheap labor to work his land. Richardson assured authorities he would feed, clothe, protect, and treat them well. Not only did officials agree, they even paid him \$18,000 annually for the maintenance and transportation of the inmates. In addition to this stipend, Richardson pocketed all of the profits earned off the grueling, free labor of the convicts. Richardson’s bargain marked the beginning of an era of convict leasing, during which “a generation of prisoners would suffer and die under conditions far worse than anything they had ever experienced as slaves” (Oshinsky, 1996).

As convict leasing expanded after reconstruction officials left the south, southern government officials began leasing out falsely incarcerated blacks to local businessmen, farmers, and numerous corporations, including U.S. Steel, who were looking for a cheap and plentiful labor supply. Freed from slavery, black Americans found themselves entangled in a neoslavery system, where they were repeatedly bought, sold, and tortured with beatings and grueling physical labor, doing “the bidding of white masters for decades after the official abolition of American slavery” (Blackmon, 2012). Individuals who were convict leased were racially segregated, with black convicts doing the “nigger work,” dangerous, labor-intensive work in coal mines, sawmills, cotton fields, swamplands, and railroad camps. Reports of the farming conditions blatantly lied and casually mentioned the deaths of dozens from gunshot wounds and disease. Meanwhile, southern government treasuries generated millions of dollars, once again orienting the southern economy around free black labor (Blackmon, 2012). Ultimately, convict leasing “was a system that pitted rich people against poor people, whites against blacks, and ex-masters against former slaves. Its profits would be widely resented and narrowly shared” (Oshinsky, 1996). As the prisons and convict leasing systems filled with black bodies who had typically committed minor, often arbitrary crimes, white Democrats rallied around white supremacism, fear, and outright violence to suffocate the newfound rights of blacks and regain political control. They “launched an ‘indiscriminate assault on blacks,’” killing dozens “in broad daylight, without the slightest hesitation of disguise,” since “white opinion strongly supported these crimes” (Oshinsky, 1996).

In the north, the genesis of the modern police force emerged in the 1830s in response to disorder as a means of social control, particularly those with economic power. “Disorder” is not to be confused with “crime.” There is little evidence to suggest crime was spiking during this time. Rather, it was economic interests that drove the creation of a contemporary, public police force. Urbanization and inequality were on the rise, with factory workers heavily exploited and exposed to inhumane working conditions and compensation. Unrest within the working populace catalyzed the creation of “an organized, centralized body of men...legally authorized to use force and maintain order, it also provided the illusion that this order was being maintained under the rule of law, not at the whim of those with economic power” (Potter, n.d.). These departments were “notoriously corrupt and flagrantly brutal,” pawns of local politicians and routinely participated in ballot-box-stuffing, vote-buying, and strike-breaking. Some historians have gone so far as to refer to these early police departments as “delegated vigilantes” that used “overwhelming force against ‘dangerous classes’ as a means of deterring criminality” (Potter, n.d.).

Even after the 14th amendment was passed and afforded blacks equal protection and citizenship privileges, Jim Crow laws swept the nation, restricting these rights. They were passed on the untrue premise of facilities being “separate but equal.” Noncompliance to Jim Crow laws was responded to with police brutality and vicious violence by white vigilante groups that police turned a blind eye to. More disturbing is that racial terror lynching, often facilitated by police, was used as a vehicle to enforce and ensure racial segregation and Jim Crow laws. In May 1866, white Memphis police officers began firing into a crowd of black men, women, and children. The events culminated in white mobs ransacking black neighborhoods, seeking to kill and drive out all black people from the city. After three days of violence, 46 blacks were killed, 91 houses, four churches, and twelve schools were burned down. Additionally, at least five women were raped and many blacks permanently fled (Equal Justice Initiative, 2017). Then, less than three months later in New Orleans, black men attempted to attend a state constitutional convention to discuss furthering voting rights and the eliminating Black Codes. There was a confrontation between black supporters and white opponents in the streets, and the white mob started indiscriminately shooting blacks, convention supporters and bystanders alike. White police officers did not defend the black victims, but instead participated in the attacks, using various weapons to arrest and kill several blacks. Ultimately, there were 48 black casualties and 200 wounded. Lynchings, often organized, claimed the lives of thousands of African-Americans. Often, they were public spectacles, in which thousands of white spectators came to watch victims be tortured, dismembered, whipped, and burned before ultimately being killed (Equal Justice Initiative, 2017).



*A 1919 newspaper announcing a planned, public spectacle lynching
(National Archives via the Equal Justice Initiative, 2017).*



*Spectators smile and pose for the camera after witnessing a lynching
(James Allen et al., via the Equal Justice Initiative, 2017).*



Mob members pose for a photo after storming into the local jail to capture, brutally beat, and lynch Tom Shipp and Abe Smith, pictured here hanging by the lynch ropes (Madison, 2011).

The eventual decline in lynchings coincided with an increase in capital punishment. In the early 20th century, lynching became less favorable due to the bad press it received. This led to a rebranding of lynching as capital punishment, which provided the appearance of fair court proceedings while still “satisfying the lust for revenge” from vigilante groups. In 1915, court-ordered executions exceeded lynchings in the south. Defendants soon learned that receiving a trial did little to provide equitable treatment or change the ultimate outcome. Public executions remained legal in southern states until 1938. The “legacy of lynching” lives on in capital punishment. This is illustrated by the fact that they continue to disproportionately impact people of color, and executions remained open to the public, long after the practice was formerly illegal. White mobs would demand that convicts were publicly executed, and many were successful. For example, in 1902, public executions were banned, yet the judge still promised a public execution to mollify the crowd. This, however, wasn’t enough to satiate the crowd. After the execution date was postponed, the crowd threatened, “we’ll hang him before sundown, governor or no governor.” The government chose to appease the crowd by expediting the execution date and allowing for a public hanging. They then commended themselves on the “avoided” lynching (Equal Justice Initiative, 2017).

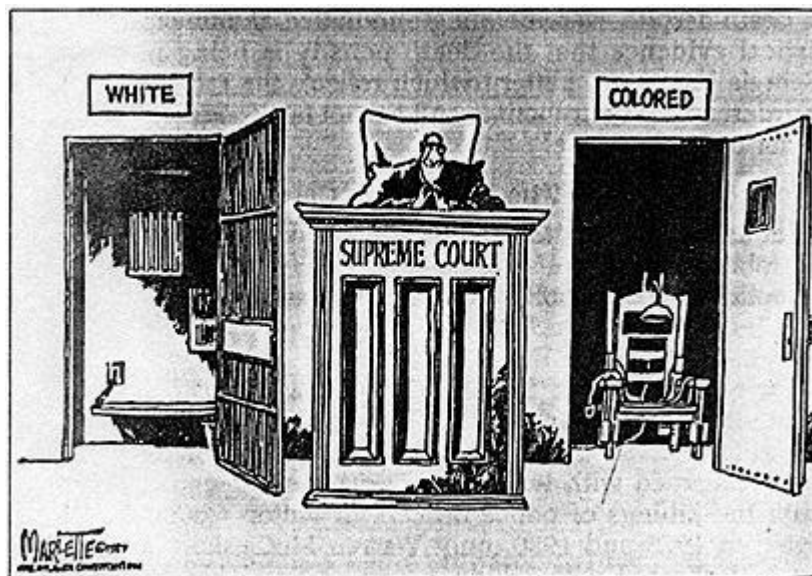


*The public hanging of James Keaton in Columbus, Mississippi in 1934
(University of North Carolina at Chapel Hill via the Equal Justice Initiative, 2017).*

Simple statistical analysis quantifies this racial targeting. Between 1910 and 1950, African Americans represented only 22 percent of the South's general population, but 75 percent of individuals executed. There was a strong litigation effort to challenge the constitutionality of the death penalty in the 1940s and 1950s. In *Furman v Georgia* (1972), The United States Supreme Court struck down Georgia's death penalty, arguing it "too closely resembled 'self-help, vigilante justice and lynch law'" and that the only basis for the decision to execute Georgia's death row inmates was "the constitutionally impermissible basis of race" (Equal Justice Initiative, 2017). Unfortunately, public hysteria following the decision led Georgia to propose a new capital punishment statute that was upheld under the pretense that it was "needed to prevent vigilante violence" (Equal Justice Initiative, 2017). In other words, the court recognized that if the state didn't legally lynch convicts under the guise of capital punishment, the public would illegally lynch black people, which doesn't seem like a legally sound solution to racially driven vigilante violence. Similarly, in 1987, the Supreme Court acknowledged in *McCleskey v. Kemp* that prosecutors were 4 times as likely to pursue the death penalty when the victim was white rather than black. However, they dismissed racial sentencing bias as "an inevitable part of our criminal justice system," and since there was supposedly nothing that could be done about that, they upheld McCleskey's death sentence (Equal Justice Initiative, 2017).

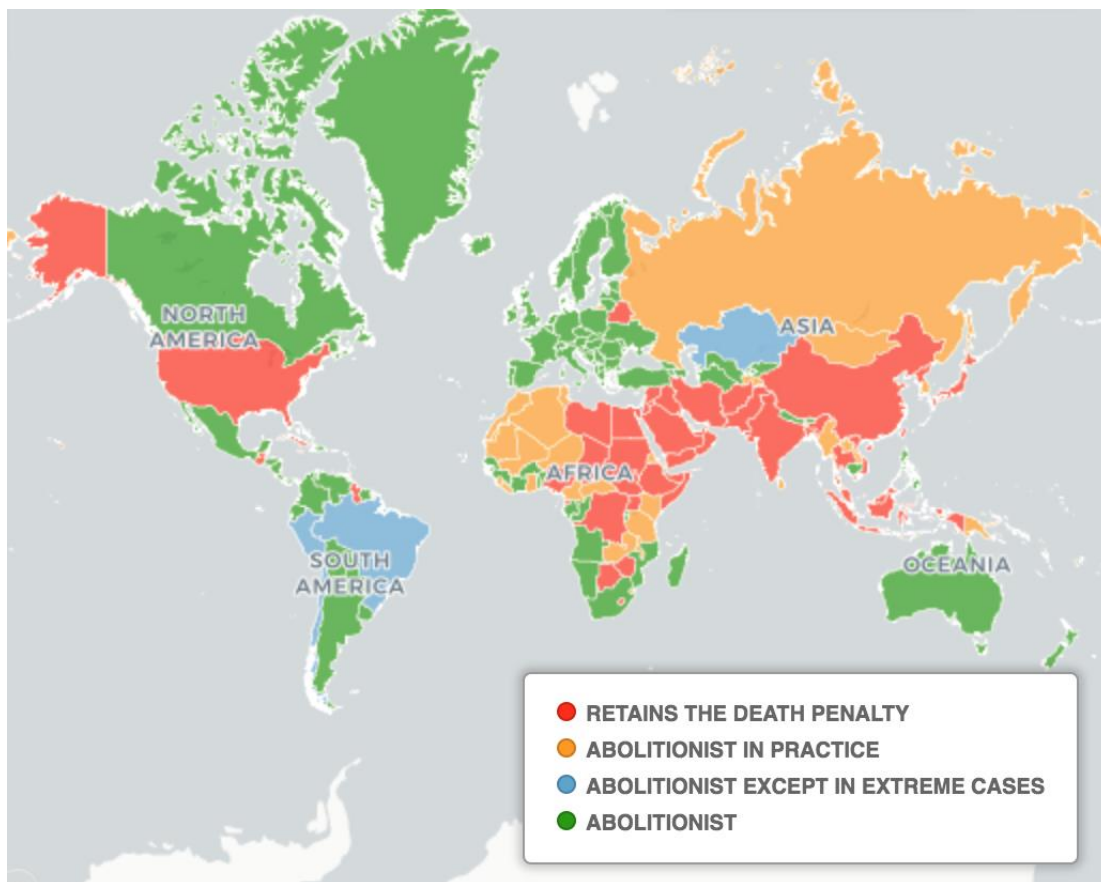
The reverberations of racial terror lynchings are still being felt, as they took place “in communities where African Americans today remain marginalized, disproportionately poor, overrepresented in prisons and jails, and underrepresented in decision-making roles in the criminal justice system—the institution most directly implicated in facilitating lynching and failing to protect black Americans from racial violence” (Equal Justice Initiative, 2017).

These disparities persist today, as 42 percent of death row inmates are black, despite constituting only 13 percent of the U.S. population. The race of both the victim and defendant impact the outcome of capital cases (Equal Justice Initiative, 2017). Recent studies show that the probability of being sentenced to death in Louisiana is 97 percent higher for defendants whose victims were white as opposed to black. Other studies in California and North Carolina revealed that the odds of receiving the death penalty were at least 3 times higher if the victim was white. Similarly, a study in Washington indicated that the state is 3 times more likely to suggest the death penalty for black defendants than white defendants facing similar charges (Death Penalty Information Center, 2020). Moreover, the juries in charge of determining the outcomes of capital cases are overwhelmingly white, with ample evidence of illegal, racial discrimination in jury selection. This is particularly true in southern states. In Houston County, Alabama, for instance, “prosecutors have excluded 80 percent of qualified African Americans from juries in death penalty cases” (Equal Justice Initiative, 2017). Additional remnants of lynching’s legacy in capital punishment are evidenced by the fact that executions remain semi-public spectacles. In fact, volunteers with no connections to the crime are considered “public eye witnesses” and a “legal necessity” in many states (Evans, 2017).



A political cartoon depicting the racially disparate outcomes of U.S. capital punishment (Doug Marlette, via the Equal Justice Initiative, 2017).

Some argue that capital punishment is not about race, but is a prosecutorial tool that is needed to deter crime. However, such claims are unfounded. A 30-year study of the FBI Uniform Crime Report's homicide data revealed that the south, which represents 80 percent of all executions in the U.S., has also consistently had the highest murder rate. Conversely, the northeast, which accounts for merely 0.5 percent of executions, has consistently had the lowest murder rate. This study demonstrates that the death penalty does *not* deter crime. Further, 88 percent of leading academic criminologists reject the claim that capital punishment serves as a deterrent to murder (Death Penalty Information Center, 2020). This information, coupled with the abandonment of the death penalty by the rest of the western world, it calls to question the true, underlying reason why the United States is still clinging to this archaic policy.



A visual, international perspective on the persistence of capital punishment (OpenStreetMap Contributors, CARTO, and TelegraphTravelMaps via Smith, 2018).

“Once again, in response to a major disruption in the prevailing racial order—this time the civil rights gains of the 1960s—a new system of racialized social control was created by exploiting the vulnerabilities and racial resentments of poor and working-class whites” (Alexander, 2012).

Just as lynchings were part of the backlash to the abolition of slavery and capital punishment was the backlash to lynchings becoming disfavored, there was also backlash to the Civil Rights Movement, which manifested in the “War on Crime” and the “War on Drugs.” Opponents of the Civil Rights Movement and desegregation strategically painted civil disobedience as criminal and advocated for law and order. These policies were inextricably linked to race. Despite law and order rhetoric failing to prevent the passage of Civil Rights legislation, it succeeded in its appeal to poor, working class voters who were proponents of segregation and most impacted by civil rights policies that placed them on an equal playing field with blacks. Unfortunately, there was a simultaneous rise in crime in the 1960s that seemed to give merit to these claims. In actuality, the baby boomers who were at that time within the 15-24 age bracket, likely contributed to this rise in crime, as this age group historically accounts for the most crimes (Alexander, 2012).

The promotion of rhetoric that “black culture” bred poverty and crime ultimately led President Johnson to declare a “war on crime” and a “war on poverty.” Johnson is credited for militarizing local police forces with federal weapons and resources and ramping up police presence in predominantly poor communities of color (Flamm, 2015). These initiatives worked in tandem, pairing law enforcement with social workers, aiming to target crime and poverty simultaneously. While ambivalent in appearance, conservative pressure to be tough on crime led to punitive implementation. Target communities were saturated with surveillance and police presence, leading to the “criminaliz[ation] of generations of low-income black Americans” (Hinton, 2016). Moreover, the militarization of police violates The Posse Comitatus Act of 1878, which forbade the armed forces from performing the duties of civilian police (Cooper, 2015).

Then in June of 1971, President Nixon declared drug abuse “public enemy number one” and officially launched a war to end substance abuse (History.com Editors, 2019). While on the surface this may sound like a commendable public health and safety initiative, closer examination reveals not only negative unintended consequences, but a premeditated attack on people of color for personal gain. Nixon promoted strict, mandatory prison sentencing for drug crimes and launched the Drug Enforcement Administration in 1973. His decisions have had long lasting, cascading effects on current drug policies and law enforcement. At its inception, the DEA had a budget of less than \$75 million. Today, its budget has skyrocketed to \$2.03 billion. Moreover, Nixon’s true intentions were exposed during interviews with John Ehrlichman, his Domestic Policy Chief.

