THE NEXUS:

Defining the Moment

Congressional Black Caucus Foundation

JCPAR | Journal of the Center for Policy Analysis & Research

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Foreword

Foreword

Congresswoman Terri A. Sewell
Chair, Congressional Black Caucus Foundation, Inc.

DEAR READER,

On behalf of the Congressional Black Caucus Foundation (CBCF) Board of Directors and as a dedicated advocate for the advancement of the Black community, I am delighted to introduce the latest issue of the Journal of the Center for Policy Analysis and Research, a multidisciplinary publication that advances original research and analyses on public policy issues that are key to Black people.

The commitment and expertise of the CBCF Board of Directors has been instrumental in shaping the strategic direction of the Center for Policy Analysis and Research, ensuring that the journal remains a robust platform for informed discourse and innovative research. Their steadfast dedication to advancing the well-being of the Black community is evident throughout the work for this issue.

We as Black Americans stand on the shoulders of those who came before us: those who fought for Black liberation and uplift throughout pivotal moments in Black history, from the Reconstruction Era to the Harlem Renaissance to the Civil Rights Movement. These historical milestones, marked by significant challenges, propelled the freedom movement forward and serve as a testament to the resilience and determination of the Black community.

As we reflect on the present, recent years have been particularly momentous and tumultuous, characterized by a polarized Trump presidency and a divided Congress, a global pandemic, a racial reckoning ignited by the murder of George Floyd, incredible advancements in the technological realm, and a notable increase in Black American elected officials—the most since the Reconstruction Era. This special issue captures the essence of this period, exploring the various inflection points of Black life in recent years while presenting actionable solutions for policymakers. The question we aim to answer is this: How do we capitalize on and seize this moment for lasting positive change?

The range of articles in this issue reflects the diversity of experiences within the Black community, providing valuable insights and recommendations for policymakers. From advancing a policy agenda for the modern Black woman to exploring technological advances in the mortgage market's impact on Black homeownership, each article contributes to a comprehensive understanding of the challenges and opportunities we face. This overall work, fueled by the Center for Policy Analysis and Research, demonstrates the Congressional Black Caucus Foundation's commitment to its mission of advancing the global Black community by developing leaders, informing policy, and educating the public.

I commend the efforts of the authors, researchers, and contributors who have dedicated their time and expertise to make this issue a valuable resource for policymakers. It is my sincere hope that the information presented will not only inform but also inspire meaningful action and policy development.

Thank you for your commitment to advancing the well-being of the Black community through research and policy analysis. I look forward to the continued impact and success of the Center for Policy Analysis and Research at the Congressional Black Caucus Foundation.

Sincerely,
Congresswoman Terri A. Sewell
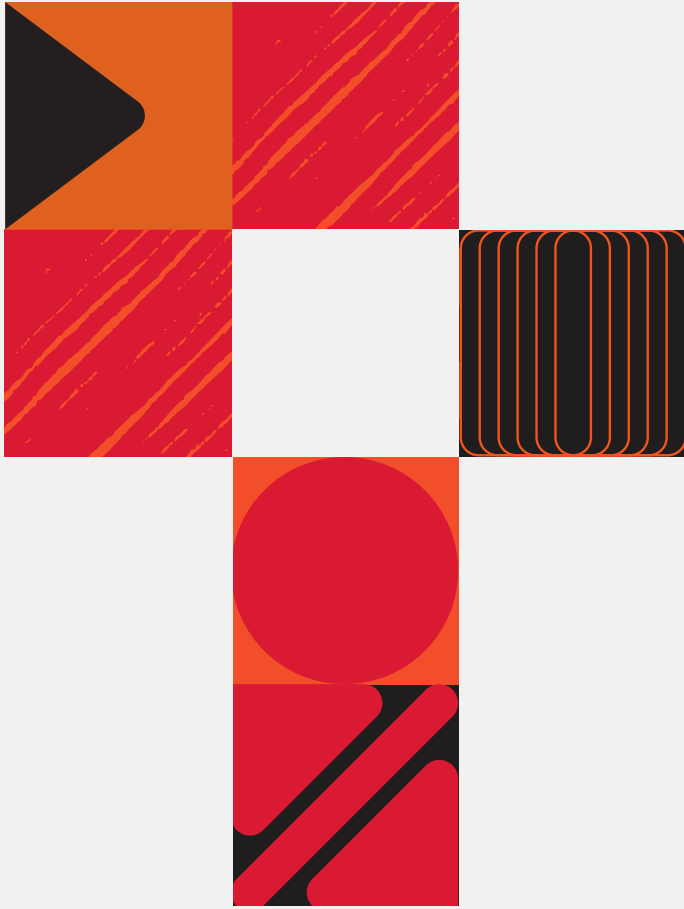
Editorial Introduction

The Nexus: Defining the Moment—A Call to Action for the Black Liberation Movement

Ivory A. Toldson, Ph.D.
Editor-in-Chief, JCPAR

The Black struggle for liberation in America is a tapestry woven with threads of resilience, resistance, and a relentless pursuit of justice. From the shackles of chattel slavery to the contemporary fight against systemic racism, each generation has built upon the triumphs and tragedies of the past, forging a path toward a brighter future. Yet the question remains: Where do we stand today, and what steps must we take collectively to move forward?

This moment in history presents a nexus, a point of convergence where the Black liberation movement's past, present, and future meet. Examining the historical movements—New Negro, Civil Rights, Black Power, Afrocentric, and Black Lives Matter—reveals a continuum of strategies and philosophies employed in the fight for equality. Each era offered valuable lessons and insights, highlighting the power of education, nonviolent resistance, cultural pride, self-determination, and intersectionality.

History tells us that the Black liberation movement thrives at the "nexus" moments where progress clashes with opposition, sparking pivotal advancements. The Reconstruction Era, the Nadir Period, the Harlem Renaissance, and the Civil Rights Movement all represent this truth. Today, we stand at another such nexus.

The past five years have been transformative for the Black community. A backdrop of a polarized presidency, a divided Congress, and the highest number of African American elected officials since Reconstruction has brought us to a crossroads. This period, marked by both gains and challenges, demands introspection and strategic action.

This special issue of the Journal of the Center for Policy Analysis and Research serves as a time capsule capturing the fluctuations of the past five years in Black social, political, and economic life. But more importantly, it aims to be a catalyst for progress. We go beyond mere observation, offering actionable solutions for policymakers and advocates alike.

VICTORIES AND DEFICIENCIES: CHARTING OUR COURSE

We acknowledge the victories. Increased representation in government, growing public discourse on systemic racism, and a renewed wave of activism all represent steps forward. However, we cannot turn a blind eye to the deficiencies. Persistent racial disparities in education, health care, and criminal justice continue to plague our communities. The rise of anti-Black rhetoric and legislation further complicates the path to liberation.

Therefore, this issue is not simply a celebration but also a critical examination. We delve into the complexities of contemporary Black life, drawing on diverse perspectives from across the social sciences, natural sciences, STEM, and humanities. Articles like "Developing Culturally and Structurally Responsive Approaches to STEM Education to Advance Education Equity" and "We Will Not Be Afraid to Share Who We Are": Black Teachers' Experiences with Antiblackness during a Global Pandemic" illuminate the challenges and opportunities within education, while "The 2020

Charles H. Thompson Lecture-Colloquium Presentation: We Cannot Just Research Racism: Abolitionist Teaching & Educational Justice" offers thought-provoking solutions.

Beyond education, we explore critical issues like housing with "To Err Is Automated: Have Technological Advances in the Mortgage Market Increased Opportunities for Black Homeownership?" and address the pervasive influence of white supremacy in "Whitelash in American Schooling: A Critical Content Analysis of Anti-Critical Race Theory Laws."

We anticipate thought-provoking contributions like "The Sistahs Will Be All Right: Advancing a Policy Agenda for the Modern Black Woman" and "From the Perspective of Race and Disability: Violence and Black Liberation in Schools."

SEIZING THE MOMENT: A COLLECTIVE CHARGE

This nexus moment presents a unique opportunity for collective action. By understanding our victories and deficiencies, harnessing the power of diverse perspectives, and advocating for actionable solutions, we can ensure that this moment becomes a springboard for lasting progress.

We invite you to engage with the thought-provoking scholarship within this issue. Let us use it as a platform for dialogue, collaboration, and action. The time for reflection is over; the time for collective action is now. Let us seize this moment together and move the Black liberation movement forward.

My deepest gratitude goes to Jonathan M. Cox, Ph.D., vice president of the Center for Policy Analysis and Research, whose vision, leadership, and unwavering support steered this project forward. To Brianca Wright, a Ph.D. student at Howard University, I extend my heartfelt thanks for her meticulous curation of articles on education, ensuring insightful and diverse representation of this issue. Finally, to Dr. Ashley Stone, Ida B. Wells-Barnett Postdoctoral Teaching Fellow at DePaul University, I express immense appreciation for her exceptional project management skills and dedication to ensuring the smooth operation of the editorial process.

I also extend my sincere gratitude to the esteemed members of the editorial board, whose expertise and insights recommended valuable contributors and provided rigorous reviews of submitted manuscripts. Their contribution has undeniably enhanced the quality and richness of this special issue.

Their combined efforts have been instrumental in shaping this timely and valuable contribution to the ongoing dialogue on Black liberation.

Onward, in solidarity,

Dr. Ivory A. Toldson
Howard University
Editor-in-Chief, The Journal of the Center for Policy Analysis and Research

Notes from the Managing Editor

The Legacy, Power, and Promise of the Black Vote

Jonathan M. Cox, Ph.D.
Vice President, Center for Policy Analysis and Research
Congressional Black Caucus Foundation

In our current political landscape, we are witnessing a pivotal moment in history where the power wielded by Black voters is increasingly recognized and acknowledged—although not always with positive intentions or to positive ends. As we enter the final months before the 2024 election, we must lean into this moment and recognize its implications for democracy and Black social life.

A key feature of this moment is that Black representation among elected officials is at its highest level since the Reconstruction Era. Currently, there are 65 Black members of the 118th Congress, which includes 60 members of the House of Representatives and four senators (Sen. Laphonza Butler was appointed to the Senate following the passing of Sen. Dianne Feinstein). In 2022, 28 states, the Virgin Islands, and the District of Columbia elected Black members of Congress. There are also some standout firsts in the 118th Congress. Congressman Maxwell Frost, representing Florida's 10th district, is the first and only Afro-Cuban in Congress, as well as the only member of Gen Z. Congresswoman Summer Lee is the first Black woman to be elected to the House to represent Pennsylvania's 12th district. Finally, Congressman Hakeem Jeffries is the first Black person to lead a major political party in Congress, serving as the Speaker of the House.

The current landscape of Black elected officials stands in stark contrast to earlier decades. During the Reconstruction Era, African American civic engagement exploded. Once laws like the Civil Rights Act of 1875 and the 14th Amendment were passed, pathways to Black civic participation opened.

Black people capitalized on their new freedoms and rights, particularly in southern states where African Americans made up the overwhelming majority of voters. Hundreds of African Americans sought and held political office: 16 served in Congress, including two in the Senate, and more than 600 served in state legislatures nationwide. Even more African Americans were elected to local offices in positions such as sheriff—all in all, it is estimated that around 2,000 Black men served in elected positions throughout the country.

Of course, as history regularly demonstrates, this type of progress and engagement by Black people is almost always met with stark, often violent opposition from white Americans, both interpersonal and systemic. The Equal Justice Initiative reports that during the period of Reconstruction, at least 2,000 Black men, women, and children were victims of lynchings and other racial terror attacks (Equal Justice Initiative, 2020). These heinous acts were often committed in response to newly freed Black Americans attempting to take advantage of their freedom, which included civic engagement.

Systemically, we also know that in the decades following the passing of the 15th Amendment, which prohibited states from restricting voting rights on the basis of race, among other Reconstruction efforts, states enacted policies and laws to disenfranchise Black people and keep them from exerting their significant influence on the American political system, and by extension the lives of all Americans. Particularly in southern states, restrictive laws about voter registration and elections—such as literacy

tests, poll taxes, grandfather clauses, and other features of Jim Crow—in conjunction with ongoing and widespread racial violence quickly reversed the trends of Reconstruction, drastically reducing the number of registered Black voters and Black elected officials.

It was not until the passing of the Voting Rights Act of 1965 that most of the discriminatory laws and practices put in place to limit Black civic engagement were outlawed. While this ushered in (or, more aptly, returned us to) an era of Black participation as voters and elected officials, we know that Black Americans continue to feel the effects of disenfranchisement to this day. Only a decade ago, in the 2013 case Shelby County v. Holder, the U.S. Supreme Court reversed part of the Voting Rights Act in a 5-4 ruling that Section 4(b) was unconstitutional, removing federal oversight of state and local voting laws. Since then, several states have enacted more restrictive voter laws.

For example, on the very same day of the SCOTUS ruling, officials in Texas announced intentions to implement photo ID requirements that were both discriminatory and burdensome to many Black voters, among other groups, a move followed closely by Mississippi and Alabama. Shortly after the decision, North Carolina enacted an extremely restrictive voting rights bill, which included strict photo ID requirements, reduced early voting, and ended same-day registration and annual voter registration drives, among other severe limitations. And though several groups sued North Carolina for racially discriminatory voting laws, it was not until 2016 that North Carolina's law was struck down—by this point, significant damage had already been done (Brennan Center, 2018). The fallout from the Shelby ruling continues: Research from the Brennan Center for Justice finds that in 2023, 14 states passed at least 17 restrictive voting laws, more than 350 restrictive bills were introduced in 47 states, and at least 141 restrictive bills are up for consideration in 25 states in 2024 (Brennan Center, n.d.).

Additionally, political gerrymandering continues in many states, redrawing congressional districts in ways that deny Black voters the opportunity to elect candidates of their choice. Legal challenges to these discriminatory redistricting practices have been

successful on many fronts, but we are still awaiting hearings for some cases, such as in Georgia and Florida; Supreme Court rulings, such as in the case against South Carolina; and court-ordered redrawn maps in others, such as Alabama and Louisiana, ahead of the 2024 election.

Another aspect of Black voter disenfranchisement cannot be ignored: that of incarcerated and formerly incarcerated individuals. In 2022, more than 4.6 million Americans faced disenfranchisement due to felony convictions. The impact is particularly stark among Black Americans, who are disproportionately incarcerated in the United States. Statistics show that one in 19 Black Americans of voting age experience felony disenfranchisement, a rate 3.5 times higher than that of non-Blacks (Uggen et al., 2022). Florida, serving as the nation's primary disenfranchiser, is illustrative of the issue. In 2018, despite the approval of more than 60% of voters for an amendment to restore voting rights to former felons when they complete their sentences, the vast majority of these individuals—well over 90%—are still disenfranchised. This is due to their inability to pay court-ordered fines and fees, a consequence of Governor DeSantis signing a law that circumvents the will of the people.

Finally, it is important to note that though these efforts often disproportionately impact Black Americans, they have negative effects on democracy for all. Nearly 16 million voters were purged from state rolls between 2014 and 2016 (Morris et al., 2018). Due to misinformation and lies surrounding the 2020 election results, there was a sharp increase in voter intimidation, threats, and violence, including threats against poll workers, right-wing extremist group monitoring of ballot drop boxes, armed poll watchers, door-to-door hunts for voter fraud, and the criminalization of those seeking to help voters (Friel & Singh, 2022). These tactics not only infringe upon the rights of Black citizens but also serve to perpetuate existing power structures that marginalize and disenfranchise communities of color and hinder the political participation of all Americans.

Despite these obstacles, Black Americans have continuously fought for their right to vote and

participate in the democratic process. From the Civil Rights Movement of the 1960s to grassroots organizing efforts in the present day, Black communities have been at the forefront of the struggle for political empowerment. This resilience and steadfast determination in the face of adversity speak to the enduring importance of the Black vote in shaping the course of American democracy.

A tale that is often told is that Black people do not vote, a pervasive belief emerging from multiple viewpoints: either they cannot vote because of systemic efforts to curb their voting power, or they will not vote, usually because of a lack of interest in or disengagement from the political process. Whatever the underlying reason, the reality is that this is a stereotype based in misinformation and a lack of historical context. Black people do vote. In fact, Black people are one of the most stable voting blocs in the United States— despite ongoing efforts of disenfranchisement (Ray, 2019). The data is clear: In the last three presidential elections, Black people voted at higher rates than Latinos and Asians, and their turnout rates were higher than whites in 2012 and nearly identical in 2008.