Ehrlichman revealed that Nixon was feeling pressure from his “enemies,” who were, according to him, “the antiwar left and black people” (History.com Editors, 2019). To subdue these criticisms, Nixon launched an attack on these groups, under the guise of “The War on Drugs.”

“We knew we couldn’t make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course, we did.”

- John Ehrlichman, President Nixon’s Domestic Policy Chief

His war was certainly successful in achieving the goal of disrupting and marginalizing these communities. The administration’s “coded antiblack rhetoric” also reshaped the political parties, generating newfound support for the Republicans, as low-income whites, angered by civil rights reforms that placed them on an equal playing field with blacks, flocked to the Republican party (Alexander, 2012).

President Reagan continued this barrage and expanded its efforts. Despite the fact that less than 2 percent of Americans viewed drugs as the country’s most important issue, Reagan announced his own “War on Drugs.” His true focus was on race issues, and cracking down on “the undeserving,” which were of public concern. The federal budget was immediately realigned, with anti-drug funding skyrocketing from \$8 million to \$95 million, while drug treatment, prevention, and education funding were slashed. For example, federal allocations to the National Institute on Drug Abuse were cut from \$274 million to \$57 million between 1981 and 1984, while the Department of Education’s antidrug funds were reduced from \$14 million to \$3 million (Alexander, 2012).

When the crack crisis broke out in 1985, Reagan jumped on the opportunity to exploit and publicize the crisis to garner political support for his War on Drugs. The media portrayed black women as “crack whores” and “welfare queens” who had “crack babies” and black men as “gangbangers” and “predators,” contributing to the notion of an “inferior and criminal subculture” (Alexander, 2012). This propaganda led Congress to pass a \$2 billion anti-drug campaign in 1986 that mandated military participation, allowed capital punishment for some drug crimes, and allowed some illegally obtained evidence to be admitted to court in drug trials. They also passed the Anti-Drug Abuse Act of 1986, which included mandatory minimums for cocaine distribution, including a much harsher punishment for the distribution of crack cocaine, which was associated with black users, compared to powder cocaine, which was associated with white users (Alexander, 2012). In fact, there was a 100:1 sentencing disparity between crack and powder cocaine distribution. The distribution of 5 grams of crack cocaine carries a mandatory minimum of 5 years in prison, whereas with powdered cocaine, an offender would have to be distributing 500 grams of cocaine to get the same 5 year minimum. Prior to the enactment of mandatory minimums for crack cocaine offenses, African Americans faced federal drug sentences at a rate 11 percent higher than whites. Four years after its enactment, federal drug sentences for African Americans were 49 percent higher than whites. These disparities also do not reflect actual cocaine usage of blacks and

whites. In 2003, 66 percent of crack cocaine users were white or Hispanic. Yet only 7.8 percent crack defendants were white and over 80 percent were black. Furthermore, “there is no medical or penological reason” for this disparity, as crack and powdered cocaine are essentially identical on a chemical level (Vagins & McCurdy, 2006). While this ratio was adjusted in 2010 to 18:1, it is still insufficient. Crack and powdered cocaine are simply two forms of the same drug, so the only truly “fair” ratio is 1:1. The new 18:1 ratio indicates that policymakers are still clinging to illegitimate and discredited assumptions about crack cocaine that were founded in racial biases (American Civil Liberties Union, n.d.).

In 1988 Congress doubled down on its anti-drug legislation, allowing tenants to be evicted if any drug-related criminal activity occurs on or near the property. Additionally, the use of the death penalty for drug-related offenses was broadened and even harsher, unprecedented mandatory minimums for drug offenses were imposed. Now, even first-time offenders would face a mandatory minimum of five years for cocaine possession, even if there was no evidence of an intent to sell (Alexander, 2012).

The impact of these racially biased mandatory minimum sentences was devastating on the black community. Although anti-drug policies were framed with race-neutral language, in many states, 90 percent of those imprisoned for drug offenses were black or Latinx (Alexander, 2012). Moreover, from 1994 to 2003, the average time black drug offenders served in prison increased by 77 percent while white drug offenders saw a 28 percent increase.

Ultimately, African Americans received sentences for nonviolent crimes that were nearly as long as the sentences whites received for violent crimes.

On average, blacks spend 58.7 months in prison for *nonviolent drug* offenses while whites receive approximately 61.7 months for *violent* offenses (Vagins & McCurdy, 2006). Further, prosecutors are twice as likely to pursue mandatory minimum sentences for black defendants as opposed to white defendants charged with the same offense (Drug Policy Alliance, n.d.).

With the popularity of the anti-crime and anti-drug movements among poor whites who felt threatened by racial reforms, Republicans and Democrats alike worked to appeal to this voting group seen as swing voters, advertising new and improved, stricter anti-drug and anti-crime policies. By 1991, the number of people incarcerated in the United States was “unprecedented in world history,” with “one fourth of young African American men...under the control of the criminal justice system” (Alexander, 2012). Despite the incredulous ramifications of these initiatives, there was no indication that politicians on either side of the aisle were going to slow the pace of mass incarceration. On the contrary, Bill Clinton maintained he was going to be tougher on crime than any Republican. Perhaps this was true, as his policies “resulted in the largest increases in federal and state prison inmates of any president in American history” (Alexander,

2012). Clinton promoted the “three strikes and you’re out law,” which required life sentences be imposed on three-time offenders. Additionally, it created numerous new capital crimes at the federal level and allocated over \$16 billion for state prisons and the expansion of state and local police departments (Alexander, 2012). Moreover, Clinton helped reinstate the 100:1 sentencing disparity for crack and powder cocaine, perpetuating the discriminatory incarceration of black people (Frank, 2016).

Clinton has also been credited with “more than any other president—creat[ing] the current racial undercaste” by dismantling the existing welfare system and replacing it with a heavily restricted version that included a lifetime maximum of five years on welfare assistance, as well as a lifetime ban on welfare and food stamps eligibility for anyone with a felony drug conviction, even if it was simply marijuana possession. He also made it difficult for individuals with a criminal history to receive public housing, which, given who was targeted by anti-crime and drug policies, disproportionately impacted people of color (Alexander, 2012).

New York’s black citizens have not been spared from these draconian drug laws. About 11,000 people remain behind bars for drug offenses in New York, accounting for 20 percent of the state’s incarcerated population. Of these individuals, 80 percent have been convicted of a violent felony and 66 percent have never been to prison prior to their drug offense. Despite approximately equivalent rates of drug use and distribution across racial groups, and black and Latinx individuals representing only 33 percent of the state’s population, they account for 90 percent of those incarcerated for drug felonies (Drug Policy Alliance, n.d.).

Coinciding with these federal “law and order” efforts were numerous “Stop and Frisk” policing policies. “Stop and Frisk” was most notorious in New York City. “Stop and Frisk” authorized police officers to stop, question, and search citizens on the vague basis of “reasonable suspicion.” Data reveal that such policies involve racial targeting. For instance, Latinx and black people accounted for 50 percent of NYC’s total population, but 84 percent of the stops made under the policy. This is despite the fact that whites stopped and frisked by police were 50 percent more likely to have a weapon and 33 percent more likely to have contraband than blacks (Thompson, 2013). Moreover, nearly 90 percent of those stopped were completely innocent (NYCLU, n.d.). Ultimately, NYC’s stop and frisk policy was ruled unconstitutional, as it violated the 4th Amendment, which prohibits “unreasonable searches and seizures” (Thompson, 2013).

The rationale behind these encounters persists in traffic stops. Although police officers are less likely to find contraband when searching black drivers compared to white drivers, blacks and Hispanics are 3 times as likely to be searched and twice as likely to be arrested than whites. Moreover, black drivers are more likely to be stopped for “investigatory” reasons, used to investigate “suspicious” drivers, rather than “traffic-safety stops” that react to traffic violations (The Sentencing Project, 2018).

Law and order rhetoric began with staunch segregationists, yet in a matter of twenty years, it came to dominate mainstream politics. At the turn of the century, 2 million people were incarcerated, with millions of others suffering legalized discrimination in employment, housing, education, and voting rights following entanglement in the criminal justice system, in a way that eerily resembled the Jim Crow era.

These draconian law and order policies have inflated the United States incarcerated population, earning it the title of the largest criminal justice system in the world. Despite accounting for less than 5 percent of the world's population, nearly 1 out of 4 people in prison worldwide reside in the U.S. (Gorman, 2014). Black people are disproportionately affected by the U.S. carceral state. Blacks are nearly 6 times as likely to be incarcerated than whites, and 10 times the rate of whites in five states (Nellis, 2016; The Sentencing Project, 2018). This means one in every three black boys born can expect to be imprisoned at some point in his life. Even as children, blacks are overrepresented in the criminal justice system. Black youth account for 35 percent of juvenile arrests despite their proportion of the youth population being less than half that. (The Sentencing Project, 2018).

These disparate outcomes begin with the historically rooted misconception that blacks are disproportionately violent, leading to an increased police presence in black communities and higher levels of police contact with blacks. While this is largely due to racial bias, young black men are most likely to be the perpetrators of gun homicides. They are also, however, most likely to be the victims. Contrary to commonly held notions that this is indicative of an innate violent streak in black men, research indicates that many of these young men “suffer from a condition similar to PTSD, brought on by repeated exposure to violence, extreme poverty, high unemployment, drug and alcohol abuse and other social ills that create a sense of hopelessness” (Carswell, 2020). The black community has been tirelessly fighting violent crime, with 72 percent of African Americans valuing gun control over gun ownership as an avenue for reducing the gun homicide rate in their community (Carswell, 2020). Furthermore, this prevalence does not undermine the racial discrimination of the criminal justice system, nor does it justify or minimize the racial violence blacks endure at the hands of police and white vigilante groups. Rather, it underscores the need for comprehensive public policy that amends the broken, racially biased systems that black Americans operate within on a daily basis. Also, blacks are notably *not* more likely to use drugs than whites, so “black-on-black” crime rhetoric cannot be used in conversations surrounding drug offenses (The Sentencing Project, 2018).

“People of color experience discrimination at every stage of the criminal justice system and are more likely to be stopped, searched, arrested, convicted, harshly sentenced and saddled with a lifelong criminal record” (Drug Policy Alliance, n.d.).

The criminal justice system even affects the lives of those who have not been convicted of a crime. Over 555,000 people in jail have not yet been convicted of a crime. An inability to pay bail fuels this statistic (Sawyer & Wagner, 2020). Money bond is required for 70 percent of pretrial releases and is particularly difficult for low-income individuals, who are disproportionately people of color, to pay (The Sentencing Project, 2018). The median bail amount is \$10,000 for felonies, which is the equivalent of eight months of income for the average detained person that's unable to post bail (Sawyer & Wagner, 2020). Additionally, people of color are often presumed to be higher safety and flight risks, and thus have 35 percent higher bail amounts set for them compared to whites and are more likely to be denied bail (The Sentencing Project, 2018; Pretrial Justice Institute, 2018).

Being unable to afford bail is more than an inconvenience. People who can't post bail and have to await trial are more likely to lose their jobs, accept unfavorable plea deals, be sentenced to prison, and receive longer sentences (The Sentencing Project, 2018). Unconvicted of a crime but unable to post bail, these individuals are often denied their constitutional right to a speedy trial, subjected to trial wait times that last several months, and sometimes, several years (Sauchelli & Rosenberg, 2015).

While incarceration has a greater impact on the male population, that is not to say that women aren't affected, nor are they immune to racial discrimination. Women of color are also disproportionately represented in the U.S. carceral system and are particularly impacted by the inability to pay bail and are detained in jail without convictions. This is further detrimental to communities of color as women are generally the primary caregivers to children and other dependents. Even more concerning is that the number of women arrested for drug crimes has increased by 34 percent since the onset of the opioid crisis (Jones, 2020).

Discretion in parole decisions also opens the door for racial bias. This is especially true since guards, who have their own sets of biases, have generous amounts of discretion in disciplining inmates, and disciplinary records and prison conduct are major determining factors in parole decisions. A 2016 study out of Yale University that examined solitary confinement in 45 states found that across the board, guards were more likely to place black inmates in solitary confinement than white inmates (Balko, 2020). If able to make parole, black parolees are more likely to have their probation revoked than white parolees that demonstrated comparable behaviors (The Sentencing Project, 2018).

Since on the surface, criminal law is color-blind and class-blind, it has been difficult to address the inherent inequities of the criminal justice system. In theory, everyone is afforded constitutional rights, so the Supreme Court has upheld the results of the system as fair. This "formal fairness" permits and masks the system's entrenched discrimination that has led to a prison population that is overwhelmingly poor and black (The Sentencing Project, 2018).

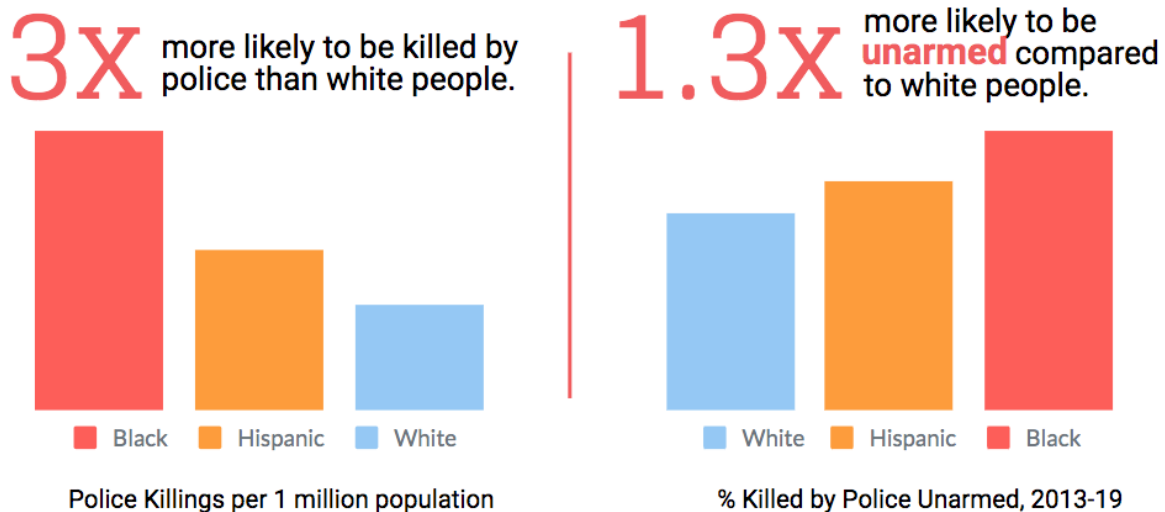
Even after serving out a prison sentence for a criminal offense, the criminal justice system continues to latch onto the lives of the formerly incarcerated. Crime is “disproportionately recidivistic in nature,” meaning those released from prison are likely to reoffend in the future, so “successful rehabilitation [is] the single most effective crime fighting measure” (Black, 2018). However, retribution is favored over rehabilitation, which is reflective in policies impacting formerly incarcerated individuals. Restrictions on rights following incarceration disproportionately affect African American men, as 1 in 3 have a felony conviction on their criminal records. Employment obstacles for people with criminal records are numerous and cumbersome (The Sentencing Project, 2018). Given implicit racial biases in the hiring process to begin with, blacks with criminal records face major hiring discrimination.

In fact, “whites with criminal records receive more favorable treatment than blacks without criminal records” (Pager, 2008).

People with criminal convictions also face discrimination in both the private and public housing markets and restrictions in welfare benefits. Such policies recriminalize these individuals and make it more difficult to successfully reintegrate into society. Moreover, in 2016, 6.1 million Americans were barred from voting because of a felony record, with blacks being disenfranchised due to felony records at a rate 4 times that of whites (The Sentencing Project, 2018). Even while incarcerated and only generating income from prison jobs that pay between 14 cents and \$1.41 per hour on average, inmates are expected to pay taxes (Sawyer, 2017; Jackson-Arnautu, n.d.). Yet after serving time for their crime and reentering society, they are still blocked from exercising their right to vote. This is ironic considering the U.S. was founded on the important adage, *no taxation without representation*. Moreover, these meager prison job wages have actually been on the decline, with some southern states not paying anything at all for prison labor (Sawyer, 2017). These data beg the question of how these individuals are expected to reestablish themselves into society upon their release. It is no wonder the recidivism rate was a staggering 83 percent within 9 years of release in 2018 (Rehabilitation Enables Dreams, n.d.). With swaths of people of color incarcerated or otherwise disenfranchised, they are largely left out of policy decisions and laws that disproportionately affect their communities.

This is the historical context of the contemporary racial tensions and public outcry over police brutality we see today. This background is crucial in understanding the history of institutional racism in the U.S. and the breadth of the criminal justice system’s hold on Americans, particularly people of color. With this context in mind, perhaps statistics on police brutality come as less of a shock.

Black people are most likely to be killed by police

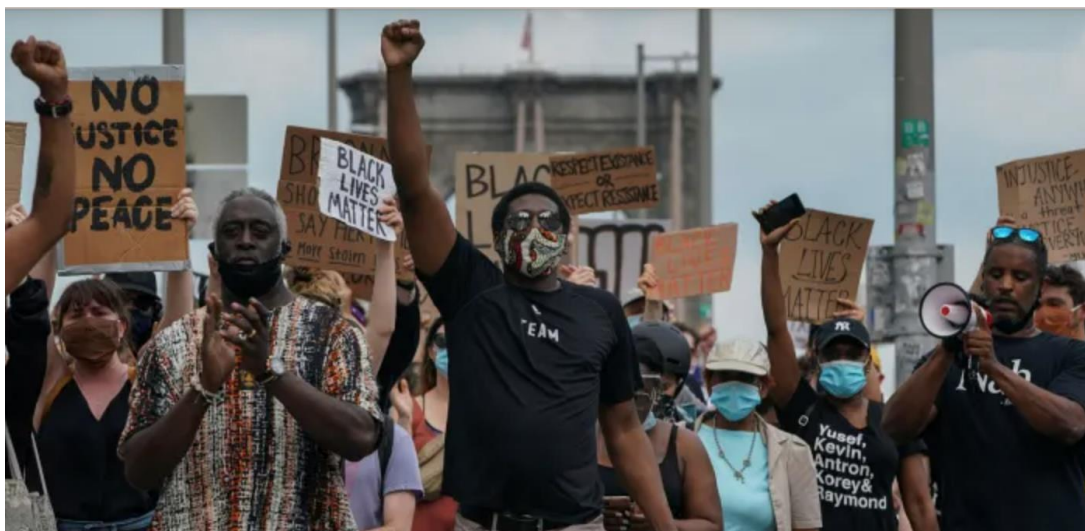


These statistics are drawn from Mapping Police Violence (2020).

Data collected between 2013 and 2019 indicate that black victims are 3 times more likely to be killed by police than whites, and 1.3 times more likely to be unarmed when killed than white victims. In some areas, police killings are so common that they exceed the U.S. murder rate. This is the case in 8 of the largest U.S. police departments. Unfortunately, despite public outrage, these trends do not seem to be on the decline, with more people being killed by police so far in 2020 than during this time period in previous years. These disturbing statistics are compounded by the fact that 99 percent of police officers who killed people from 2013 to 2019 have not been *charged* with a crime, let alone convicted (Mapping Police Violence, 2020).



*Officer Derek Chauvin knelt on the neck of George Floyd for seven minutes and forty-six seconds, including nearly two minutes where Floyd was unconscious. Chauvin ultimately suffocated Floyd to death as he pleaded for his life gasping,
 “Please...I can’t breathe...don’t kill me”
 (Photo taken by Darnella Frazier via Oliveira & Dillon, 2020).*



*Even amid the coronavirus pandemic, protestors took to the streets, unable to sit idly in the wake of yet another unarmed, black man killed by police
 (Photo taken by Getty Images via Shubber, 2020).*



*The international community joined the U.S. in its demands for racial justice, with global chants of “black lives matter” and “I can’t breathe” heard around the world
(Photos by Reuters and Getty Images vis Colarossi, 2020).*

In addition to racial biases, there is a “police culture” in which officers have an inflated perception of danger associated with their jobs relative to the actual danger they pose. While policing is by no means a ‘safe’ job, murders of police are not as widespread as the impression police training portrays. Since 1970, there has been a 90 percent decrease in “ambush killings” of police officers. In 2017, the Bureau of Labor Statistics reported approximately 13 deaths per 100,000 police officers. Comparatively, the on-the-job death rate of other occupations are much higher, with 24 deaths per 100,000 for farmers, 26.9 deaths per 100,000 for truck drivers, and 34.9 deaths per 100,000 for garbage collectors. Cops are consistently conditioned to fear for their lives, and this notion is reinforced by the job itself - after all, the cops aren’t called when things are running smoothly. This police culture, coupled with racial biases, contributes to the disproportionate rates that African Americans experience police brutality (Beauchamp, 2020).

However, this does not overshadow the police officers who are fully committed to protecting and serving all members of society. Rather, it sheds light on a systemic issue that needs to be addressed, and the need for the officers truly seeking justice for all to step to the forefront as leaders in the movement for reform in the criminal justice system.

While this historical overview and compilation of data paints a bleak picture of race relations and the treatment of people of color within the criminal justice system, this research is useful in informing activists and policymakers as they grapple with how to effectively address our flawed system. The intent of this report is not to place blame on any specific individuals or groups for the observed outcomes. As the history of our criminal justice system attests to, these racial misconceptions and disparate outcomes are the products of centuries of racial targeting and discrimination. It is not the sole responsibility of any one individual or group to address them, nor is there anyone exempt from social responsibility to amend these injustices.

Individuals, policymakers, politicians, police officers, and public figures can, and should, contribute to the reformation of our broken justice system. *We must* work together to end the drug and crime wars, repealing mandatory minimums and equalizing the sentencing ratio for cocaine. *We must* adopt a public health approach to drug addiction, reallocating funds from militarized police departments to educational and treatment programs aimed at holistically reducing drug consumption. *We must* address the root causes of crime, including poverty, segregation, and other manifestations of systemic racism that continue to limit economic resources and opportunities for people of color. *We must* abolish inherently racist policies and practices that disproportionately impact people of color, including the death penalty. *We must* redesign our policing system, launching new training efforts focused on anti-racist, multicultural principles and practices that equip officers with de-escalation tactics and understandings of how to effectively interact with individuals with mental illnesses. *We must* hold police officers accountable for their actions when they kill, rather than protect, citizens. *We must* focus our efforts on rehabilitation rather than retribution, abolishing policies that continue to criminalize individuals long after they have completed their sentences and debts to society. And above all else, *we must* seek to humanize all members of our society, regardless of their race, income level, or involvement in the criminal justice system. *We must* continue these efforts until the innate dignity of each member of society is truly respected and valued - and is not only proclaimed in theory, but is reflected in all aspects of the criminal justice system and society at large.

Wealth Generation

SUMMARY:

After the abolition of slavery, African Americans had to start from ground zero on their quest to accumulate wealth in America. Blacks were further riddled with hurdles strategically and systematically designed to prevent them from achieving wealth. The Black Codes, implemented shortly after the end of slavery, forced freedmen back into dependence on white farmers as sharecroppers, often to their former masters. After the 14th amendment ended the Black Codes, they were almost immediately replaced with Jim Crow policies that legally excluded blacks from mainstream social, political, and economic institutions and opportunities. When blacks did manage to foster some semblance of wealth, it was often destroyed or stolen by racially motivated and infuriated white mobs. Due to these policies and attacks, Southern blacks were only able to muster one tenth of the wealth of white landowners in the first 52 years after slavery.

Governmental policies continued to target black communities and prevent their accumulation of wealth throughout the 20th century. The federal government subsidized the accumulation of white Americans' wealth, while overtly excluding people of color. Redlining practices deemed communities of color as hazardous, financial risks, so initiatives to ameliorate the economic hardships of the Great Depression, including the Home Owners Loan Act and the National Housing Act, overwhelmingly benefited white Americans while almost completely excluding blacks. Such policies contributed to intergenerational wealth accumulation for whites, whereas blacks were left in marginalized, segregated, communities facing high poverty rates that are still experienced today. White households today have 10 times more wealth than black households, and blacks are twice as likely to have their home loan applications rejected, data that can be largely credited to the racist housing and mortgage policies of the 20th century. Moreover, residential segregation continues to block upward mobility for blacks, even when education and socioeconomic status are controlled for. Even college educated, middle-class blacks are less likely to own homes and more likely to live in impoverished communities relative to whites who didn't graduate high school and are low-income. Blacks continue to experience salary inequities, and neighborhoods are more segregated today than they were decades ago.

Major policy intervention is needed to repair these injustices and afford people of color opportunities to accumulate generational wealth. Policymakers need to revisit the Fair Housing Act, providing mortgage assistance to those previously barred from participation due to racist redlining policies, in addition to other policies that promote and enforce integration of residential communities.

“It was never the case that a white asset-based middle class simply emerged. Rather, it was government policy, and to some extent literal government giveaways, that provided whites the finance, education, land and infrastructure to accumulate and pass down wealth” (Hamilton & Logan, 2019).

When blacks were freed from slavery, they had to try to build a new life and generate wealth from essentially nothing. The Homestead Act of 1866 intended to provide black farmers with public land, but most of the farmable land was already occupied by whites, leaving swampy or forest land that was uncondusive to farming for black farmers to claim. This, along with poor implementation of the program and terrorism from southern whites, contributed to the ineffectiveness of the program, which was only minimally helpful to very few blacks. Instead, much of the land was settled by whites working for the logging industry (The University of Richmond, 2015). The Black Codes, among other things, mandated that black sharecroppers and tenant farmers sign yearly contracts with white landowners, who pocketed a share of their earnings and prevented blacks from accumulating wealth of their own. Refusal often meant being arrested and loaned out as a convict worker. As such, many blacks ended up working as sharecroppers for their former masters (Khan Academy, n.d.). Black Codes were ended with the passage of the 14th Amendment, but were immediately replaced with Jim Crow policies that extended well into the 20th century, which “often translated to the total exclusion of black people from public facilities, institutions, and opportunities” (Equal Justice Initiative, 2017).

When blacks did manage to gain property and wealth, it was often destroyed or stolen. Whitecapping, the practice of threatening violence to prevent blacks from participating in certain businesses or occupations, was often used to force blacks off the land they were farming so whites could seize their land and possessions (Hamilton & Logan, 2019). Other examples include race riots, such as the aforementioned Memphis riot in 1866, the St. Louis, Illinois riot of 1917, and the Tulsa Race Massacre in 1921. Black workers, who had migrated north to escape lynching persecution in the south, created economic competition for the white workers. Unfortunately, lynchings were not limited to the south. Enraged from being replaced by black workers, a mob of whites ambushed black workers as they finished their factory shifts. The violence spilled into the nearby communities, resulting in \$400,000 of property damage, and the brutal deaths of dozens of black men, women, and children, who were beaten to death, hung, shot, or burned alive after being forced into burning buildings (Equal Justice Initiative, 2017). In Tulsa, for instance, there was a booming business district in the Greenwood District where black Tulsans lived. It black was referred to as the Black Wall Street. During the riot, thousands of whites, some armed by city officials, stormed the Greenwood District, looting and burning the homes and businesses of black residents. In the end, numerous businesses were destroyed, hundreds were killed, and thousands

were left homeless (history.com). No members from the mob were ever convicted of these heinous crimes (Equal Justice Initiative, 2017).

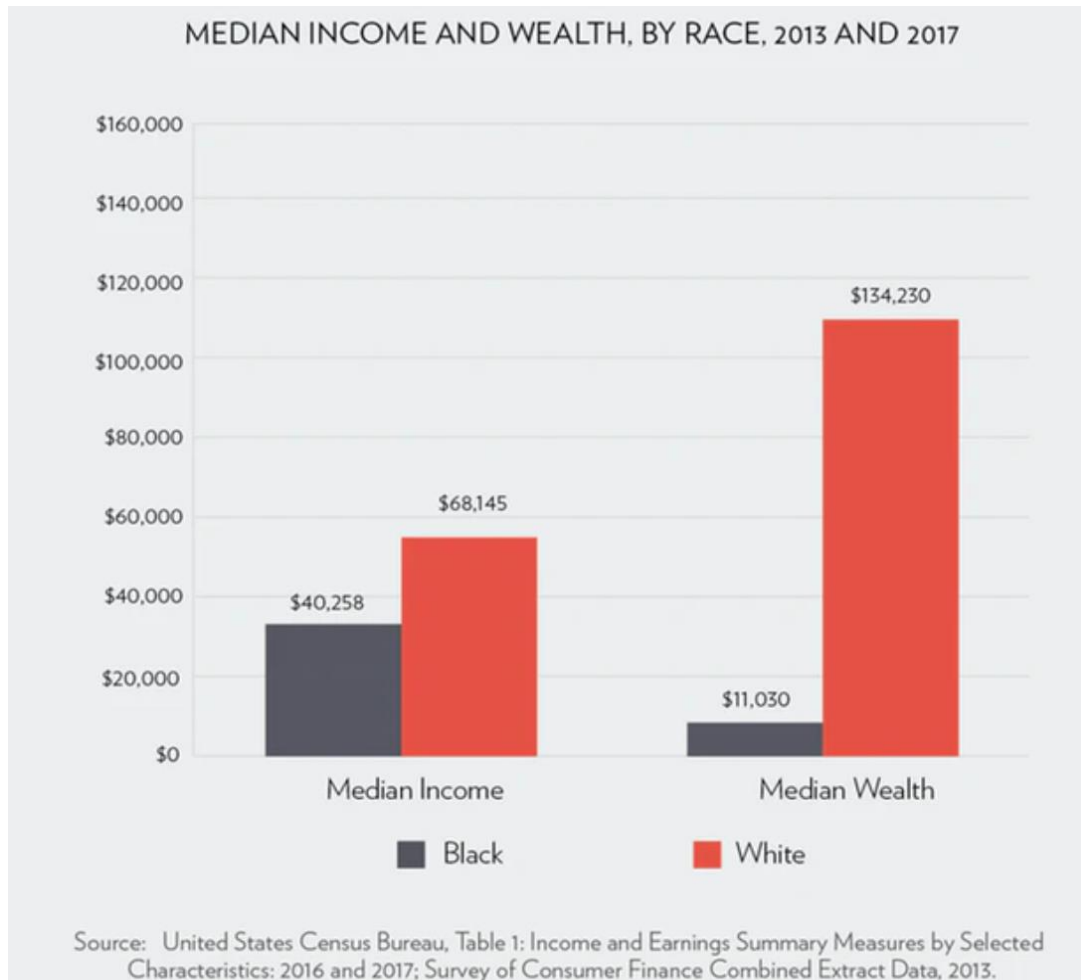
By 1915, 52 years after the end of slavery, blacks owning property in the South had accumulated only one-tenth of the wealth of white landowners. This trend remained constant for the next 50 years. In 1965, blacks comprised 10 percent of the U.S. population but accounted for merely 2 percent of the wealth in the U.S. (Hamilton & Logan, 2019). Fundamentally, the distribution of wealth in the U.S. was ultimately the same as it was during the slavery era, with blacks structurally deprived the opportunity to accumulate wealth.



This sign, aimed at maintaining racially segregated communities, was posted in a Detroit neighborhood in 1942 (Wikimedia Commons via Quick & Kahlenberg, 2019).

Black people's inability to accumulate wealth was not simply due to the violence of white citizens or the lack of consequences passed down from government officials. The problem had much deeper, systemic roots. Housing policies, often branded in a positive light as creating new public areas and boosting economic development, actually displaced blacks into segregated areas and decimated communities. Throughout the 20th century, local, state, and federal policies subsidized the development of white suburbs. To alleviate the economic hardship of the Great Depression, President Roosevelt signed the Home Owners' Loan Act and the National Housing Act. These policies prevented foreclosures and made renting and home ownership more affordable. However, the Home Owners Loan Corporation (HOLC) created maps to display the assessed risk of mortgage refinancing. They then used these maps to dictate which areas it would guarantee mortgages. Areas they deemed were financial risks and threats to property values were colored red and labeled "hazardous." These areas were denied the federal home loans. The problem was that the HOLC factored in racial composition when making its risk assessment. This process, now known as red lining, restricted the benefits of the Home Owners Loan Act and the National Housing Act from reaching families of color. Due to redlining, only 2 percent of the \$120 billion

in loans that were distributed from 1934 to 1962 were given to families of color. The GI Bill, passed in 1944, has been deemed by historian Ira Katznelson as “deliberately designed to accommodate Jim Crow” (Solomon, Maxwell, & Castro, 2019). The GI Bill allowed banks to discriminate against black veterans and deny them loans despite the fact that the federal government would have guaranteed their mortgages. To exemplify the damage of this allowance, in Mississippi, where half the population in 1947 was black, only 2 of the 3,000 mortgages guaranteed by the Veteran’s Administration went to black veterans.



*A visual display of income and wealth disparities across race in 2013 and 2017
(Quick & Kahlenberg, 2019).*

These programs allowed for white Americans to own homes and accumulate assets that were transferable across generations. The effects of these racist practices are still seen today and have perpetuated segregation and have largely contributed to the current racial wealth gap, in which the average white household is 10 times wealthier than the average black household. Also, 74 percent of the areas deemed “hazardous” remain low to moderate income areas (Solomon, Maxwell, & Castro, 2019).

In fact, people of color are still 32 percent less likely to own homes than whites, even when controlling for education, income, age, geographical location, state, and marital status. Shockingly, even black people with college degrees are less likely to own homes than whites who dropped out of high school. Further, “middle-class blacks with annual salaries of \$100,000 or more live in disadvantaged neighborhoods with higher poverty rates than low-income whites earning less than \$30,000 per year” (Quick & Kahlenberg, 2019).