Moreover, the Black vote has proven to be decisive in key electoral contests, tipping the balance in favor of candidates who prioritize the concerns of Black voters. This power was evidenced in the historic election of Barack Obama as the first Black president of the United States. In the 2020 presidential election, Black voters were crucial to President Biden's win. Ninety-two percent of Black, non-Hispanic voters cast their ballot for Biden, which resembles the support Hillary Clinton received in 2016 and that Democrat candidates for the U.S. House garnered in 2018. Black women in particular are credited with handing the Biden/Harris team their win in 2020. The impact of the Black vote extends well beyond presidential candidates, however. Historically, Black voters have demonstrated a crucial role in the Democratic coalition, and Black voters help drive progressive issues. In 2023, Black voters in Ohio supported a constitutional amendment protecting abortion rights, while those in Virginia helped Democrats retain control amid concerns over potential abortion restrictions

under Republican leadership. In Kentucky, Black voters rejected a Republican candidate for governor, reflecting concerns over social justice issues. These trends not only demonstrate the power of the Black vote, but they also serve as indicators for presidential candidates and other elected officials seeking support from Black communities in this year's election.

The modern legacy of the Congressional Black Caucus (CBC) stands as one testament to the power of the Black vote and what that elected power can help manifest regarding improvements in the lives of Black people and, by extension, the lives of all Americans. Through collective efforts, CBC members have put forth legislation in many areas over the past few years, including education, criminal justice, economic equity, health equity, and voting rights.

In 2023, in light of the recent increase in attacks against the teaching of Black history, Congresswoman Bonnie Watson Coleman (NJ-12) introduced the Black History Matters Act, which calls for the accurate and comprehensive teaching of African American history in public schools. Similarly, Congresswoman Frederica S. Wilson (FL-24) and Congressman Jamaal Bowman (NY-16) introduced the American Teacher Act, which is meant to address the teacher shortage crisis plaguing the country in recent years. This legislative effort proposes salary incentives that work to increase pay for teachers and educators.

Several bills have been introduced or cosponsored by CBC members that address health inequalities, in particular, legislation aimed at addressing the fact that Black women experience the highest rates of maternal mortality among any other group. Take, for example, the Black Maternal Momnibus Act of 2021, first introduced by Congresswomen Alma Adams (NC-12) and Lauren Underwood (IL-14) and then-Sen. Kamala Harris and reintroduced in 2021 along with Sen. Cory Booker. This legislative effort encompasses multi-agency efforts to improve maternal health with vulnerable groups, including investments in social determinants of health, maternal mental health, and support for incarcerated mothers. Similarly, the CARE for Moms Act, introduced in 2023 by Congresswoman Robin Kelly (IL-02), supports the maternal health workforce, promotes access to

prenatal and postpartum care, and provides resources for mothers and infants. It further aims to tackle implicit bias and promote cultural competence among healthcare workers; support federal efforts to grow and diversify the doula workforce; and extend social welfare benefits, such as WIC, to postpartum and breastfeeding mothers for up to two years after childbirth.

In the area of economic equity, the CBC has also led the charge to reduce the impacts of systemic inequalities and discrimination, particularly those that the COVID-19 pandemic underscored and exacerbated. For instance, the Jobs and Justice Act of 2020 focuses on economically distressed communities, opportunities for minorities, and civil rights enforcement. It aims to enhance workforce and economic development; create antipoverty, housing, and savings measures; and encourage job training for youth. Likewise, the American Housing and Economic Mobility Act of 2021, led by Congressman Emanuel Cleaver, II (D-MO) in conjunction with Sen. Elizabeth Warren, was created to address housing affordability and availability by providing grant assistance to borrowers, removing unnecessary boundaries, and prohibiting discrimination in the housing market.

Finally, in response to the ongoing efforts to restrict the voting power of Black Americans, CBC members supported two key pieces of legislation aimed at securing the rights of all Americans to use their voice through their vote: the Freedom to Vote Act and the John R. Lewis Voting Rights Advancement Act of 2023. The former legislation, among other components, improves voter registration through automatic and same-day registration and expands voting access through mechanisms like vote-by-mail and early voting. It also limits removing voters from voter rolls and establishes Election Day as a federal holiday.

The latter legislation, named after the late CBC member and civil rights activist, helps to protect voters' rights by creating new criteria for determining which states and political subdivisions must obtain preclearance before implementing changes to voting practices.

As we approach the 2024 election, it is more important than ever for Black Americans to lean into their electoral power. As one of the most stalwart voting blocs, our voices not only matter but also have the capacity to shift the political landscape. The implications of this moment extend far beyond electoral politics, shaping the very trajectory of democracy and social life in America. By harnessing the collective power of the Black vote, we can effect meaningful change and advance a more just and equitable society for future generations.

However, this moment also comes with challenges and obstacles that must be confronted. From voter suppression tactics to disillusionment among Black voters, there is no shortage of barriers to overcome. It is incumbent upon all of us to actively engage in the fight for voting rights and political empowerment, ensuring that the gains made by Black American voters—and, by extension, the American people—are not rolled back or eroded.

The present significance of Black voters cannot be overstated. As we confront the challenges and opportunities of the present moment, it is essential that we recognize the power inherent in the Black vote and work towards building a more inclusive and equitable democracy for all Americans. The stakes are high, but so too are possible gains: lasting, meaningful change. It is up to us—all of us—to lean into this time and seize the opportunity to shape the future of our democracy.

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In Memoriam

Reflection on the Recent and Continuing Work of William E. Spriggs

Omari H. Swinton, Ph.D.
Department of Economics, Howard University

William E. Spriggs was a mentor, scholar, and public intellectual. His research covered labor issues to higher education to history. His intellectual output was not limited to journal articles; he gave congressional testimony, appeared on television, and tweeted his thoughts on unemployment numbers. His work and legacy are continued in the work being completed, even after his passing. In this piece, I will discuss some of his more recent work and continued work, dividing it into three distinct parts: HBCUs, Economic History, and Public Intellectual.

HBCUS

William E. Spriggs believed in the mission of HBCUs, as seen in his 2011 piece, "The Relative Returns to Graduating from a Historically Black College/University: Propensity Score Matching Estimates from the National Survey of Black Americans." This piece was written to counter a growing belief that Black students attending HBCUs were better off attending predominantly white institutions (PWIs). This piece laid the framework for his work on an NSF-funded grant: HBCU-UP/ EIR "Excellence in Research: A Comparison of Educational Outcomes at Institutions of Higher Education."

THIS WORK HAS LED TO THREE PAPERS SO FAR:

Hill et al. (2024a) examines how various individual, school, and family-level contextual factors impact the likelihood of Black student's performance on standardized tests, specifically the SAT, and those factors that influence students to major in a STEM-related field. Contextual factors categorized in this study are self-reported data for (1) internal to the classroom, (2) external to the classroom but within the school environment, and (3) external to the

school with a majority of factors at the family level. Furthermore, this research is unique in that it will use a logistic model for SAT scores to predict student performance. Evidence from this research provides an opportunity for policymakers to better support students in the school districts and evidence of contextual factors that impact performance on the SAT. It further seems these students are very similar to the larger population of ACT test takers.

Hill et al. (2024b), forthcoming in the Journal of Negro Education, uses a novel dataset to examine the graduation rates of Black students who attend HBCUs versus PWIs. This examination shows that Black students, all else equal, are more likely to graduate from HBCUs than PWIs. This paper controls for measures of achievement such as GPA and SAT scores. This paper strongly supports the finding that an HBCU is a positive factor in increasing the likelihood of graduation for the average Black student.

Hill et al. (2024c) follows their previous paper (2024b) to extend this previous research by examining specific fields. Their findings further suggest that HBCUs are

increasingly important to a Black student's ability to graduate in a STEM discipline. Utilizing a multinominal logistic model, this research finds that attending an HBCU increases the likelihood that a student will (1) graduate versus not graduate, (2) graduate in a STEM discipline, (3) graduate in a STEM discipline even if different from the original STEM discipline selected, and (4) graduate when changing from non-STEM programs to a STEM degree.

ECONOMIC HISTORY

William Spriggs actively advised his students' dissertations to ensure that they focused on the historical outcomes of Blacks in their research. Two examples of this are the dissertations by Smith and Leal, which were partly influenced by Dr. Spriggs's love of documenting history.

Leal's (2018) dissertation surveyed the history of Chicago Public Schools, analyzed the impact of the 2013 Chicago Public School closures, included a case study of occupational segregation in Chicago, and analyzed the relationship between unbanked households and payday loan consumers. Dr. Spriggs encouraged a case study that investigated whether occupational segregation between whites and Blacks in Chicago changed between 1900 and 1960 and whether a Chicago Public School education improved the quality of occupations for Blacks. The study first explores a brief history of Blacks or people of African descent in Chicago, beginning in the 1770s with Jean Baptiste Point du Sable, one of the founders of Chicago, and ending with exponential growth of the African American population in Chicago due to the steady migration of Blacks from the South during the first half of the 20th century.