Current disparities are driven by residential segregation and the continuation of mortgage loans being denied to people of color, despite an official ban on racial discrimination in home financing under the Fair Housing Act of 1968 (Debruyne, 2018). In 2017, black individuals applying for loans (all types) were more than twice as likely to be rejected as white applicants. These disparities are even more drastic when focusing on home-purchase loans with blacks being rejected in 19.3 percent of applications whereas whites were rejected 7.9 percent of the time. Lenders defend their racially disparate rejection rates, claiming they stem from “economic and wealth disparities among racial groups” and not illegal, discriminatory practices (Harney, 2018). It is likely that both racial discrimination and wealth disparities contribute to these inequitable rejection rates. However, even if this racial gap could completely be explained by wealth disparities, this is still unacceptable, and African Americans’ inability to accumulate wealth is inextricably linked to racist policies that systematically excluded them from opportunities to generate wealth that were afforded to white Americans.

Even when people of color are able to become homeowners, they experience foreclosure and lower returns on their investments, namely due to predatory and discriminatory lending practices. Corrupt real estate agents capitalized on these misconceptions, convincing white homeowners to sell their homes at discounted prices to them, since black people were moving in and would decrease the property value. They then turned around and sold the homes to black people at increased prices and interest rates. Furthermore, the homes were often sold on contracts as opposed to traditional loans, allowing the real estate agents to evict black families for missing even one payment. The accumulated losses realized by black families totaled \$4 billion, all the while government officials sat back and allowed it to happen (Solomon, Maxwell, & Castro, 2019). These trends persisted into the 21st century. Banks continue to issue speculative loans with extremely high interest rates to people of color despite their qualifications for less risky loans. These discriminatory practices are correlated with the 44 to 48 percent of lost wealth Black and Latinx households experienced during the financial crisis (Solomon, Maxwell, & Castro, 2019).

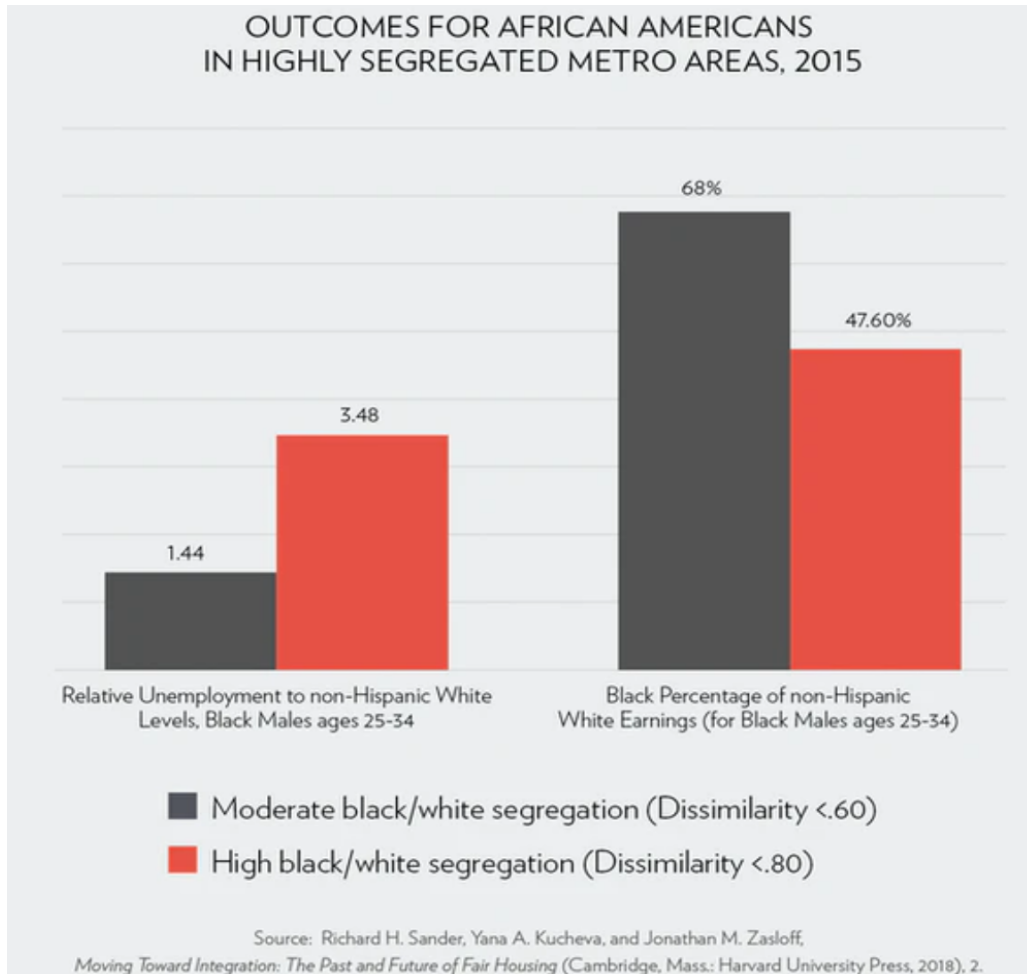
The tendency for the government and real estate agencies to cater to the development and expansion of white communities continues today. Gentrification displaces tens of thousands of low-income and black families, pushing them out of their communities to make space for affluent, white newcomers. The acclaimed economic benefits of such practices never seem to trickle down

to the community's original residents that are forced to relocate (Solomon, Maxwell, & Castro, 2019).

Segregation continues to limit economic opportunities for people of color, fueling racial disparities in employment rates, average household incomes, jobs, and salaries, all of which are key indicators of upward mobility (Semuels, 2020). In fact, in 2017, black men and women were paid only 69.7 cents, and 60.8 cents, respectively, for every dollar white men made, a pay gap that had remained stagnant since the turn of the century (Gould, Jones & Mokhiber, 2018). Segregation further prohibits upward mobility and wealth accumulation by producing schools that are underfunded, segregated, and more likely to funnel youth into the carceral system than higher education. Residential segregation remains at levels consistent or exceeding those decades ago, with some areas becoming *increasingly* segregated (Semuels, 2020). Moreover, while race and poverty often confounded, and economic segregation certainly exists, "racial segregation today remains starker and more pervasive than economic segregation" (Quick & Kahlenberg, 2019). In fact, U.S. Census data from 2013 to 2017 determined that the dissimilarity index between blacks and whites was 0.526 percent, indicating that approximately 53 percent of blacks or whites would have to relocate in order to fully integrate the area (Quick & Kahlenberg, 2019).

Efforts to address segregation have fallen short, and in some instances, backfired. Programs allowing blacks living in public housing to move to less impoverished areas have been made difficult by laws passed in suburbs prohibiting affordable housing units in their neighborhoods. Even in recent years, these integration efforts have faced resistance from whites who want to maintain the current status quo of their overwhelmingly white, affluent communities (Semuels, 2020). This is evidenced by the battle to integrate Beaumont, Texas neighborhoods in 2015. The federal government offered \$12.5 million to reconstruct a dilapidated public housing complex that housed mostly poor, black Texans. The proposal was to rebuild in an area that provided a more equitable experience for residents and avoid nearby environmental hazards. However, the city of Beaumont declared it would rather relinquish the funds than rebuild the housing complex in a whiter, more affluent neighborhood (Semuels, 2015).

The Low-Income Housing Tax Credit attempted to mitigate wealth disparities by incentivizing the construction of affordable public housing. However, since states had discretion for how these funds were used, many opted to concentrate housing complexes in highly segregated, high-poverty neighborhoods, which exacerbated, rather than ameliorated, segregation (Semuels, 2020).



Lower levels of segregation contribute to elevated employment levels and earnings for blacks (Quick & Kahlenberg, 2019).

Reparations must be made to reverse the overtly racialized policies that displaced and isolated black communities without a second thought, simply because it was politically expedient or convenient to do so, while simultaneously dishing out millions of dollars in federal funds to white Americans. Since discriminatory public policies engineered segregation and the racial wealth gap, effective efforts to address these disparities must start in the public policy arena (Quick & Kahlenberg, 2019). Policymakers should extend new mortgage assistance initiatives under the Fair Housing Act that enable individuals to buy homes that were previously in “redlined,” excluded areas, and should allocate resources in fighting further discrimination by mortgage lenders and employees. Additionally, government officials must put an end to zoning policies and other contemporary practices that effectively perpetuate segregation, replacing them with “inclusionary zoning” policies that promote housing mobility. Evidence shows that blacks in “moderately” segregated communities experience improved levels of employment, earnings, and health outcomes. Future policies should also focus on restricting gentrification and encouraging investment in current residents and local businesses (Quick & Kahlenberg, 2019).

Eugenics, Birth Control, Sterilization, and Abortion

SUMMARY:

Women of color are over five times as likely to abort their pregnancies than other racial groups. However, simply making this statement is insufficient, as it fails to acknowledge abortion's historical roots in the Eugenics Movement, as well as the underlying, systemic reasons women of color abort. The Eugenics Movement sought to rid the population of undesirable traits, thought to be carried by certain groups of people, through selective breeding. Eugenics promoted forced sterilizations of these groups of people, which included minorities, criminals, and people with disabilities. Margaret Sanger, who would one day found what is now Planned Parenthood, was a eugenicist herself. She advocated for the use of birth control as a way to advance the Eugenics agenda, calling for mandated sterilizations for those who resisted Eugenacists' "help" voluntarily. Sanger's positions were not anomalies for the time. However, her legacy of Planned Parenthood has left a lasting impact on American society, particularly on women of color. These two tools of eugenics, birth control and sterilizations, became woven into the fabric of "family planning" policies that are now branded, and widely accepted, as feminist and supportive of the black community.

A glimpse into this past, however, reveals the true nature of these policies and the devastating impact they have had on women of color. Mandated sterilization programs, riddled with eugenic rhetoric, were strategically tied to population health, leading to its dominance in American society for most of the 20th century. Hundreds of thousands of women, who were disproportionately poor and women of color, were misinformed, coerced, and forced into sterilizations that were funded by the federal government. Forced sterilizations only subsided when voluntary sterilizations became more popular and abortion was legalized. Today, Planned Parenthood proudly touts of its patient population, which is disproportionately represented by black and low-income individuals. While it is doubtful Planned Parenthood's current intentions perfectly mirror those of its eugenic past, the fact remains that it continues to have a disproportionate impact on communities of color.

Additionally, girls of color are disproportionately trafficked, and many victims are subjected to coerced abortions within the U.S. healthcare system, continuing to be exploited right under the noses of health professionals. Educational and training efforts need to be increased to equip healthcare providers with the knowledge and skills they need to identify and safely intercept victims of trafficking when they enter healthcare facilities.

*A comprehensive approach is needed to address the underlying reasons women of color choose to abort, so women are empowered with **real** options. Funding for Planned Parenthood and*

programs that subsidize abortion should be reallocated to comprehensive women's healthcare centers, efforts to disrupt human trafficking rings, affordable housing and childcare initiatives, family leave policies, and powerful non-discrimination legislation that thoroughly protects pregnant women from educational and occupational discrimination on the basis of pregnancy. No woman should feel as though she needs to "choose" abortion because she otherwise won't be able to support her own needs and ambitions, or those of her family members.

"Back in the days of slavery, black folks couldn't grow kids fast enough for white folks to harvest. Now that we've got a little taste of power, white folks want to call a moratorium on having children" (pbs.org, n.d.).

The Eugenics Movement has such strong ties to birth control, sterilization, and abortion, it was necessary to group and discuss them together. The Eugenics Movement encouraged selective breeding for positive traits and the eradication of certain populations of people said to have negative, "undesirable" traits (Bouche & Rivard, 2014). Those designated as having "undesirable" traits included people of color, immigrants, individuals in poverty, criminals, and those with mental and physical disabilities (Ko, 2016). While many people turn to Germany and the Holocaust when they think about eugenics and ethnic cleansing, this movement really began in the U.S. To achieve the goal of eliminating undesirable groups, eugenicists turned to birth control and sterilization (Lombardo, 2011). Once encouraging black women to reproduce to maximize the wealth of plantation owners, white supremacist views abruptly reversed once the economic benefit was removed with the abolition of slavery (pbs.org, n.d.). In 1907, the first involuntary sterilization law *in the world* was passed in Indiana. The law was rooted in eugenic ideology and mandated sterilization for "criminals, idiots, rapists, and imbeciles in state custody" (Lombardo, 2011). Seven years later, Margaret Sanger coined the term "birth control" and began the Birth Control Movement, which was also intertwined with the Eugenics Movement.

Sanger's more subtle approach to advancing the eugenics movement was through birth control and the appearance of choice and autonomy. One of the leaders in marrying the eugenics and birth control movements was Margaret Sanger. In 1920 Sanger publicly stated, "birth control is nothing more or less than the facilitation of the process of weeding out the unfit [and] of preventing the birth of defectives" (PBS, n.d.). It has already been discussed who was viewed as "unfit" and "defective" during this era. Yet, if it's necessary to hear it from Sanger herself, when seeking funds for her "Negro Project, Sanger explicitly identified black people as being "a group notoriously underprivileged and handicapped" (Grimaldi, 2010). Sanger goes on to say she wants to "give them the means of helping themselves," but her statements are paternalistic at best and thinly veiled eugenics at worst. After all, she repeatedly outlined that such individuals "should not have

offspring” (New York University, 2003). Further, considering her eugenics background, it is evident that the “help” she provided poor Americans, whether white or black, was grounded in the mission to prevent their populations from becoming the majority (McCrea, 2015).

Yet, as the founder of Planned Parenthood, Sanger’s views are often rationalized and justified. Some argue that Sanger’s views were aligned with the times, and although she supported eugenics, she was not racially driven. In defense of Sanger’s racial ethics, Planned Parenthood claims, “Sanger vocally opposed the racial stereotyping that effected passage of the Immigration Act of 1924, on the grounds that intelligence and other inherited traits vary by individual and not by group” (Planned Parenthood Federation of America, 2016). However, Sanger’s own words illuminate her racist ideologies and motivations for the birth control movement. In her speech called “My Plan for Peace,” Sanger proposed the formation of a Population Congress. One of the objectives of the Congress would be to, “keep the doors of Immigration closed to the entrance of certain aliens whose condition is known to be detrimental to the stamina of the race, such as feeble-minded, idiots, morons, insane, syphilitic, epileptic, criminal, professional prostitutes, and others in this class barred from entrance by the Immigration Laws of 1924.” Later on in the speech, she proposed “eliminating entirely those countries whose subjects have already been difficult to assimilate” (New York University, 2003). This is far from the only instance in which Sanger made racially charged statements regarding eugenics and birth control. In her book, *Pivot of Civilization*, Sanger stated,

“Birth Control...is really the greatest and most truly eugenic method, and its adoption as part of the program of Eugenics would immediately give concrete and realistic power to that science...Birth Control has been accepted by the most clear thinking and far seeing of the Eugenists themselves as the most constructive and necessary of the means to racial health” (Sanger, 1922).

Additionally, the *Birth Control Review*, a magazine established and edited by Sanger, routinely published the works of eugenicists that were even more blatant in their racist, eugenic philosophies than Sanger. If Sanger didn’t approve of their sentiments, it would follow that she wouldn’t publish them in her magazine. Anna Blount, a eugenicist doctor that was published in Sanger’s magazine exemplifies the eugenic material that was promoted in the magazine. When referencing groups she deemed unproductive members of society, Bount wrote, “What do they cost us, in wealth, in labor and in misery? They must be eliminated. Eugenics makes birth control imperative....But whatever the means this stream of human waste must be deflected from the melting-pot” (Clowes, 2017). Another notable contributor was Ernst Rudin, who authored a piece in the magazine called “Eugenic Sterilization: An Urgent Need.” Rudin was better known as “Hitler’s racial hygiene mastermind.” Sanger was also friends with, and received donations from, individuals and organizations that were deeply entrenched in the Eugenics Movement. For example, the Rockefeller Foundation has donated millions of dollars to Sanger’s American Birth Control

League and Planned Parenthood (The Rockefeller Foundation, n.d.; Kihss, 1979). The Rockefeller Foundation is also known for founding the German eugenics program and funding the program Josef Mengele worked in prior to Auschwitz (Black, 2003). Sanger also spoke to the wives of the Ku Klux Klan in Silver Lake, New Jersey in 1926 (Planned Parenthood Federation of America, 2016).