Then, the study examines the educational attainment of Blacks in Chicago, both southern migrants and native Chicagoans. Specifically, 1910 census records show that 90% of Black southerners were over-age in southern elementary schools, between 15 and 20 years old. Once enrolled in Chicago Public schools, the southern migrants were noted to have lower reading capabilities than their native Chicago counterparts (Daniel, 1980). The study further shows that these migrants were also concentrated in low-skilled laborer or domestic and personal service occupations in the Chicago labor market. The 1910 Census found that 45% of Black men (and 40% of women) worked as service workers, and 10% of men were porters, while white men were concentrated in the higher-skilled and higher-paying manufacturing and mechanical occupations (30%). Using the 1% sample from the 1900 to 1960 decennial census and the Index of Dissimilarity D created by Duncan and Duncan (1955) to measure the level of occupational segregation in Chicago from 1900 to 1960, the case study found that recent migrants to Chicago in 1940 had a higher incidence of occupational segregation (D index of 0.65) than native Chicagoans (D index of 0.48). By 1960, the index tapered to 0.40. Using an ordered logistical regression, the study shows that in 1940, Blacks who attended Chicago public schools had greater odds of having high-quality and highly skilled occupations than Chicago Blacks who did not attend a Chicago Public School.

Smith's (2020) dissertation examined the quality of the United States public school system, which has been under near-constant scrutiny for many decades. Her dissertation looks at the relationship between the armed forces and education reform in the United States, both in more recent times and in a historical context. Smith investigated a specific case of federal intervention in the public school system in the late 1950s to partially gauge its effectiveness. The influence of the armed forces on local communities and economies is strong, and often, the military sets an example that is followed by the general public. As the landscape of public education changes, it is vital to consider the role of the armed forces in shaping these changes. Smith uncovered that, in most instances, the Department of Defense schools were the first schools in the local area to offer integrated education. She wondered if this had spillover effects on the local education agencies. Dr. Spriggs encouraged her to take a deep dive into archival data (not just at the Library of Congress and the National Archives, but also the Catholic archives) and create her own dataset.

Dr. Spriggs started a project funded by the NSF titled "Returns to Black Skill Acquisition: Understanding Barriers to Black Economic Progress." This project is being continued by Dr. Smythe and Brown-Robertson, along with his students. This research project looks at a period when most economic research assumes Black workers had low skills acquisition. It examines a significant group of Black men (440) trained as radio, telephone, and telegraph operators for World War I, the 325th Field Signal Battalion. Many of the men were born in the North and had never attended the segregated schools of the South. Many had college educations, and all were given tests of skill proficiency by the U.S. Army to be selected into the battalion and qualified for their rank and duties.

In 1918, the skills these men had before joining the Army, their training, and the experience applying their skills in combat situations gave them a unique chance to study how those skills set their lives. Because the men were young in 1918, most lived to 1940, when the U.S. Census records would give information on their earnings, mid-life occupation, and complete educational attainment. The skills they acquired were in high demand because radio was new and telephone service was rapidly expanding. The 1910 census had no specific occupation category for these skills except for telegraph operators, and by 1920, only a few occupational categories for telephone were added to the telegraph occupations. Both telephone and radio would be major industries by 1940. This project will research how these men reached incomes and occupations comparable to white men in the 1940s. The men were born in the late 1890s, so it will be possible to determine if their grandparents were born free. Because of that, this research will also be able to estimate the intergenerational effects of the status of being free in 1860 and on the returns to migration from the South for skilled Blacks. Beyond the immediate research project, the data set will be valuable for others researching African Americans in the first half of the 20th century. They are currently in the stage of completing the research and building the database.

PUBLIC INTELLECTUAL

At the heart of the COVID-19 pandemic and amid racial unrest after the George Floyd murder, William E. Spriggs's work "Is now a teachable moment for economists?" was timely. This open letter laid bare the many issues facing our society; in particular, the effect that cold and deficit-based beliefs have on policies that do not lead to improving outcomes for Blacks in particular. The piece was a heartfelt plea for systematic change that will lead to better outcomes for our society. The power of this piece is the tone in which it is written, given the environment. Dr. Spriggs had the ability to convey warmth and hope in the words of this piece.

Dr. Spriggs's legacy will continue due to his mentorship. His passion for improving Black people's lives came through because he was invested in the students, the meaning of the HBCU experience, and making the world a better place.

Dr. William Spriggs served as a faithful member of the JCPAR Editorial Board since its inception in 2017. He passed away on June 6, 2023, at the age of 68. May he rest in peace. May he rest in power.

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JCPAR Spotlight

An Interview With Congressman Steven Horsford

Featuring Nicole Austin-Hillery,
President and CEO, Congressional Black Caucus Foundation, Inc.

For this piece, Congressional Black Caucus Foundation President and CEO, Nicole Austin-Hillery, sat down with Congressman Steven Horsford, who represents Nevada's 4th District. In their discussion, Congressman Horsford shares his thoughts on the past five years in Black social and political life, reflects on his contributions to the uplift of Black Americans, marginalized groups, and his constituents, and offers thoughts on where to go from here. The following is an excerpt from this discussion.

Watch the full interview

Nicole Austin-Hillery (NAH): Welcome, Congressman Horsford. I'm so happy to have you today to have this wonderful conversation. Can you first introduce yourself to our audience?

Congressman Steven Horsford (SH): Well, thank you, Nicole. It's great to be with you. I'm Steven Horsford. I represent Nevada's fourth Congressional district, which includes parts of Las Vegas and North Las Vegas, and central rural Nevada. It's a very diverse district. I also have the honor to serve as Chair of the Congressional Black Caucus for the 118th Congress. It's been a proud moment, but also a privilege, to work with the Congressional Black Caucus Foundation, and all the great work that you do to advance the mission of helping create opportunities and leaders for the future generation.

NAH: Thank you, Representative Horsford, and because of your role as Chairman of the CBC, you sit on our Board for the Congressional Black Caucus Foundation, and we're so happy to have you in that role. That's one of the reasons why we're talking to you today. As you know, at the Congressional Black Caucus Foundation, we have a division called the Center for Policy Analysis and Research, and we have our Journal of the Center for Policy Analysis and Research (JCPAR) coming out in the month of February, Black History Month. And we are just elated to be able to sit down with you and have a conversation about this moment, and about some of the topics that we're going to be talking about. You know, the Journal focuses on issues of concern to the Black community. It is our mission at the Congressional Black Caucus Foundation to empower the global Black community. And this Journal is going to be talking about some of those issues. We're actually looking back over the past five years, and we're looking at economics, education—a panoply of concerns that really undergird the Black community. I'd love to hear your thoughts about some of the issues that you think have been most salient, and, as we are going into a crucial election year, what those issues mean for Black America from your perspective.

SH: Well, first, as you know, the Congressional Black Caucus consists of our Members. We now have 60

Members, which is the largest in our history, after 51 years. Collectively, those Members represent 120 million Americans – about a third of the U.S. Population – and about 20 million Black Americans. So, what I say often is we absolutely advocate for Black America, but we understand that the issues important to Black America are issues that are important for all people. And I think, right now, the focus is around closing the racial wealth gap, which has persisted for far too long in this nation. That is driven in large part through economic opportunity and prosperity, wealth building—whether it's through home ownership, entrepreneurship, skills development, investing in the next generation of leaders, or our role in inspiring civic engagement at every level, not just in the presidential years, but in every level to make sure that our voices are heard through the most important cornerstone of our democracy, which is the voting system and the opportunity to have our voices heard at the ballot box.

NAH: Now, Representative Horsford, there are so many efforts underway to make it more difficult for people in not only Black communities but lots of communities to engage in our democracy through the ballot box. There are attacks on educational systems right now. There are attacks on economic opportunities. What specifically do you think community members should be thinking about when they go to the ballot box this coming year? What should they be thinking about in terms of what they need to do to better empower their own communities?