Sanger partnered with the American Eugenic Society to disburse birth control in impoverished and minority communities. Soon thereafter, she began fundraising to open a birth control clinic in Harlem and other racially targeted initiatives under the “Negro Project” (McCrea, 2015). One of the most contentious statements Sanger made was in a letter to fellow eugenicist Clarence J. Gamble. In discussing plans for the “Negro Project” and the desire to train black doctors and ministers for their cause, Sanger wrote, “The ministers work is also important and also he should be trained, perhaps by the Federation as to our ideals and the goal that we hope to reach. We do not want word to go out that we want to exterminate the Negro population and the minister is the man who can straighten out that idea if it ever occurs to any of their more rebellious members” (Sanger, 1939). Planned Parenthood defended Sanger, claiming that she was merely acknowledging fears within the black community at the time (Planned Parenthood Federation of America, 2016). A reasonable understanding of semantics would suggest otherwise. According to the *Cambridge Dictionary*, the phrase, “(the) word is/get out” means “a piece of news is known, especially if it was secret or if it will cause changes” (Cambridge Dictionary, n.d.). If this wasn’t a valid, secret objective of the Negro Project, Sanger would have framed this statement differently, perhaps by starting, “we do not want people to think that...” Moreover, she wouldn’t have labeled those with these concerns as “rebellious” and needing to be straightened out so they would submit to her agenda if her true aims were to provide health *options* to the black community. Furthermore, if black women didn’t accept this “help” of birth control voluntarily, Sanger promoted giving “the whole dysgenic population” the option of “segregation or sterilization” (McCrea, 2015).

Now, this is not to say that people of color were unassuming, blind consumers of Sanger’s agenda. On the contrary, numerous black leaders, including Marcus Garvey, Fannie Lou Hammer, Whitney Young, Jesse Jackson, and Dick Gregory spoke out against these eugenic initiatives. At a Black Power Conference in 1967, leaders even equated birth control to “black genocide,” a common accusation of abortion in the black community still today (pbs.org, n.d.). *Thrust*, a prominent black magazine of the time, questioned,

“Why couldn’t blacks get basic health care like a free aspirin for a headache, but when you are a black woman old enough to look sexy you can get a truck load of birth control pills for free?” (pbs.org, n.d.).

It was not until the late 20th century that black views on abortion shifted in its favor, although pro-life black activism still remains today.

The other, simultaneously occurring tool of the Eugenics Movement, was compulsory sterilization. While the language of eugenic laws of the times didn't explicitly target women of color, "inferiority, illness, disability, and immorality" were all characteristics that were disproportionately used to describe people of color in the 20th century (Burton, 2018). Moreover, statistics of who was sterilized undeniably reveal that women of color were indeed the intended targets. According to the *American Public Health Association*, people of color and other low-income people were often considered "destructive overbreeders whose procreative tendencies needed to be managed" and black people were sterilized "at rates that exceeded their population" (Stern, 2011).

In California, the leading state in sterilizations, African Americans comprised only 1 percent of the state's population, but 4 percent of the state's sterilizations (Stern, 2011). Similarly, in North Carolina, over 60 percent of the state's sterilization victims between 1920 and 1974 were black (Burton, 2018).

Moreover, many physicians were involved in the leading eugenics organizations of the time. They used African Americans as "practice for medical students," conducting unwanted and unnecessary hysterectomies on women of color (Stern, 2011; Ko, 2016).

Misinformation, coercion, and force fueled these disproportionate rates of sterilization. A 1974 lawsuit filed by the Southern Poverty Law Center on behalf of Mary Alice and Minnie Relf exemplifies how individuals were misinformed in order to force sterilizations on young women. The sisters were sterilized at ages 14 and 12, respectively, when their mother unwittingly signed off on their sterilizations. Their mother, who was illiterate, was persuaded into signing an "X" on the consent form under the pretense that it was for birth control shots. According to Judge Gerhard Gesell, the presiding judge over the case, "an indefinite number of poor people have been improperly coerced into accepting a sterilization operation under the threat that variously supported welfare benefits would be withdrawn unless they submitted...the dividing line between family planning and eugenics is murky" (Stern, 2011). It was also revealed that up to 150,000 poor people (who, as we know, were predominantly people of color) were being sterilized annually, under programs that were *federally funded* (Ko, 2016). Other stories from victims illustrate common coercion tactics that were used, in which doctors threatened to withhold needed medical care unless they agreed to be sterilized (Burton, 2018).

One of the primary reasons sterilization laws were entrenched in American healthcare throughout the majority of the 20th century, even after the eugenics movement started to lose momentum, is because it was linked to public health. Based on the precedents set by *Jacobson v Massachusetts* (1905), which ruled that, in the case of smallpox immunizations, preserving public health outweighed individual rights, and *Buck v Bell* (1927), which upheld the legality of forced

sterilization on the grounds of public health, California viewed sterilization, “not as a punishment, but as a prophylactic measure that could simultaneously defend the public health, preserve precious fiscal resources, and mitigate the menace of the ‘unfit’ and ‘feebleminded’” (Stern, 2011).

While these antiquated sterilization policies have been abandoned, the legacy of the eugenics and sterilization era remain in contemporary reproductive healthcare. The confluence of an unprecedented federal commitment to family planning under President Nixon and President Johnson’s administrations, Johnson’s war on poverty, and third wave feminism pushing for reproductive rights all contributed to the “widespread sterilization abuse” that occurred from the late 1960s to the mid-1970s (Stern, 2011).

During discussions of the 1969 Population Control Commission, Nixon was recorded expressing racially charged sentiments about abortion and the black community, and further equated abortion to population control.

Nixon stated “...look, the people in what we call our class control their populations.” He contrasted this notion with the belief that people in Michigan and Colorado “are for abortion” and “will vote for it because they think that what’s going to be aborted generally are the little Black bastards...a hell of a lot of people want to control the Negro bastards” (Anunkor et al., 2015).

Although less crude in nature, Johnson’s war on poverty ultimately led to depictions of black women as “welfare queens” and “crack whores” who had “crack babies” (Alexander, 2012). These stereotypes led to further pressure on black women to have abortions and be sterilized. By 1970, several states had passed voluntary sterilization laws and legalized abortion. As voluntary sterilization rates increased, the need for forced sterilization started to subside. In 1973, the year that *Roe v Wade* was passed, voluntary sterilization was the most common form of birth control for women 30 to 44 years old. Supreme Court Justice Ruth Bader Ginsburg, who voted in favor of *Roe v. Wade*, supported the link between abortion and population control in her reflection on the case, stating, “Frankly I had thought that at the time Roe was decided, there was concern about population growth and particularly growth in populations that we don’t want to have too many of” (Anunkor et al., 2015). Federal funding for birth control and other family planning methods dramatically increased during this time, with Medicaid reimbursing up to 90 percent of sterilization costs (Stern, 2011).

In *Madrigal v Quilligan* (1978) was a federal class action lawsuit regarding unwanted sterilizations against a hospital in Los Angeles County. While the plaintiffs were migrant women and not black women, the case still highlighted how sterilization efforts targeted women of color, including black women. One of the key witnesses, a medical student and technician at the time of the sterilizations, recalled that Dr. Edward James Quilligan, the lead defendant, stated “poor minority women in L.A. county were having too many babies; that it was a strain on society; and that it was good that

they be sterilized” (Stern, 2011). After receiving a \$2 billion federal grant, he openly discussed how he wanted to use the funds to see “how low we can cut the birth rate of the Negro and Mexican populations” (Stern, 2011). Despite the plaintiffs losing, the case still had reverberating effects on sterilization policy. Numerous safeguards were ushered in following the case, including a 72-hour waiting period between consent and procedure, bilingual consent forms, a signed consent statement clearly reassuring patients their decision wouldn’t impact their welfare benefits, and almost completely restricting sterilizations on individuals 20 years of age and younger (Stern, 2011). However, parallel safeguards regulating abortion, including a waiting period between consent and procedure, informed counseling, and parental consent for children seeking abortion have recently been stripped from abortion statutes and policies in the name of women’s reproductive rights. After learning of the violations to women’s rights that occurred when such safeguards weren’t in place to regulate sterilizations, it is worrisome that regulations protecting abortion patients are being expunged.

Coerced sterilizations continue to this day. Between 2006 and 2010, the California Department of Corrections and Rehabilitation illegally sterilized at least 148 women, with potentially hundreds of other cases dating back to the 1990s. Echoing eugenic justifications from the past, Dr. Heinrich, accused of pressuring women to get tubal ligations, claimed the \$147,460 paid in compensation for conducting the sterilizations was minimal “compared to what you save in welfare paying for these unwanted children – as they procreated more” (Johnson, 2013). Even more recently, a Tennessee judge came under fire after he offered inmates reduced sentences if they underwent sterilization procedures, including vasectomies for men and birth control implants for women. His hope was “to break the ‘vicious cycle’ of repeat drug offenders passing through his courtroom who could not find jobs or afford child support” (Hawkins, 2017). Over 100 years since the initial forced sterilization law, the lingering eugenic rhetoric in these policies is eerie.

It is doubtful that all abortion advocates and Planned Parenthood affiliates hold the same eugenic and racist ideals as they did when the organization began. Nevertheless, whether directly or indirectly, the reverberations of the Birth Control Movement’s racist, eugenic origins and ties to sterilization are still being felt, particularly within the black community.

In the public arena, Planned Parenthood has claimed to support various racial justice initiatives. Yet Planned Parenthood has failed to critically analyze how it perpetuates institutional racism, both within their staff and communities of color at large. For instance, Planned Parenthood has repeatedly glossed over its racist origins, celebrating Margaret Sanger as “a woman of heroic accomplishments” who was merely “imperfect” (Planned Parenthood Federation of America, 2016).

The façade of racial equity that Planned Parenthood has worked so hard to build up finally came crumbling down in June 2020, when hundreds of Planned Parenthood of Greater New York

employees released an open letter slamming their CEO and Senior Leadership Team while exposing Planned Parenthood’s continued racism. Their letter acknowledges that Planned Parenthood “was founded by a racist, white woman...a part of history that cannot be changed” (PPGNY Staff, 2020). They continued that while some efforts have been made to amend their racist roots, many issues of institutional racism “worsened” under the tenure of their CEO, Laura McQuade (PPGNY Staff, 2020). In the words of the authors:

After years of complaints from staff about issues of systemic racism, pay inequity, and lack of upward mobility for Black staff, highly-paid consultants were brought in three separate times to assess the situation. Each time, employees of color were brutally honest about their experiences, but nothing changed. It is not possible to do justice to the scope and gravity of this issue here (PPGNY Staff, 2020).

Moreover, Planned Parenthood has contorted racial justice politics to pander to the public to garner support and further its own business interests. The Planned Parenthood employees explain:

The PPGNY Senior Leadership team, despite the visual appearance of diversity, has repeatedly weaponized the language of diversity, equity, and inclusion. Rather than using their true definitions, senior leaders and upper management have used these terms to manipulate and silence those with differing opinions and perspectives. They have leveraged identity politics by putting Black and other people of color in positions of leadership who actively participate in harming Black staff and other staff members of color below them (PPGNY Staff, 2020).

Given how poorly Planned Parenthood treats its staff of color, perhaps it is no surprise that it continues to negatively impact communities of color as well. There is ongoing debate over where Planned Parenthood’s clinics are primarily located in urban or rural areas. This is a contentious debate because urban areas tend to be populated by non-whites (Parker et al., 2018). If Planned Parenthood tends to set up camp where large populations of people of color are, it may be evidence of racial targeting and a continuation of their eugenic policies from the past.

Planned Parenthood defends itself from claims that the majority of its clinics are in urban areas citing, “Fifty-six percent (56%) of Planned Parenthood health centers are in health professional shortage areas [HPSAs], rural or medically underserved areas [MUAs]” (Planned Parenthood Federation of America, 2017). This statistic is inaccurate because HPSAs and MUAs cannot be conflated with “rural areas,” as HPSAs and MUAs include both rural *and* urban areas that are underserved. Therefore, Planned Parenthood’s “fifty-six percent” measurement is extremely misleading, as it inevitably includes *urban* areas that have health professional shortages or are otherwise medically underserved (Every CRS Report, 2017). Regardless of where the clinics are located, it is undisputed that Planned Parenthood disproportionately serves people of color and people in poverty. According to the *Census Bureau*, population estimates indicate that blacks or

African Americans (not Hispanic) account for 13.4 percent of the population while those identifying as Hispanic or Latino total 18.5 percent of the population (United States Census Bureau, n.d.). However, Planned Parenthood reports that “more than one third (35%) of Planned Parenthood patients are people of color, with nearly 500,000 patients who identify as Latino and nearly 360,000 patients who identify as Black.” Further, at least 60 percent of patients are Medicaid or Title X family planning recipients, and 75 percent have incomes at or below 150 percent of the federal poverty level (Planned Parenthood Federation of America, 2017).

Perhaps unsurprising given these patient demographics, people of color are also overrepresented in abortion statistics. Since the legalization of abortion under *Roe v Wade*, “abortion has become increasingly concentrated among low-income minority women” (Kliff, 2013). Mirroring the proportion of black Planned Parenthood patients, black women account for 38 percent of all abortions. White women follow shortly behind with 35 percent, but considering they comprise 76.3 percent of the population as a whole, they are actually underrepresented in these data (Jatlaoui, et al., 2019; United States Census Bureau, n.d.) These data demonstrates that the abortion rate for black women is nearly 5 times that of white women (Cohen, 2008). Nationally, the abortion rate in the black community exceeds the top ten causes of death among blacks *combined*, with nearly 300,000 abortions annually. Whether intentional or unintentional, Planned Parenthood, the leading abortion provider in the nation, contributes to these disparate outcomes (McCrea, 2015).

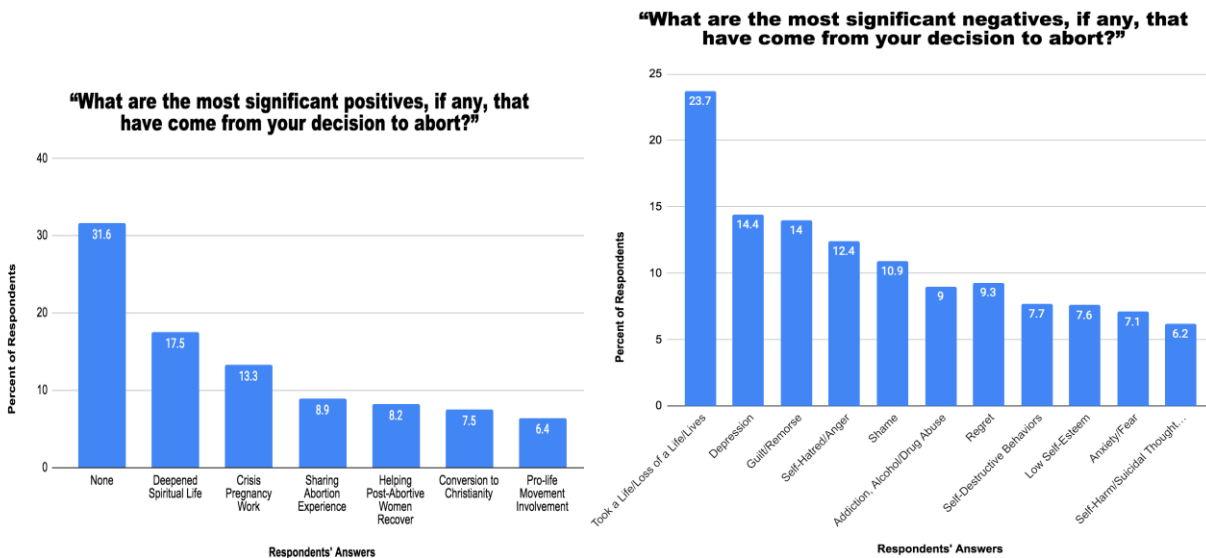
A myriad of underlying factors contribute to this disproportionate rate, including inadequate housing, healthcare, education, and access to childcare. Proponents of abortion are quick to point out that underlying racial disparities contribute to this rate. While they are absolutely correct that such inequities exist and perpetuate the incidence of unintended pregnancy and abortion within the black community, they falter in their notion that abortion is the solution to these issues. Pressing women to abort during times of duress while branding it as feminism is not going to do anything to address the underlying causes of their circumstances. It is much simpler to subsidize abortion and brand yourself a feminist than it is to tackle deep-rooted systemic racial disparities, launching campaigns to improve healthcare, education, economic opportunities, and childcare for people of color, as well as institute policies that protect and support pregnant women in schools and the workforce. Indeed, when examining family planning policies funded by the government, it is clear that the former option, promoting and funding abortion, was overwhelmingly chosen. Abortion serves as a Band-Aid solution to these problems; it does not do anything to absolve them.