SH: First, I would hope that people will vote their interest—their interest for their own livelihoods, the livelihood of their family, their community. Clearly, there are choices, and I just reflect back on the eight years of the Obama administration, what President Obama was able to accomplish. The hope and the ideals of change that he shepherded the U.S. through, and really the response, the negative response, that we saw after those eight years. You know, this is not about politics. This is about our interest, and we have no permanent friends, as they say, or permanent enemies—we only have permanent interests. And so, whether it's the former president who asked Black America, "What do you have to lose?" and then went on to appoint the most conservative Supreme Court

that has eroded our rights. Whether it's a woman's right to make her own healthcare decisions about her body, or access for students of color to attend Ivy League universities because of the elimination of affirmative action in the admissions process. Or, whether it's the erosion of rights and freedoms now that are under attack, by, in my view, far-right ideologues who are interested in taking away economic opportunity at a time that we're trying to advance them to close the racial wealth gap in America.

NAH: You've hit on some really important topics, Representative Horsford. I've heard you say on many occasions that you represent a district that "looks like America." And even though you are the Chairman of the Congressional Black Caucus, we know that the work that you do is not only about empowering and protecting Black America, but it's about protecting and empowering all of America. With that in mind, tell us: what is it that, as a nation, all of us, as a diverse community, should be thinking about when we consider what is most important for us to focus on right now in the country?

SH: We are standing on the shoulders of the legacy builders that establish this Congressional Black Caucus. And what I'm reminded of is the fact that we just last August had the 60th anniversary on the March on Washington, and that March on Washington was a march for jobs and freedom. To me, that is about: yes, social justice; yes, voting rights; yes, creating opportunities to make sure that there's a safety net for those who need it the most, including our children—which is why we have advocated for things such as the Child Tax Credit and things that help lift children and families out of poverty. But, I think a core to what we have to be focusing on today is creating economic prosperity for Black America. Why? Because if we were able to close the racial wealth gap and achieve parity, just based on our population, not only would we increase the gross domestic product by four to six percent a year, bringing in trillions of dollars of economic growth, we would help create hundreds of thousands of new small businesses that are Black-led. We would lift 30 million more Black

people out of poverty into the middle class. We would actually save Black lives, because when you improve the economic conditions of Black people, you improve their health outcomes. These are at the core of the work that the Foundation does to help advocate upon these issues, and why CPAR is so important to this work, as are the investments into the Fellows and the scholarship recipients, because we're trying to create a better life and a better opportunity for the next generation of leaders. I view this very much as—it's our generation's time to take up that mantle of justice that our forefathers advanced. They advanced these issues of justice, of opportunity, of equality, and now it's our generation's turn to run our portion of the race, to make sure that we are holding this nation, and corporate America, quite frankly, accountable to live up to the ideals of what it is we want to see in our nation, which is opportunity, equality, and justice for everybody.

NAH: What is it that you want people to walk away from once they read our Journal? It's full of lots of data and information that a bevy of researchers have put together. What do you want to leave them with in terms of marching orders—not just for 2024 when this nation faces an election, but beyond 2024, when we look back at the past three to five years. What is it that you want to see that people have done and have embraced?

SH: Congratulations on the launch of this Journal, and I think it's absolutely necessary to have this type of data and research that's driven by an organization like the Congressional Black Caucus Foundation. So, congratulations to you and your team. What I want people to pay attention to is in this moment, where people feel frustrated, when they feel disconnected, when they keep showing up when they feel like they've been looked over, or taken advantage of, or only asked for their support during election year, to really consider the moment that we're in, and the issues that we're faced with. And what I'm most concerned about, quite honestly, is not how this is going to affect me. It's how it's going to affect our children and their generation. And whether we are going to allow them to have to fight some of the

same battles that we've had to fight in our current generation, or those who came before us have had to fight. And worse yet, if they have fewer opportunities to live up to their full potential. That is the essence of what creating economic opportunity is to me: allowing people to live up to their full potential.

You know, I don't always know why I've been blessed to serve in Congress—because this was not my life's plan—or to chair the Congressional Black Caucus in this moment. But what I do know is that it's my obligation and my duty in this role to leave it better than I found it, and to build a stronger foundation for the next generation who comes behind us. And so, the work that you are doing with the research, with the Journal, with the fellowships, with the scholarships, I want people to pay attention to this work, to read it, to digest it, to debate it—to disagree with it if they have to—but to understand that we're all working to try to advance our community. And I think, really for me, what I'm learning is that when you can really compare and contrast, whether it's elected officials or those in corporate America, you can really get to the essence of people when you can say, "Are you here to build up? Or are you here to tear down? Are you here to bring together us together? Or are you here to tear us apart?" Fundamentally, I think most of us want to build things. I know I do.

I'm so proud of the legacy of the Congressional Black Caucus over 51 years, and obviously the work of the Foundation alongside the CBC over the same period of time, the collective impact we have made. Yes, there is a lot more work to do, but we're going forward. We're not going backward. And that is the opportunity that you are affording through this Journal, and through the research that's coming out of the Congressional Black Caucus Foundation and the Center for Policy Analysis and Research.

NAH: The work that is on display through JCPAR really helps to tell the story of who we are and what we do and how we want to try to empower the rest of the nation with this information. I like to say, Representative Horsford, that our information and the work that we do helps every individual to be a change maker, even in their own communities.

SH: You talk about the power. A lot of times, when I talk to constituents, sometimes they feel like, "what can I do?" Or maybe they feel powerless. And what I have to remind them is: no, you have the ultimate power and it's the power of the ballot. It's the power to hold your elected officials and corporate America accountable to the priorities that you want to see. And you have the power to effectuate the people around you. And so, the more that people understand their power and they use it, we are going to see great things. And that is part of what I think we're all trying to home in this moment.

NAH: Exactly. And JCPAR is part of that power bank. Use that information and that research to guide your communities. Congressman Hosford, thank you so much. Thank you so much for being a part of the release of the Journal. Thank you for your leadership. And thank you for just taking some time to sit down with me to talk about these incredibly important and critical issues, and to really give everyone a charge: take the information, go out, use your power. Use your power for good, to build up and help the entire country.

SH: As John Lewis would say, "Go get in some good trouble."

NAH: Perfect words to end on. Thank you so much, Congressman Horsford.

Research Articles

The Sistahs Will Be All Right: Advancing a Policy Agenda for the Modern Black Woman

Kristen C. Smith, Ed.M.
Independent Scholar and Entrepreneur
Brittani Williams, M.A.
Director of Advocacy Policy and Research, Generation Hope

ABSTRACT

Over the past five years, Black women have achieved historic milestones in their representation in American politics, including the election of America's first Black woman vice president, Kamala Harris, and President Biden fulfilling his promise to nominate and facilitate the appointment of the first Black woman to the Supreme Court of the United States, Ketanji Brown Jackson. Despite the progress made, Black women encounter structural inequalities at every intersection of their lives. This article intends to highlight the intersectionality of social, political, and economic fluctuations experienced by Black women. In addition, this paper also examines quantitative and qualitative data, including archival data, to explore how Black women's increased representation in American politics and culture can be crucial levers to conceptualize, implement, and evaluate key federal and state economic policy recommendations and initiatives that will support continuing advancement of this group.

Keywords: African American/Black women, intersectionality, politics, equity

INTRODUCTION

From 2017 through 2022, Black women in the United States navigated a challenging racial climate and defiantly illuminated their collective plight, potential, and power. Black women have not merely demonstrated greatness to the world; they have steadfastly battled injustices and inequalities. Strides and ongoing challenges mark the state of Black women in politics and policy.

In 2022, Karine Jean-Pierre made history as the first Black person, Black woman, and LGBT person to serve as the White House press secretary, a position established in 1929 (DeRosa, 2023). Moreover, Black women have emerged as the fastest-growing group of entrepreneurs, showcasing remarkable resilience. However, despite these significant achievements, the entrepreneurial journey for Black women reveals a substantial disparity. Despite initiating businesses at a high rate, only 3% of Black women run mature businesses, contrasting with more than double that figure for white women (7%) (Harvard Business Review, 2021), hinting at potential challenges in sustaining businesses for Black women. Additionally, Black female founders face notable economic disparities, with an average revenue of just $24,000, sharply contrasting with the $142,900 average revenue among all women-owned businesses (American Express, 2019).

Parallel to these economic disparities are the workplace realities for Black women, earning 64 cents for every $1 earned by white, non-Hispanic men in 2020. Racial and gender biases pose threats to the economic security of Black women and their families (Bleiweis et al., 2022). Addressing these multifaceted challenges is imperative for fostering a more equitable and inclusive economic landscape for Black women.

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These economic challenges, alongside the strides made in political representation, underscore the multifaceted nature of Black women's experiences in the United States. Addressing these disparities requires acknowledgment and concerted efforts to dismantle systemic barriers and create a more equitable and inclusive environment for Black women across various spheres of life. Against a backdrop of systemic inequities, Black women have consistently showcased their greatness to the world. Their relentless commitment to fighting against injustices and inequalities is commendable and a poignant reminder of the indefatigable spirit that propels their endeavors. To encapsulate the historical trajectory, evolution, and contemporary needs of Black women, this article seeks to propel a policy agenda tailored to meet the nuanced challenges faced by the modern Black woman.

It becomes evident by the conclusion of this illustrative discourse that the imperative for social, political, and economic empowerment is not merely a call to action but a non-negotiable necessity. The incontrovertible truth that emerges is this: "The Sistahs Will Be All Right," signaling not just a hopeful sentiment but a resounding declaration of the unwavering strength and potential harbored within Black women of

today. The time for recognition, action, and substantive change has arrived, and it is incumbent upon society to heed this call with the seriousness and urgency it demands.

TO KNOW HER IS TO BE HER: THE HISTORY OF BLACK WOMEN IN THE UNITED STATES

Historically, Black women have faced significant barriers to entry and advancement in political and policy arenas. They have grappled with systemic racism, sexism, and intersectional discrimination, limiting their representation and influence. Their unique experience is often left untold or misrepresented outside of traditional academia. In August 2019, Dr. Nikole Hannah-Jones, a Black woman and writer at The New York Times, released a long-form journalism piece titled "The 1619 Project," commemorating the 400 years since the inception of American slavery. Dr. Hannah-Jones, alongside an array of contributors, many of them being Black women, was successful in energizing a new era of Black women and their allies to be bold and steadfast in centering the pivotal role that Black Americans have contributed to building American democracy and its economy as we know it today.

This effort was met with resistance. In response, Republican and conservative lawmakers mobilized a

nationwide effort to ban the use of "The 1619 Project" from schools. "I see this all the time, and that is what keeps me going. Most people get angry when they read 'The 1619 Project.' However, the reason they are angry is because they were not told this history. That is also why people fear it. We would make different policy choices" (Kulke, 2022). Building on the momentum of Dr. Nikole Hannah-Jones and her ability to center Black women's contributions since 1619, we recommend that Black women harness the energy of their ancestral heroines and embrace their surging political power. "Black women are a voting powerhouse. Sixteen million Black women are eligible to vote, and 67% are registered" (Higher Heights for America, n.d.). Black women must seize the window of opportunity to back policy agendas underway and sponsored by Black congresswomen and support these agendas, which aim to address both shared and unique experiences Black women encounter in America. Black women are stronger together.

WHO'S THAT GIRL? UNDERSTANDING THE MODERN BLACK WOMAN (2017–2022)

To understand the modern Black woman, stakeholders must leverage disaggregated data that provides crucial insights into political thoughts and attitudes among Black women today. Black women are increasingly unapologetic in sharing which issues at the ballot box matter most to them. In recent years, there have been notable breakthroughs and achievements that underscore a changing landscape.

The 2018 American Values Survey explored overall political attitudes and how increased diversity among elected officials could impact the country. On the question of what issues are the most important, Black women cited racial inequality as most critical, at 29%, followed by health care at 21%, and the growing gap between the rich and poor at 18%. The economy ranked as the fourth-most important issue, at 11%; if combined with the wealth gap, it would tie with racial inequality as the top issue for Black women (Perry, 2020).

Black women are at the forefront of massive campaign organizing and voter mobilization efforts, including Stacey Abrams's historic bid to become Georgia's

(and our country's) first Black female governor, losing 50.2% to 48.8%—or by about 55,000 votes—with 99% of the vote counted (Edelman & Clark, 2018). According to USA Today (2020), approximately 90% of Black women voted to elect President Joseph R. Biden and his running mate, Vice President Kamala Harris, marking a historic moment as she became the first Black woman to hold the position. Days after the election, Vice President Harris acknowledged via Twitter (2020) the collective power of Black women and their increased political participation over the years, "I want to speak directly to the Black women in our country. Thank you. You are too often overlooked and yet are asked time and again to step up and be the backbone of our democracy. We could not have done this without you." The Vice President publicly acknowledged the central role of Black women's contributions to American democracy on a global scale.

Black women shattered records through their efforts to mobilize and run for and win congressional races in 2020. Even so, there is more work to be done.

After Harris's departure in January 2021, the U.S. Senate experienced a notable absence of Black women for more than two years. This gap was finally filled in 2023 when Laphonza Butler (D-CA) was appointed, making her the third Black woman senator in U.S. history. Sen. Carol Mosely Braun (D-IL) was the first Black woman to serve in the U.S. Senate, completing one term in the 1990s (Jalonick & Blood, 2023). The U.S. Senate, a deliberative body, checks and balances the more popularly elected House of Representatives. To increase Black women's political power, stakeholders must increase policy pathways that create a steady pipeline of Black women ready to lead.

According to the Center for American Women and Politics, the diagram presented below depicts a chronological overview of the involvement of Black women in American politics. It excludes nonvoting delegates and does not portray individuals holding office in the 117th Congress as of September 2021. Notably, a mere 5.4% of the total voting members of Congress identify as Black women, and 19.2% of

Black Women in Congress

1961—Present
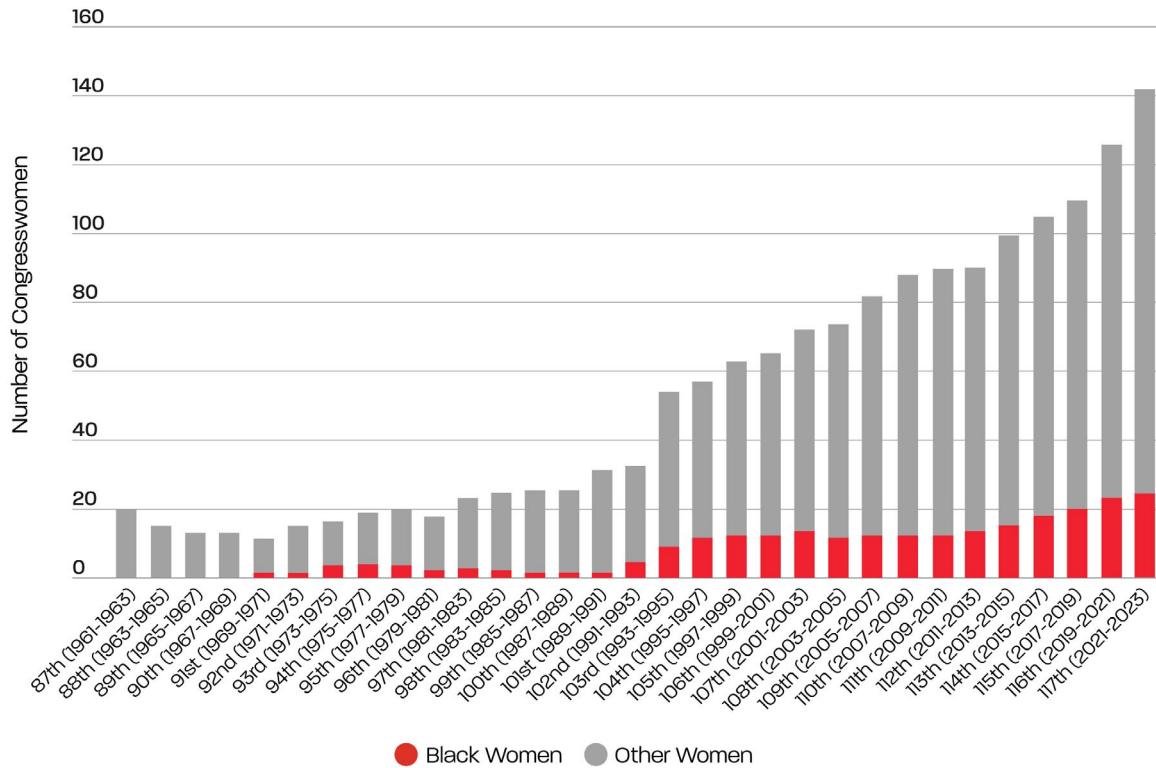
Source: Reaching Higher: Black Women in American Politics 2021. (2021). Center for American Women and Politics (CAWP).

women voting members of Congress identify as Black; many of those terms ending in 2024.