A five-year, longitudinal study examined women’s reasons for pursuing abortion and identified themes within the data. Of the women surveyed, 40 percent claimed financial reasons, 36 percent cited timing issues, 31 percent indicated partner-related reasons and 29 percent involved a need to focus on other children. Specific reasons within these themes include concerns that having a baby would interfere with education, employment, childcare, and other dependent-related care, the affordability of having a baby, and relationship issues. Ultimately, 74 percent of respondents

indicated “emotional and financial responsibility to individuals other than themselves” (Biggs et al., 2013). This coincides with the findings of a survey of post-abortive women published in the *Journal of American Physicians and Surgeons* in 2017, which found that 58.3 percent of women aborted to “make others happy,” 73.8 percent acknowledged experiencing subtle pressure from others to abort, and 28.4 percent aborted to preserve their relationship (Coleman et al., 2017). These findings underscore the need for comprehensive, pro-woman legislation that ensures women’s education and occupational endeavors won’t be jeopardized due to a pregnancy and provides financial support to reassure and empower women in their reproductive decisions. The results further highlight systemic racism and the lack of true choice many women are faced with. Feeling as though they have no other option but to abort due to economic burdens or fears that carrying their pregnancies to term will suffocate their educational and career goals, does not demonstrate real choice. Rather, it reveals the desperation and frustration of women at a system that repeatedly fails to meet their needs and provide them with what they deserve.

Seeing abortion as their only option, women endure lasting psychological impacts from the procedure. The National Center for Biotechnology Information evaluated the psychological effects of abortion. They found that while 65 percent of American women showed multiple symptoms of re-experiencing and avoidance, 14.3 percent met the “full diagnostic criteria for PTSD [post-traumatic stress disorder]” (Rue, et al., 2004). The *Journal of American Physicians and Surgeons’* study also examined the emotional impact abortion had on women. Prior to having an abortion, 13 percent of respondents visited a counselor, psychologist, or psychiatrist, and 6.6 percent received psychological health medications. After having an abortion, these numbers skyrocketed to 67.5 percent and 51 percent, respectfully. This suggests that overall, the women in this sample minimally accessed mental health services prior to their abortions, whereas after, their demand for mental health services dramatically increased (Coleman, et al., 2017).

The researchers also wanted to hear directly from the women regarding the positive and negative consequences of their abortion decisions. They asked the respondents two open-ended questions: “What are the most significant positives, if any, that have come from your decision to abort?” and “What are the most significant negatives, if any, that have come from your decision to abort?” The results are visualized in the tables below (Coleman, et al., 2017).



Graphs are based on the findings cited in the Journal of American Physicians and Surgeons on post-abortive women (Coleman, et al., 2017).

Contrary to contemporary rhetoric that acclaims abortion as a vehicle for liberation, the respondents “generally did not speak of empowerment, [or] the ability to control their reproductive destinies.” Rather, nearly 32 percent cited no personal benefits of their abortions. Others referenced their outreach to other women considering abortion, offering advice and counsel. Moreover, when asked if their abortions negatively impacted them, the women shared experiences of emotional distress and turmoil (Coleman et al., 2017). Certainly, the results of this study are not exhaustive, and not all post-abortive women regret their decisions or feel negatively impacted by the experience. However, it is unclear whether the presence of comprehensive legislation designed to support and protect would have changed their decisions.

Moreover, these effects are exacerbated when women feel the abortion was coerced. Coerced abortion is especially prevalent among victims of forced prostitution and sex trafficking. Continuing with the trends of oppressive systems disproportionately impacting low-income women and women of color, traffickers target vulnerable youth in low-income neighborhoods that lack strong support systems. Overwhelmingly, these are young girls of color. In cases where race was known, 40 percent of sex trafficking victims were black (Bureau of Justice Statistics, 2011). To make matters worse, young girls of color are more likely to be criminalized for their own exploitation. In fact, African American children account for over 50 percent of all juvenile prostitution arrests. These children are deprived of necessary treatment and counseling interventions and are instead given a record and subjected to further abuse and trauma in the future (Union, 2017). While pro-choice advocates often use rape and trafficking cases as exemplars for the need for abortion, closer examination reveals how abortion is used as an exploitation tool of

sex traffickers, with survivors recounting the numerous coerced and forced abortions they endured. According to a study on the health consequences of sex trafficking published in the *Annals of Health Law*, pregnancy, miscarriage, and abortion were commonplace for sex trafficking survivors. Excluding potential underreporting, 71.2 percent of the respondents reported at least one pregnancy while being trafficked, with 21.2 percent reporting five or more pregnancies. 54.7 percent of the respondents reporting pregnancies reported at least one miscarriage, with 29.7 percent reporting multiple.

Additionally, 55.2 percent of the respondents reported at least one abortion, while 29.9 percent reported multiple abortions. The interviewer noted that miscarriage may have been used as a euphemism for abortion in some cases, suggesting the numbers are even higher than was reported. The majority of these abortions were “at least partially forced upon them” (Lederer & Wetzel, 2014). One survivor recounted that “in most of [my six abortions] I was under serious pressure from my pimps to abort the babies” (Lederer & Wetzel, 2014).

Other cases of severe coerced and forced abortion have also been reported outside of the human trafficking sphere. The National Center for Biotechnology Information found an association between intimate partner violence (IPV) and termination of pregnancy. Moreover, while many of the studies in the meta-analysis focused on how IPV lead to unintended pregnancies (at least from the victim’s perspective), several studies also found that IPV led to a subsequent termination of pregnancy. The data also suggested a repetitive pattern of abuse, pregnancy, and termination of pregnancy (Hall, et al., 2014).

Numerous individual incidents reveal women and girls being coerced and forced by partners, as well as family members, to abort their pregnancies, whether by forcing women to go to an abortion clinic or through extreme, miscarriage-inducing violence (Population Research Institute, 2004). This violence isn’t restricted to partners and family members. A recent lawsuit filed against California police officers highlights the intersectionality of police violence against women of color and women’s increased risk of violence during pregnancy. Emerald Black, who was “visibly pregnant” and still wearing hospital clothes from a visit earlier in the day, where she was told she was at a high risk of miscarriage. Black was not suspected of any crime, nor was she even the driver of the vehicle. She was the passenger in her boyfriend’s vehicle when he was pulled over due to “bad registration tags” (Blest, 2020). Due to her designation as a high-risk pregnancy, she requested that she remain in the car. It is unclear why the officers needed the passenger in a vehicle stopped for a nonviolent, minor traffic offense was asked to get out of the car in the first place. According to her lawyer, the officers “yanked pregnant Ms. Black from the car, taunted her, piled on top of her and stomped on her stomach leaving a shoe mark” (Blest, 2020). Due to this excessive force, Black miscarried and is suing due to the “physical injuries, embarrassment, humiliation, and emotional distress both from the incident and loss of her child” (Blest, 2020). Similar cases have

been filed elsewhere, including a woman who alleged that she was “violently thrown” to the floor and miscarried at the hands of South Carolina police, and a Staten Island woman who asserted that New York Police “battered” her and caused her to miscarry.

Despite the prevalence of these violent instances of police officers and intimate partners inducing miscarriage, abortion statutes have been shifting in ways that restrict women’s legal recourse in seeking reparations for the loss of their pregnancies. For example, New York State recently passed the Reproductive Health Act (RHA), which effectively stripped the term “abortion” from the penal code. By doing so, victims suffering coerced abortions and induced miscarriages are no longer able to pursue felony charges against their attackers for the violent deaths of their fetuses. Thanks to the RHA, women are only able to pursue assault charges to the violence they personally experienced; there are no longer any legal actions that can be taken to receive justice for their unborn children. By “removing crucial prosecutorial tools” that held human traffickers and domestic abusers “accountable for the coercion and violence they inflict on pregnant women” survivors are revictimized and disempowered (Bennett, 2019).

It is crucial to view everything within the context of its impact on people of color. As has repeatedly been discussed, people of color have been systematically deprived of economic freedoms, and were the initial targets of the Eugenics, Birth Control, and Sterilization Movements. Therefore, when it is exposed that financial concerns and barriers to educational attainment and career development dominate women’s reasons behind pursuing abortion, it is evidence that abortion is a side effect of society continuing to deprive women, particularly women of color, what they deserve and need to be truly liberated and equal members of society.

Moving forward, Planned Parenthood and the federal government must acknowledge and vehemently condemn, not justify in any way, their participation in the Eugenics Movement. Moreover, the extent to which they continue to disproportionately and negatively impact communities of color needs to be addressed. A cultural shift away from abortion is needed; one that focuses on comprehensive healthcare and genuine support for low-income individuals and women of color. In particular, extreme abortion laws, such as New York State’s RHA, must be repealed, as they actually make abortion more dangerous for women and restrict their prosecutorial options if they suffer abuse and miscarry as a result. Furthermore, funding for Planned Parenthood and programs that subsidize abortion should be reallocated to comprehensive women’s healthcare centers, efforts to disrupt human trafficking rings, affordable housing and childcare initiatives, family leave policies, and powerful non-discrimination legislation to thoroughly protect pregnant women from educational and occupational discrimination on the basis of pregnancy. *No* woman should feel as though she needs to “choose” abortion because she won’t be able to support the needs and ambitions of herself or her family members.

The U.S. Healthcare System

SUMMARY:

After considering the extent to which systemic racism has permeated the lives of people of color in the U.S. thus far, it is no surprise that racism is intertwined with the U.S. healthcare system as well. Lower quality healthcare is provided to black people, largely due to implicit biases about people of color that improperly inform providers' healthcare decisions. This leads to inaccurate diagnoses, undesirable treatments, and a sense of mistrust among patients of color. This mistrust can lead to some patients refusing needed care, exacerbating negative health outcomes.

Racism in healthcare extends beyond the administration of care. Systematically experiencing racism elevates stress levels, leading to chronic, toxic stress that is immensely detrimental to health outcomes. Chronic stress contributes to the disproportionate rates at which black individuals experience hypertension, inflammation, anemia, gestational diabetes, and maternal and infant mortality rates. This stress is so severe that the black infant mortality rate increases with education level.

Residential segregation also contributes to disproportionately negative health outcomes for black Americans. Segregated, predominantly black communities often have limited access to healthcare, and many residents are uninsured or underinsured. Segregated communities are more likely to be located in "food deserts" with no nearby supermarkets stocked with healthy foods. On the other hand, there are plentiful supplies of fast food chains, which fuel unhealthy eating habits and negative health outcomes. Moreover, these neighborhoods tend to lack the infrastructure necessary to adequately support recreational activity in the community, such as sidewalks or parks. These factors contribute to the prevalence of obesity and other chronic illnesses, such as diabetes, heart disease, and HIV/AIDS, as well as the overall racial disparity in life expectancy that persists to this day.

To address these flaws, educational and training initiatives within healthcare must explicitly call attention to unintended racial biases in the dispersion of medical care to people of color. Additionally, discretion among health officials, which fuels the discriminatory administration of care, must be minimized, and continued data collection is needed to track, monitor, and adjust efforts to equalize healthcare administration across racial groups. Moreover, healthcare officials must take a community health approach, actively working with government officials and community leaders to address other forms of systemic racism in the community that continue to generate disparate racial health outcomes.

“Doctors rated black patients as less intelligent, less educated, more likely to abuse drugs and alcohol, more likely to fail to comply with medical advice, more likely to lack social support, and less likely to participate in cardiac rehabilitation than white patients, even after patients’ income, education, and personality characteristics were taken into account” (Institute of Medicine, 2002).

Racism has permeated the American healthcare system since its inception. Since arriving in America as slaves, blacks have received the worst healthcare and have experienced the worst health outcomes of any racial or ethnic group. Prominent scientists, doctors, and philosophers incorrectly concurred that blacks were biologically inferior to whites. In fact, such notions were taught in schools as early as the 18th century and continued well into the 20th century. These entrenched racial inferiority stereotypes, coupled with hundreds of years of slavery, contributed to major medical and scientific abuses of the black community, including unethical experimentation and the use of blacks as test subjects for teaching and training efforts (Byrd & Clayton, 2001).

Today, racial health disparities remain pervasive in U.S. society. One way in which systemic racism plagues the U.S. healthcare system is in the form of implicitly biased care orchestrated by healthcare professionals. According to the *Institute of Medicine*, doctors viewed patients of color as less intelligent and more likely to practice unhealthy habits and not follow medical advice (2002). These biases directly impact the quality of care that is provided to patients of color. For instance, a bidirectional, distrusting relationship is established between doctors and patients of color. Doctors are less likely to believe the symptoms and pain levels described by their black patients, and as a result, black people are 22 percent less likely to be prescribed painkillers and are more likely to have inaccurate diagnoses (Sabin, 2020). Furthermore, blacks are most likely to receive undesirable treatments, such as partial or total limb amputations (Institute of Medicine, 2002). These outcomes stem from implicit, or subconscious, biases that falsely assume blacks can tolerate more pain, coupled with an inability for providers to recognize pain on black faces as readily as white faces (Sabin, 2020). Perhaps due to these persisting biases, and/or their historical exploitation by healthcare professionals, black patients are more likely than white patients to report “mistrust” in healthcare settings. This sometimes leads to black patients refusing appropriate care (Institute of Medicine, 2002). Unintended or not, the racial biases of healthcare providers have very *real*, detrimental effects on patients of color and must be addressed and remediated.

While every person of color is not entangled in *each* of the aforementioned, systemically racist structures discussed in this report, every person of color is inevitably impacted by systemic racism in *some* way.

These aforementioned systems of racial oppression generate chronic stress, contributing to inequitable health outcomes observed by people of color. While stress has negative health consequences for people of all races, people of color are disproportionately stressed, and are thus more likely to suffer negative health outcomes. Recent studies indicate that black individuals are more likely to experience “high exposure” to stress as opposed to their white counterparts and are inadequately equipped with “low resources” to manage stress (Moore, 2019). The experiences and hardships of being black in America cause toxic stress and are damaging to the body. Toxic stress on the body occurs when someone experiences frequent, prolonged adversity and is based off of the aggressions and insults directed towards them. This has been proven to physically affect an individual’s body, causing it to “weather” from the inside and age prematurely (PBS NewsHour, 2018). This increases black individuals’ risk for stress-related adverse health outcomes, including hypertension, inflammation, and pregnancy-related health outcomes (Moore, 2019; PBS NewsHour, 2018).

In fact, maternal and infant mortality among black women are still very prevalent in the United States and have even worsened in the past twenty-five years.

Today, black infants are more than twice as likely to die as opposed to white babies. This racial health gap is even greater than it was in 1850, fifteen years prior to the abolition of slavery. Likewise, black women are three to four times as likely to die from complications relating to their pregnancy than white women. These disparities persist even when controlling for education levels and socioeconomic status.

Limited or low-quality prenatal care may contribute to these negative outcomes. According to a 2019 CDC report, compared to white mothers, black mothers were 2.3 times as likely to receive late or no prenatal care, and nearly twice as likely to receive no care during the entire first-trimester (Solzhenitsyn, 2020). However, prenatal care alone does not explain the disproportionate rate at which black infants die. Black women who received prenatal care in the first trimester were still more likely to lose their babies than white women who received late or no prenatal care at all (Novoa & Taylor, 2018). Astonishingly, even well-educated black women face significantly higher risks of losing their babies than white women who dropped out of school before high school (PBS NewsHour, 2018).

Similarly, maternal mortality rates are higher for black women across socioeconomic status. Even tennis champion, Serena Williams, who is one of the highest paid female athletes in the world, nearly died from issues with her pregnancy (Novoa & Taylor, 2018). Hypertension, anemia, pre-eclampsia and gestational diabetes, all pregnancy risk factors, disproportionately affect people of color and are intensified by stress related to racial discrimination and insufficient healthcare (Chalhoub & Rimar, 2018). For instance, black women were 60 percent more likely to experience

pre-eclampsia than white women, which is characterized by high blood pressure (Norton Healthcare, 2018). When you're dealing with a stressful situation, your body releases adrenaline and cortisol (stress hormones) to help your "fight or flight" in response to the stressful event. This temporarily elevates your blood pressure, and once the stressful event is over, your blood pressure returns to normal (American Heart Association, 2016). However, if you are in a state of constant, chronic stress, because you're experiencing systemic racism, for instance, your body may not have a chance to recover and return to normal. Thus, chronic, racism-induced stress helps explain these initially puzzling maternal and infant mortality rates that persist among black women of high socioeconomic status.