Black women's quality of life and even their existence are tied to assumptions about who is an official member of the country; our lack of protection signals second-class status. The most essential power that can significantly alter a citizen's position in life is the right to vote. Ending racism may solve many of Black people's problems, but electing a Black woman to the highest offices in the land may save America from itself (Perry, 2021). In the following section, this article will provide an outlook on several legislative measures that still need to be passed. As a result, Black women's political participation and activism must increase at the federal level by harnessing political power that increases representation at the federal level, ensuring that federal protections are in place across all 50

states. Comprehending modern-day Black women and their role in the political context contributes to a more inclusive and informed societal perspective. It acknowledges the importance of diverse voices and experiences in shaping policies and fostering a more equitable and just society.

THE BLACK WOMAN YOU KNEW HAS EVOLVED. WHERE IS THE SUPPORT?

Local, state, and federal policies have been key mechanisms to protect Black women, and in recent years, Black women's voting power has significantly increased in the ballot box. To "advance the Black woman's agenda in politics and policy" means actively pursuing and promoting initiatives, policies, and systemic changes that address Black women's unique needs, concerns, and aspirations within the political and policy-making spheres. It involves recognizing and

responding to the intersectionality of race and gender, acknowledging Black women's distinct challenges, and working toward creating an inclusive and equitable environment that empowers them. This agenda seeks to overcome historical and systemic barriers that have hindered Black women's full participation and representation in political and policy decision-making processes. Exploring policies that serve to advance the Black woman's agenda include already existing legislation such as the following:

Protect Black Women and Girls Act

In September 2021, Rep. Robin Kelly's (D-IL) Caucus on Black Women and Girls introduced the Protect Black Women and Girls Act, which would have established a task force to examine conditions and experiences of Black women and girls in education, economic development, health care, labor and employment, housing, justice, and civil rights. The task force would promote community-based methods for addressing harm and studying the societal impacts of these conditions. It did not pass.

The CROWN Act of 2022

The CROWN Act (H.R. 2116), Creating a Respectful and Open World for Natural Hair Act, was introduced by Rep. Bonnie Watson Coleman (D-NC) and centers hair discrimination as a racial issue. In a recent study, researchers found that "Black women with natural hairstyles were perceived to be less professional, less competent, and less likely to be recommended for a job interview than Black women with straightened hairstyles and White women with either curly or straight hairstyles" (Koval & Rosette, 2020). Black women face inequality in the labor market due to racial and gender bias, so protecting a Black woman's right to "wear her hair" is an intersectional approach to dismantling compounding barriers to economic and social mobility and advancement in the workplace.

As of 2022, 23 states have adopted the CROWN Act, but progress in the Senate has come to a standstill, preventing the establishment of federal protections across all 50 states.

The Black Maternal Health (Momnibus) Act

Congresswomen Alma Adams (D-NC) and Lauren Underwood (D-IL), Sen. Kamala Harris (D-CA), and members of the Black Maternal Health Caucus first introduced the Black Maternal Health (Momnibus) Act in 2020. The act proposed to fill gaps in existing legislation to comprehensively address dimensions of the Black maternal health crisis in America. The time to end preventable maternal mortality and close racial and ethnic disparities in outcomes is long overdue. It did not pass.

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John R. Lewis Voting Rights Advancement Act of 2021

First introduced by Rep. Terri Sewell (D-AL), the John R. Lewis Act (2021) proposed to establish new criteria for determining which states and political subdivisions must obtain preclearance before changes to voting practices take place. In Shelby County v. Holder (2013), the United States Supreme Court gutted federal protections outlined in the Voting Rights Act of 1965, which ensured that minorities received equal protection to exercise their right to vote.

More than 90% of Black women voted in 2020 to elect the first Black female vice president, Kamala Harris. They witnessed Stacey Abrams spearhead a massive voter mobilization effort to flip Georgia blue in 2020 and launch her second bid to become our nation's first Black female governor. They have seen the rise of Black female mayors across U.S. cities, from Latoya Cantrell in New Orleans to Lori Lightfoot in Chicago. And they have seen President Biden nominate our first Black female United States Supreme Court justice, Ketanji Brown Jackson.

It is evident that the narrative of progress, as exemplified by the remarkable achievements and contributions of Black women in politics, continues to unfold. These milestones, which might not have come to pass without the original Voting Rights Act, underscore the ongoing journey toward equality, justice, and the realization of a more inclusive democratic landscape.

The John Lewis Act did not pass.

This compilation of legislative bills is not exhaustive; numerous other pieces of related legislation exist, whether they are in the conceptualization stage, have been introduced to legislative bodies, or are stalled in committee. Nevertheless, these listed bills do represent and highlight a persistent challenge. The frequent impediments these initiatives face underscore the recurring difficulties in establishing policy avenues for advancing the status of Black women in the United States.

THE FUTURE IS FEMALE AND BLACK

We acknowledge the vital contributions of Black women who serve in elected positions, who sponsor federal legislation, and who work as grassroots activists committed to empowering Black women to establish and wield their electoral influence. Despite Black women's resilience and pivotal role as an essential voting bloc in the American political system, the representation of Black women remains disproportionately low, highlighting the need for urgent action. To underscore these disparities, consider the sobering statistics: Though Black women constitute 6.8% of the U.S. population, they comprise only 3.7% of all elected officials. Furthermore, in our country's 247-year history, no Black woman has ever served as governor or president (Higher Heights for America, n.d.).

Ensuring that Black women are represented in diverse leadership positions is imperative for fostering accurate and inclusive participation at decision-making tables. To address the persistent issues of misrepresentation and underrepresentation, Black women must lead, and they must lead together. Black women in leadership roles must unite to counteract the current trends and shape a more equitable and just political landscape. In this way, Black women can work toward dismantling barriers and fostering an environment where the voices of Black women are not only heard but also wield the influence they rightfully deserve.

Advancing the Black woman's agenda in politics and policy is a multifaceted commitment to fostering a more inclusive and equitable political landscape. It involves proactive measures to address systemic challenges, promote representation, and prioritize policies that uplift and empower Black women, recognizing their invaluable contributions to society.

POLICY RECOMMENDATIONS: OUR CALL TO ACTION

Black women must continue to leverage their political power and influence in shaping a policy agenda that can continuously propel their cause forward.

As Black women strive for equitable inclusion, federal policymakers must recognize the significance of intersecting social, economic, and political advancements in fostering upward mobility.

- Expand legislation sponsored by Black women in Congress and initiatives sponsored by the Congressional Caucus on Black Women and Girls. This includes endorsing policy pathways that address critical issues identified by members within these demographic groups.

- Pay Black women. Policymakers must take steps to close the racial wage gap for Black women. According to Bleiweis et al. (2022), Black women earned just 64 cents for every $1 earned by white, non-Hispanic men in 2020. The racial and gender biases behind the wage gap pose threats to the economic security of Black women and their families.

- Align with the Biden Administration's Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government: "By advancing equity, the Federal Government can support and empower all Americans, including the many communities in America that have been underserved, discriminated against, and adversely affected by persistent poverty and inequality" (White House, 2023).

- Support Black women candidates. Increasing Black women's representation in political, organizational, and programmatic leadership is essential for bolstering electoral support for Black women candidates. Vital to this effort are fundraising and endorsements from political parties, major unions, and other organizations, which significantly contribute to the augmentation of seats held by Black women. These actions build upon ongoing initiatives spearheaded by organizations such as Higher Heights.

These recommendations are by no means exhaustive. The authors intend for them to act as catalysts for ongoing change and the lifting up of Black women. In the words of Shirley Chisolm, "You do not make progress by standing on the sidelines, whimpering and complaining. You make progress by implementing ideas." In the spirit of Shirley Chisholm's wisdom, let this review and these recommendations serve as a call to action, inspiring collective efforts toward progress and the continual empowerment of Black women in our shared pursuit of a more just and equitable society.

AUTHOR INFORMATION

Kristen C. Smith is an entrepreneur and committed public servant with extensive experience in education and politics. She holds a B.A. in history and an Ed.M. in education policy studies, organization, and leadership from the University of Illinois at Urbana-Champaign. Smith has been honored as a Bill and Melinda Gates Millennium Scholar and holds a certificate in education finance from Georgetown University.

Brittani Williams, currently a director of advocacy policy and research for a national nonprofit, has more than 10 years of experience in higher education practice and is an emerging leader in the national higher education policy and research space, supporting historically underserved students. Williams holds a B.S. in psychology and an M.A. in higher education administration from Louisiana State University and A&M College in Baton Rouge, Louisiana. She is currently a Ph.D. candidate in education leadership policy at Texas Tech University in Lubbock, Texas.