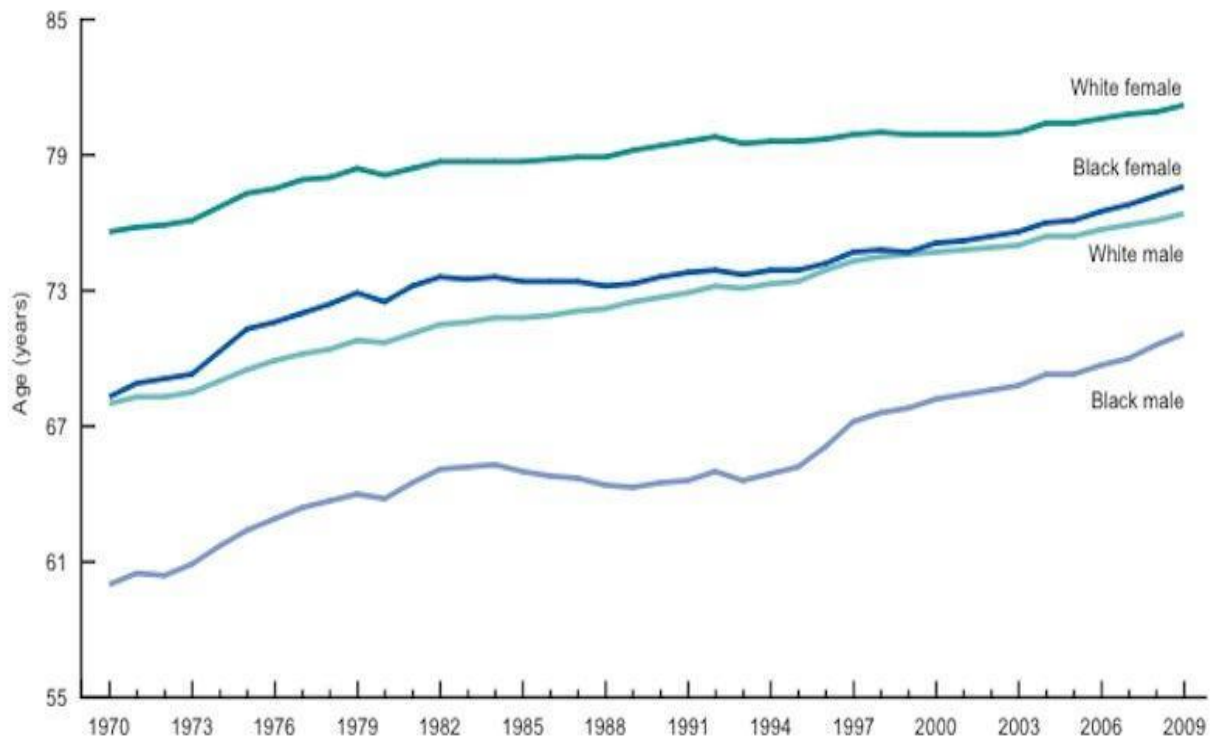
As was previously discussed, racism and poverty are inextricably linked, and low-income and impoverished individuals are significantly more likely to experience negative health outcomes than their affluent counterparts. Although uninsurance rates dropped from 18.9 percent to 11.7 percent in the black community following the passage of the Affordable Care Act, black people are still less likely to be insured and more likely to face barriers to healthcare than their white counterparts (Bailey et al., 2017). Moreover, net worth is "significantly associated" with "poor" and "fair" health statuses (Pollack et al., 2013). Clearly, these racially charged policy actions of the past have not only impacted the financial wellbeing of people of color, they have also had measurable consequences on their health outcomes as well.

Further, residential segregation directly impacts health outcomes for communities of color, including mothers of color. Cumulative disadvantage from residential segregation and inequality are associated with preterm births in the black community as well. Black mothers experience preterm births at a rate that is double that of whites and 25 percent higher than Hispanic women. Both black and Hispanic mothers are more at risk for experiencing negative health outcomes from preterm births compared to white mothers who deliver prematurely (Reagan & Salisbury, 2005). In fact, preterm births are directly linked to the infant mortality rate. This is because preterm babies are more likely to have low birth weights, and black babies are 3.2 times as likely to die from complications associated with low birth weight (Novoa & Taylor, 2018).

Other adverse racial health outcomes are mediated by residential segregation. The prevalence of obesity is disproportionately concentrated in communities of color, with 48 percent of blacks being obese. This is linked to the divestment that occurs in many of these segregated neighborhoods, and their designation as "food deserts." A food desert is an area that does not have access to affordable, nutritious food. Instead, these communities have a high density of fast food restaurants, and minimal neighborhood recreational structures for physical activity. Studies demonstrate a strong association between obesity risk and limited access to supermarkets that offer healthy food options, whereas the density of fast food locations is correlated with higher fat intake. The concentration of poverty and crime that often manifests from residential segregation further inhibits healthy habits for neighborhood residents, as it may not be safe to go out into the streets to walk or partake

in other forms of physical activity. Additionally, a lack of infrastructure to support recreational activities, such as sidewalks and parks, also mediates the obesogenic risk associated with residentially segregated communities (Goodman et al., 2018).

People of color are also more likely to experience chronic diseases such as diabetes, heart disease, and HIV/AIDS. In fact, the diagnosis rate for blacks is over 8.5 times that of whites (Bailey et al., 2017). Similarly, people of color are much more likely to have diabetes than whites. While 12 percent of blacks over the age of 18 experience diabetes, only 7 percent of whites do. Moreover, white individuals are more likely to experience Type 1 diabetes, which is an autoimmune disease, whereas blacks are more likely to have type 2 diabetes, which is largely preventable (Centers for Disease Control and Prevention, 2019). Finally, while black Americans are just as likely as white Americans to report psychological distress and mental health issues, white Americans are more than twice as likely to actually receive treatment (Celestine, 2019). This may be associated with the devastating impact suicide has on black youth. In 2017, black girls in grades 9-12 were 70 percent more likely to attempt suicide than their white peers, and suicide was the second leading cause of death for black youth aged 15 to 24 (U.S. Department of Health and Human Services Office of Minority Health, 2019).



Although life expectancy has been increasing for both whites and blacks since 1970, the racial gap in life expectancy persists (CDC/NCHS & National Vital Statistics Team via Friedman, 2014).

The amalgamation of these disparate health outcomes is the life expectancy gap between whites and blacks. Despite average life expectancies rising across all races since 1970, the racial gap in life expectancy has stubbornly persisted. In 2009, the average life expectancy for a black person was 75 years, which reflects the approximate life expectancy of an average white person *30 years ago* (Friedman, 2014).

Drastic action must be taken to improve health outcomes for people of color, especially since disparities originate from various forms of systemic racism and racial biases in healthcare administration. Healthcare education and training must explicitly cover racial health biases and how acknowledging them is the first step in mitigating them. From there, strategies to minimize discretion, and subsequent bias, should be implemented to ensure equitable healthcare is administered to all patients. Data should be continuously collected and analyzed to ensure these objectives are being met (Sabin, 2020). Additionally, as many of these disparate outcomes stem from systemic racism in other arenas, such as residential segregation and chronic stress from repeated racist encounters, continued efforts to end those forms of structural racism must be addressed as well.

The U.S. Education System

SUMMARY:

Educational equity is far from being achieved in the United States. Despite Brown v. Board of Education declaring segregation in schools unconstitutional, schools remain segregated, with rates of segregation actually increasing over the last several decades. Segregation in schools grows out of residential segregation and the contributions of local property taxes in school funding. Busing efforts to enforce the Supreme Court's integration decision were vehemently opposed by whites who believed integration would negatively impact their children's academic outcomes. Judicial courts succumbed to these pressures, and busing orders were soon lifted, once again allowing for segregation to pervade schools. Similar to residential gerrymandering, school district gerrymandering perpetuates segregation, concentrating low-income and nonwhite students in poorly funded, disadvantaged schools that lack the funding of their white, affluent counterparts.

There is a \$23 billion discrepancy in funding between white and nonwhite school districts, contributing to massive shortages in high quality resources and services in nonwhite schools. These disparities manifest in achievement gaps and disparate outcomes for students of color relative to white students. Racial disparities in educational outcomes emerge in early childhood and persist through students' educational careers.

The presence of police and highly punitive, "zero tolerance" policies exacerbate these disparities as they disproportionately remove students of color from classrooms and subject them to excessive use of force and entanglement in the juvenile system. These involvements increase the odds students drop out of high school and become involved in the criminal justice system. Teacher bias further adds to students of color's inequitable experience in the American education system. Teachers are overwhelmingly white and female, even when student populations are diverse or predominantly nonwhite. White teachers tend to have lower expectations of students of color, which is reflective in how teachers treat these students in the classroom. Students are aware of these stereotypes and low expectations, which often leads to a self-fulfilling prophecy where students buy in to these negative perceptions and abandon their educational aspirations, which only reinforce their teachers' presumptions.

Residential segregation contextualizes these educational inequities. Thus, desegregation is the single most important step that can be taken to address systemic racism in the American education system. Integrated schools are associated with significantly higher academic outcomes for students of color, which may even be able to effectively ameliorate racial achievement gaps. There should also be an upheaval of local control over school financing to mitigate school wealth gaps

and abolish the practice of district gerrymandering. Finally, school districts must invest in hiring more teachers of color, provide culturally relevant teaching materials, replace punitive discipline with restorative justice, and administer professional development aimed at helping teachers recognize and address their implicit biases in the classroom.

“Clearly, we are failing to solve this problem. It is the problem of bringing this important and increasingly isolated class into the life of America... There is progress, and there are some successes in education, but the central truth is that the poor remain plunged in poverty and severe educational deprivation... Our large black and Hispanic population is more concentrated in poor urban areas and will remain isolated from the rest of society unless this educational deficiency in poorer urban districts is addressed.”

—Abbott v Burke, 1990 (EdBuild, 2019).

Slavery relied on a dependence to the slave owner, and education was a threat to that dependence, as it was assumed literate slaves may inspire others to revolt or escape. Many southern slave states prohibited the education of slaves. Nonetheless, efforts were made to teach slaves limited literacy skills. Following Emancipation, freed blacks viewed education as a means of liberation, and placed extremely high value on education. Black soldiers and white teachers from northern states advocated for and constructed school buildings for blacks following the Civil War, and black students were deemed eager, determined learners (SAAM, n.d.).

Despite this desire to learn, blacks have continuously been denied equitable educational opportunities on a systematic basis. Schools deemed “separate but equal” were inherently *unequal* and consistently produced unequal outcomes for decades. In 1954, the Supreme Court heard the case of *Brown v Board of Education* and held that the segregation of schools violated the 14th amendment and was thus unconstitutional (Meatto, 2019). Nevertheless, American schools remain segregated. In fact,

“More than half of the nation’s schoolchildren are in racially concentrated school districts, where over 75 percent of students are either white or nonwhite” and the conflation between racial and economic segregation intensifies educational gaps between affluent and low-income students (Mervosh, 2019).

An analysis of the aftermath of the *Brown* decision sheds light on why schools remain so segregated. During the 1970s and 1980s, courts mandated the busing of black and white students outside their neighborhoods to implement *Brown* and effectively integrate schools. This sparked

massive public outcry and protest. Whites in the north organized protests to “forced busing” that were reminiscent of the South’s opposition to integration (Equal Justice Initiative, 2018). School leaders were also vocal in their dissent to integration efforts. Chairman of a Boston school committee in 1974, John Kerrigan praised himself for defying orders to create an integration plan, saying:

“This is a vote against those maggots that live outside the city...and it’s the proudest vote I’ve cast in seven years on this committee” (Equal Justice Initiative, 2018).



A 7-year-old dressed in a Ku Klux Klansman robe rides in an anti-desegregation motorcade in Georgia, 1956, and white Chicagoan children protest desegregation in 1966 (Bettmann/Getty Images; Declan Huan/Chicago History Museum via the Equal Justice Initiative, 2018).

Mass protests against integrative busing policies placed immense pressure on school boards to denounce the initiatives and demand that busing mandates be lessened or eliminated. Federal courts began succumbing to these pressures in a matter of years, with federal courts lifting busing orders as early as 1977.

Moreover, many southern lawmakers who were proponents of segregation remained in power, merely altering their rhetoric, now promoting “states’ rights” and “law and order” policies that only thinly veiled a pro-segregation and social control agenda against blacks. Lee Atwater, who served as an advisor to President Reagan elucidates this shift. In 1981 he explained:

“You start out in 1954 by saying, ‘Nigger, nigger, nigger.’ By 1968 you can’t say ‘nigger’— that hurts you, backfires. So you say stuff like, uh, forced busing, states’ rights, and all that stuff...” (Equal Justice Initiative, 2018).

“States’ rights” proponents argued that individual states should oversee the administration of education to its youth and should dictate educational policies for its schools, not the federal government. Today, states are major decision makers in the educational realm, contributing to educational disparities across states, that disproportionately impact students of color to varying degrees. According to the *Center for Educational Policy Analysis* (n.d.), “state racial achievement gaps are strongly correlated with state racial socioeconomic disparities.”



*Advocates for states’ rights and segregated schools at a desegregation protest in 1960
(Department of Education via Licea & Edelman, 2018)*

Residential segregation continues to fuel school segregation, just as it did prior to the Civil Rights Movement. Residential segregation and local power in making education finance decisions, are largely responsible for the wealth gap between white and nonwhite school districts. Note that in a “white” district, over 75 percent of the students are white, whereas in a “nonwhite” district, over 75 percent of the students are nonwhite (EdBuild, 2019). The role of local property taxes in school budgets allows for the inflation of funds for wealthy districts, while districts in low-income neighborhoods that do not generate significant property tax revenue suffer.

School districts serving mostly white students receive \$23 billion more in funding than nonwhite school districts, which contributes to vast disparities in the quality of education that can be provided to white, versus nonwhite, students. Low-funded schools have less accessibility to

technological resources and are more likely to purchase and use old, worn out textbooks (Mervosh, 2019). Disadvantaged, high-poverty schools are also less likely to provide advanced placement courses and other high-level classes that prepare and create pathways for students to higher education (Charles, 2018). New York is among the worst offenders in producing ballooned wealth gaps between white and nonwhite districts. On average, nonwhite districts receive \$2,222 less in state funding compared to white districts, and this gap widens to \$4,094 when the districts are both nonwhite *and* poor (EdBuild, 2019).

Similar to redlining practices that excluded blacks from mortgage financing opportunities in the 20th century, the racial and economic segregation of schools is often engineered by the gerrymandering of school district boundaries. These invisible lines deliberately exclude people of color and low-income families from receiving educational justice and reinforce segregation. Courts have mandated that states provide districts funding to fill the gaps caused by gerrymandering, but this ignores, and fails to dismantle, the racist structure that is producing these disparities in the first place. Moreover, they lead to drastic inequities in the number of students that high-poverty, nonwhite schools must support relative to their white and affluent counterparts. On average, high-poverty, nonwhite schools have student populations that are 3 times larger than the national average and nearly 7 times as populated as white districts (EdBuild, 2019).

These racial and economic wealth gaps translate into disparate educational outcomes across student groups. Living in impoverished neighborhoods and attending high-poverty schools “is associated with lower scores on vocabulary and reading tests that were roughly the equivalent of a full grade of school learning” (Quick & Kahlenberg). Socioeconomically integrated schools produce significantly higher student achievement outcomes for low-income students than high-poverty schools. Most students, however, are unable to circumvent exclusionary policies to receive the opportunity to attend such schools (Quick & Kahlenberg).

Although white-black and white-Hispanic achievement gaps have been on the decline over the past 40 years, progress has been slow, and disparities remain. (Center for Education Policy Analysis, n.d.). These disparities present themselves in early childhood and persist throughout students’ educational careers (American Psychological Association, 2012). However, recent research indicates that poverty can “completely account” for the racial achievement gap. The study exposed the need for renewed efforts to integrate schools and residential areas, finding a “very strong link” between student achievement gaps and racially segregated schools. Moreover, due to the nexus between race and poverty, the researchers determined that “the only way to close the [achievement] gap is to racially integrate schools,” as efforts to focus less on integrating and more on improving all schools have failed (Meckler, 2019).

Black students are also less likely to graduate high school and attend college than their white peers. In the 2017-2018 school year, the black high school graduation rate was 79 percent, whereas the

white graduation rate was 89 percent. In New York, this gap was even wider, with 90 percent of white students graduating high school in 2018 compared to only 73 percent of black students (National Center for Education Statistics, 2020). Graduation disparities along racial lines expand at the collegiate level, with only 38 percent of black students completing their college programs in 2010 compared to 62 percent of whites (Tate, 2017). Some argue that college graduation rates underrepresent the true extent of racial disparities in higher education because they fail to take rates of student loan default into consideration, which signal financial insecurity. Examination of loan default rates reveal that black graduates are six times as likely to default on their student loans than white graduates (Anthony Jr. & Nichols, 2020). Again, we see the consequences of residential segregation and blacks' exclusion from wealth generation continuing to hurt the black community today.

Nonwhite, impoverished schools also have increased police presence and surveillance measures in place to monitor the student body, which feed the ever-hungry school-to-prison pipeline youth who are disproportionately nonwhite. Disadvantages in resources incentivizes school administrators to push low-performing students out of their student populations. As a result, many schools have implemented “zero tolerance policies,” in which minor infractions, that should be dealt with internally, often carry heavy penalties and involvement with police. Schools have also come to rely on police to monitor school hallways rather than school administrators and counselors. This shift from restorative justice to harsh, punitive measures has led to increases in student arrests within schools and the likelihood students will endure excessive force at the hands of police (American Civil Liberties Union, n.d.).

“The rise in school-based arrests, the quickest route from the classroom to the jailhouse, most directly exemplifies the criminalization of school children”
(American Civil Liberties Union, n.d.).

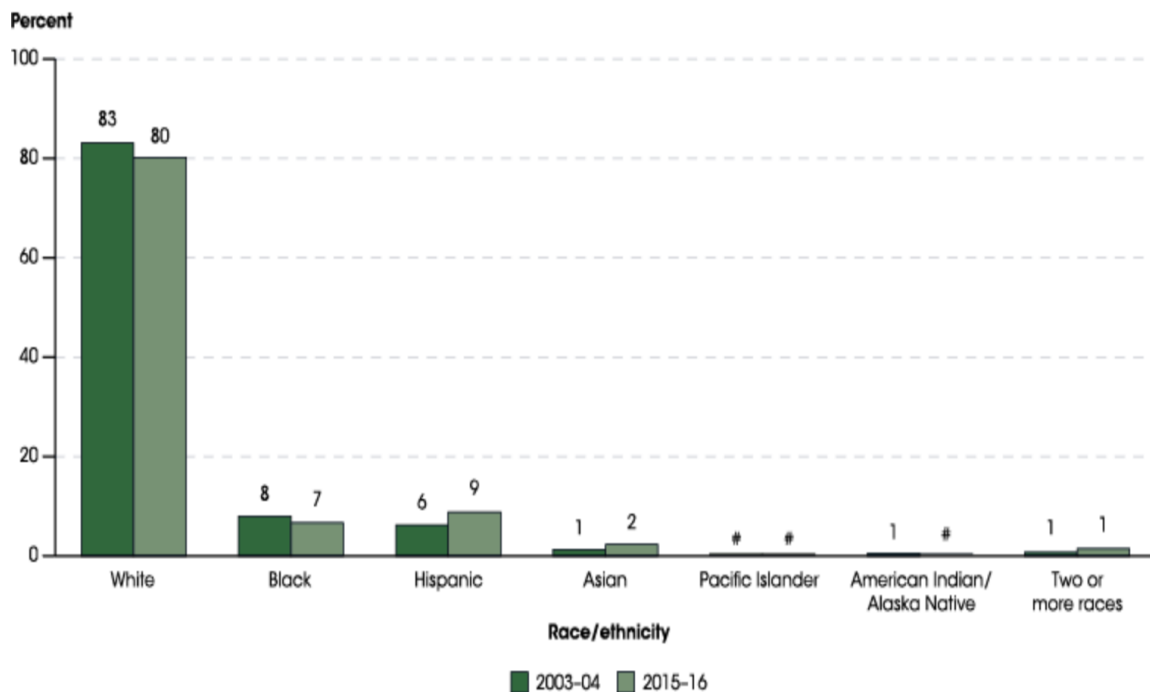


Officer Ben Fields throws a high school girl's desk back, picks her up, and drags her to the front of the classroom where she is arrested for refusing to leave her desk (Bouie, 2015; Blad, 2016).

The achievement gap in schools, much like the wealth gap, is cumulative, with both systemic and individual factors contributing to its persistence. In addition to systemic factors, educators themselves have a huge impact on the experience of students of color and subsequent achievement gaps. While some students are inherently at a disadvantage due to poorly funded institutions and a myriad of other systemic factors, there still exist numerous factors fueling the achievement gap that are fully under the control of educators and school administrators. Key contributors to this gap include teacher demographics and expectations.

The National Center for Education Statistics notes that in the 2015-2016 school year, 80 percent of teachers in public elementary and secondary schools were white while only 7 percent were black. Given that black students account for 15 percent of the U.S. public school population, this demographic mismatch is glaring (National Center for Education Statistics, 2020).

Figure A.1. Percentage distribution of teachers in public elementary and secondary schools, by race/ethnicity: School years 2003–04 and 2015–16



Rounds to zero.

NOTE: Data are based on a head count of full-time and part-time teachers. Race categories exclude persons of Hispanic ethnicity. Detail may not sum to totals because of rounding. Although rounded numbers are shown, figures are based on unrounded estimates.

SOURCE: U.S. Department of Education, National Center for Education Statistics, Schools and Staffing Survey (SASS), "Public School Teacher Data File," 2003–04; and National Teacher and Principal Survey (NTPS), "Public School Teacher Data File," 2015–16. See *Digest of Education Statistics 2017*, [table 209.10](#).

In a school system where student and teacher demographics do not reflect one another, it is not surprising that students frequently encounter microaggressions and racial stereotypes (Meeks, 2010). Suspension and expulsion rates have soared under the aforementioned policies that crack down on minor rule infractions with extreme punishments that often involve law enforcement. Teacher and administrator bias play a role in fueling suspension and expulsion rates. According to the *Department of Education*, black students were suspended nearly 4 times as often as white students (Balko, 2020). This does not indicate that black students are 4 times as likely to break school rules that warrant suspension. Rather, administrators' racial biases are to blame, as they labeled identical misbehavior more severe if black students were the offenders (Arends, 2019). Similar patterns emerge when analyzing expulsion rates.

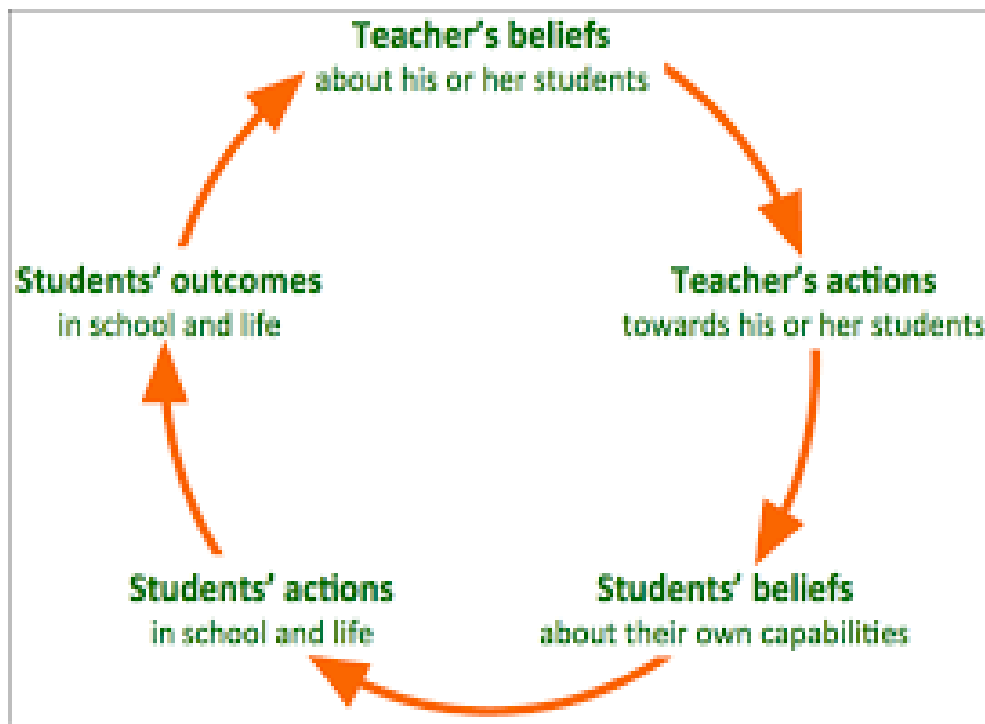
“African-American middle-school and high-school boys were more likely to be seen as troublemakers, and their misbehavior more severe, than Caucasian counterparts for exactly the same behavior” (Arends, 2019).

These biases push students of color out of the classroom and make them more susceptible to negative academic outcomes, as they fall behind in their studies when they're not in school and are thus more likely to divest in their education and drop out of school (Arends, 2019). Furthermore, some students with continued involvement in schools' disciplinary systems are sent to “disciplinary alternative schools” where they essentially have no educational rights. Although students at these schools are in the most need of meaningful education, these “schools” are not held to educational accountability standards. Often, students return to mainstream schools vastly unprepared, and are thus “permanently locked into inferior educational settings” or are funneled into the juvenile detention system, sustaining the school-to-prison pipeline (American Civil Liberties Union, n.d.).

The impact of teachers of color, therefore, cannot be underestimated. Research into the benefits of teachers of color found an increased concern for educational inequities and a commitment to multicultural education that is rooted in diversity and social justice. Multicultural education and culturally responsive pedagogical practices improve the academic performance of students of color (Goodwin, 2004). Moreover, students may foster deeper, more authentic relationships with teachers who look like them. Evidence suggests teachers of color are more likely than white teachers to empathize with students of color, devote more time with them, and have higher expectations for them, all of which are linked to improved student outcomes (Dee, 2004).

Teacher expectation directly impacts student achievement. Teacher expectation is what a teacher believes or presumes a student is capable of, regardless of their actual ability or performance. Teacher expectation has long been established as an influencing factor on student achievement and self-worth and it does not always reflect the realities of student performance. The Education Commission of the States (2012) explains that teachers, whether consciously or unconsciously,

often set differing expectations for students within their classrooms. The most common reasons for lowered expectations are race, ethnicity, family income level, and indicators of past performance. As such, low teacher expectations disproportionately affect people of color. Teachers' expectations are thought to affect student achievement in three primary ways. First, low expectations amplify what is known as *stereotype threat*, where individuals, conscious of a stereotype about a group to which they belong, carry an extra emotional cognitive burden as they fight to disprove the associated stereotype. Often, these are counterproductive efforts, and individuals perform worse when they are consciously thinking about stereotypes that affect them than when they are not. Students are often aware of their teachers' stereotypes and low expectations of them, and their performance is negatively impacted as a result. Second, students often conform their self-expectations and behavior to fit within their teachers' low expectations and negative perceptions. In some cases, students even disidentify with educational environments, as their teachers don't believe in them and it is straining to constantly try to prove them wrong. Finally, teachers modify how they interact with students based on stigma (Gerhenson, Holt, & Papageorge, 2016).



*A visualization of the cyclical nature of teacher expectations and student outcomes
(Martin, 2017).*

These modified teacher behaviors often manifest as “provid[ing] briefer (or no) feedback on student errors—and less positive feedback after correct answers—and grant[ing] ... less time to answer questions.” (Workman, 2012). Every child in the school system will likely encounter these situations at some point in their academic career, but for students of color, these are obstacles that they regularly face. When these behaviors are perpetuated daily, the adverse treatment compounds over the course of the school year and often over the course of multiple school years, negatively impacting student performance and ultimately reinforcing the achievement gap that plagues the American educational system. A study published by the *British Journal of Educational Psychology* noted that the effects of diminished teacher expectations were statistically significant after just one year. All students scored similarly at a pre-test taken at the beginning of the year. By the end of the year, test results showed that lower teacher expectations based on ethnicity had adversely effected students so that their achievement “had fallen significantly below” their peers. (Rubie-Davies, Hattie, & Hamilton, 2006). Research from the *Journal of School Psychology* found that “teachers ranked European American and Asian American students seven points higher on a 30-point reading hierarchy and more than eight points higher on a 30-point hierarchy than equally achieving African American and Latino students” and that “teacher differential treatment of ethnically diverse students with identical prior achievement levels was shown to have statistically significant effect on the overall year-end achievement gap” (McKown & Weinstein, 2008).

Further, students of color are underrepresented in gifted education and overrepresented in special education. A study on racial bias in special education referrals found that teachers were more likely to refer black students to special education when they demonstrated behavioral challenges compared to whites, but were less likely to refer blacks when the challenges they displayed were academic in nature. In other words, teachers were more likely to seek behavioral control services for black students as opposed to academic remediation services. These findings suggest that teachers “perceive misbehavior by black boys as more aggressive and problematic than misbehavior by white boys,” and teachers attribute low academic performance among black students as “expected,” and “normal,” so remediation isn’t needed (New York University, 2016). It is recognized that the majority of teachers who have differential expectations for their students do not do so out of malice, but regardless of intent, the impact remains (McKown & Weinstein, 2008).

Teacher expectations easily become self-fulfilling prophecies and are self-perpetuating. When students internalize their perceived inferiority, they do not perform as well. This reinforces the teacher’s initial faulty notion of the student’s inability to achieve which then leads to continued lower expectation. When student-teacher demographic mismatch occurs, the effects of these two phenomena are found to compound. A study published in the *Economics of Education Review* in 2016 found that “non-black teachers of black students have significantly lower expectations than do black teachers” and that these “effects are larger for black male students and math teachers.” These effects, particularly in high school students, can have a significant impact on students

completing their secondary and tertiary education. Teachers of the same sex, but of another race, were 12 percent less likely to expect black students to graduate college with a four-year degree than their white students (Gershenson, Holt, & Papageorge, 2016). These lowered expectations and negative experiences were shown to deter students of color from taking courses on similar subjects in the future and even discouraged them from investing in higher education (Gershenson, Holt, & Papageorge, 2016).

Desegregation is the most important step that can be taken to address systemic racism in the American education system. Fully integrating neighborhoods would uproot the corrupt system of local district financing that relies on segregated communities to carve out district boundaries. Such efforts would likely have a profound impact on the performance of students of color, as integrated schools are associated with significantly higher academic outcomes for students of color, which may even be able to effectively ameliorate racial achievement gaps. Until neighborhoods are completely integrated, there should be an upheaval of local control over school financing to mitigate school wealth gaps and abolish the practice of district gerrymandering. Finally, school districts must invest in hiring more teachers of color, provide culturally relevant teaching materials, replace punitive discipline with restorative justice, and administer professional development aimed at helping teachers recognize and address their implicit biases in the classroom.

Conclusion

Although extensive, this report does not exhaust the ways in which systemic racism permeates American society. Over the years, legal, social, political, and economic systems have gone to great lengths to guarantee control over people of color, excluding them from mainstream society and restricting the rights they were entitled to. In every sector of society, people of color experience disproportionately negative outcomes that are not indicative of their own shortcomings, but deliberate, expansive efforts seeking to preserve white supremacy.

To this day, racism is publicly sanctioned, as evidenced by the inherently racist policies and societal structures the U.S. government continues to uphold, which often lead to lethal outcomes. Hence, systemic racism is a violation of the consistent life ethic.

The fact that our government does not openly embrace racism and creates legislation that is racially neutral in theory is insufficient in purporting racism is not publicly sanctioned lethal violence. As what is “politically correct” to say changes over time, politicians twist and reframe their rhetoric to mirror cultural standards while preserving their true ideological goals. Thus, racially motivated legislation is often cloaked in racially neutral language, and subtly racist policies are strategically woven into the fabric of society creating massive racial disparities. Since in theory equal rights are afforded to people of color, it is often difficult to clearly pinpoint and prove racial discrimination, stagnating progress toward racial justice.

The vast majority of cases and examples of systemic racism examined in this report were promoted or supported by the government. Most others involved the government turning a blind eye to the blatantly racist and harmful practices that were occurring. Federal, state, and local governments must accept responsibility and make a commitment to collaborate with community leaders and policymakers to flush archaic policies latent with racism out of our society.

In order to cleanse our society of entrenched racism and liberate black communities, we must fully desegregate our schools and communities. Borne out of desire to preserve and promote white supremacy, segregation continues to be a driving force of racial disparities across all sectors of American society. Segregation limits the economic, social, health, and educational opportunities of black Americans, while streamlining efforts to marginalize, police, and surveil these populations.

Ultimately, “the ingenuity of this racist tool [segregation] is that its evil use creates its own justification—that is, once employed, it creates perspectives and data that seem to support its further use” (Quick & Kahlenberg, 2019).

The burden of segregation produces concentrated poverty and crime, which proponents of segregation exploit, blaming people of color for the disparities and proposing efforts to marginalize and police their communities further. Therefore, achieving total integration is absolutely essential in uprooting systemic racism and achieving racial justice.

Simultaneously, drastic measures must be taken to reallocate government funds. There should be major divestment in the police, with funds being redirected to healthcare, education, professional development, and restorative and rehabilitative justice.

Until these actions are taken, with progress being monitored through continued data collection and analysis, the United States will continue to have a racial class system in which people of color are, in practice, second-class citizens.

Moreover, we must take time to reflect on our own implicit racial biases, that, although fostered from our socialization in a systematically racist society, reinforce racial disparities. Without understanding white privilege and our own racialized experiences in American society, we will be unable to be true racial justice allies or change makers. However, by reflecting on our experiences and biases, learning from our black brothers and sisters, elevating their voices, and demanding meaningful change from our politicians and policymakers, we *can* be the change we wish to see in the world. We *can* be better, and we *must* be better.

All black lives matter. All the time. Everywhere. No matter what. Racial justice will not be realized until these truths are completely reflected throughout society. We must continue to fight until all human beings are deeply respected and valued.

To that end, it is about time we declare a new American political war:

The War on Systemic Racism.

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