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To Err Is Automated: Have Technological Advances in the Mortgage Market Increased Opportunities for Black Homeownership?

Michael Neal, M.P.A.
Senior Fellow, Urban Institute
Linna Zhu, Ph.D.
Senior Research Associate, Urban Institute
Vanessa G. Perry, Ph.D.
School of Business, George Washington University,
Senior Fellow, Housing Finance Policy Center

ABSTRACT

Appraisal bias has emerged as one of the most controversial issues in the mortgage industry. Several recent studies have documented systemic biases in traditional appraisals that result in lower values for Black and Hispanic homebuyers and neighborhoods (Rothwell & Perry, 2019). This, in part, explains the persistent wealth gap between Black and white households.

In this paper, we examine the effects of historical redlining on automated home valuations and prices paid by homebuyers in predominately Black neighborhoods. From an analysis of 2018 home sale transactions in Atlanta and Home Owners' Loan Corporation (HOLC) 'redlining' maps, we find that both historic redlining and neighborhood race significantly impact home values and prices paid by homebuyers. Specifically, holding other factors constant, home prices in historically redlined neighborhoods are associated with a 49.3% undervaluation. Similarly, all else equal, compared with majority-white neighborhoods, home prices in majority-Black neighborhoods are 64.2% lower. Our analysis illustrates the role that historical racism plays in house prices and automated valuation model error within majority-Black communities and the extent to which these dynamics may contribute to the broader Black–white wealth gap.

According to these findings, we propose several steps the federal government can take to address the disparities in house prices and automated valuation model error. These recommendations can help account for the effects of past discrimination and ensure that Black communities and their residents benefit from homeownership to the same degree as their white counterparts.

POLICY RECOMMENDATIONS

- Historical redlining has a negative and disparate impact on AVM's estimated home values in Black neighborhoods and house prices, calling into question the appropriateness of the sales comparison approach for determining a home's value.
- The government should expand recent federal interagency efforts to develop regulations for quality control standards for AVMs.
- Congress should take legislative action to ensure that these efforts to regulate and improve AVMs are made permanent.
- Policymakers and housing industry practitioners should expand and improve access to renovation financing in formerly redlined communities.
- Policymakers should encourage direct investment through small businesses in formerly redlined communities.

Keywords: Automated Valuation Models, Appraisal bias, Black homeownership, Home values, Redlining

INTRODUCTION

The polarity in the political landscape affecting Black Americans has been immense in recent years. Simultaneously, many highly publicized deaths of unarmed Black citizens, such as George Floyd and Breonna Taylor, have elevated the Black experience in the national conversation. Many organizations and institutions have responded to these events with diversity and anti-racism initiatives and/or increased financial commitments to communities of color. Despite this momentum, the Black–white homeownership rate gap remains at 30 percentage points, and Black households that achieve homeownership don't experience equal benefits. This reduces Black wealth and financial security today and for future generations. Despite the widespread emphasis on homeownership as the American Dream, Black and other minority families face many barriers to homeownership, most of which can be traced to a history of racism and discrimination across social and economic institutions.

Reducing the role of human decision-making in home-buying automation and digital transformation in the mortgage market could advance societal goals of eradicating racism and discrimination, improving accuracy, and removing bias. Research suggests that automation has little impact on homeownership outcomes for Black households (Perry & Martin, 2022). One solution currently being explored is replacing human property appraisal processes with more objective, data-driven algorithms, such as automated valuation models (AVMs).

Home valuation methods, like appraisals, are crucial to determining the market value of a home, the equity a mortgage borrower holds in a property, and the amount of default risk to which a lender or investor is exposed. As such, appraisals are a necessary step in the mortgage lending process. Ideally, these estimates provide an unbiased measure of asset value that investors can use to assess and manage risk. Errors in these estimates are costly for investors as well as for households and communities. AVMs are technological tools used to assess home values. Proponents of AVMs argue that they reduce biases and errors committed by human appraisers and that the underlying algorithms can be programmed to provide more fair and accurate valuations. Critics of AVMs caution that these algorithms simply reproduce the same biases embedded in human-driven decision systems.

In this paper, we examine the role of redlining on automated home valuations in predominately Black neighborhoods. Homes located in minority neighborhoods have historically and consistently had lower values and rates of house price appreciation than homes owned in similarly situated white neighborhoods, explaining in part the persistent wealth gap between Black and white households. Recent anecdotal and empirical evidence has

sparked a heated public policy debate about the role of discrimination and systemic racial bias in home appraisal processes.

Thus, we examine the extent to which AVMs convey historical discrimination, specifically redlining. We ask whether current home values reflect historical redlining and whether redlining has an additional effect on the prices paid by homebuyers. If AVMs capture the effects of past redlining, then Black neighborhoods and residents are being unfairly penalized for historical circumstances beyond their control. In the case of overvaluation, prospective homebuyers risk loan denials and "faux-equity," which means that housing assets are worth less than expected. Undervaluation, on the other hand, exacerbates neighborhood racial disparities in home values and suppresses equity accumulation. Our findings reveal that past redlining affects current home values and prices. Using these findings, we present an actionable agenda for policymakers seeking to boost Black homeownership.

BACKGROUND

Redlining

The Home Owners' Loan Corporation (HOLC) was established during the New Deal to stabilize the mortgage market by buying and refinancing mortgage loans at risk of default. There is widespread agreement among scholars that the HOLC maps institutionalized the practice known as redlining, which became standard practice in government as well as private mortgage lending (Massey & Denton, 1993). Using information collected from local officials and real estate professionals, HOLC staff developed a set of local area maps that graded neighborhoods based on risk-related factors, which included age and condition of housing, access to transportation, and other amenities, as well as residents' socioeconomic status and racial and ethnic composition. Neighborhoods were assigned colors on these maps, with green indicating "Best," blue for "Still Desirable," yellow for "Definitely Declining," and red for "Hazardous." These maps were then used by lenders to designate areas that were considered low risk versus high risk (Mitchell & Franco, 2018).

Numerous recent studies have found evidence of longstanding, negative effects of HOLC redlining on households and communities. A study by the NCRC found lower incomes, a higher percentage of minorities, and signs of gentrification in neighborhoods were marked by the HOLC as "hazardous" (Mitchell & Franco, 2018). Aaronson and colleagues (2017) found that areas that were on the lower-graded side of HOLC boundaries in the 1930s experienced a marked increase in racial segregation in subsequent decades, as well as evidence of a long-run decline in homeownership, house values, and credit scores along the lower-graded side of HOLC borders.

Appel (2016) found that the HOLC mapping policies are associated with a 5% decrease in 1990 house prices not explained by the area's physical features. Appel also found a 5–7% increase in vacant houses and a 3% decrease in owner-occupation in redlined areas. Townsley et al. (2021) found that past redlining explains approximately 25% of the variation in poverty and economic inequality rates. Additionally, segregation and redlining predict 53% of the difference in median household income between neighborhoods. Neighborhoods graded *A* have an average household income of more than $130,000, compared to $50,000 in *B* or *C* neighborhoods and below $40,000 in *D* neighborhoods.

Research has also shown that past HOLC grades affect non-economic outcomes. For example, Krieger and colleagues (2020) have uncovered links between redlining and preterm births in New York City and late-stage cancer diagnoses in Massachusetts. Huan and Sehgal (2022) found that in Baltimore, a Hazardous HOLC categorization is associated with a four-year reduction in life expectancy, and a Definitely Declining rating is associated with a five-year reduction in life expectancy when controlling for demographic characteristics. Hoffman et al. (2020) found that redlined neighborhoods experience elevated land surface temperatures relative to their non-redlined neighbors by as much as 7°C due to fewer shade trees and more asphalt and concrete coverage. The present study builds on this prior work by examining the effects of the HOLC redlining practices on present-day home values and home prices.

Appraisal bias and AVMs

Proponents of digitalization in the appraisal process argue that digital technology has increased the accuracy of property valuations, resulting in lower costs and risks throughout the home-buying process. For example, with digitalized appraisal inspections, appraisers can collect information about a property without in-person inspections. This information can then be transmitted to artificial intelligence (AI) AVMs that replace traditional, more subjective procedures.

Although these innovations have gained widespread acceptance, appraisal bias has emerged as one of the most controversial issues in the mortgage industry. Several studies have documented systemic biases in traditional appraisals that result in lower values for Black and Hispanic homebuyers and neighborhoods (Rothwell & Perry, 2019). A recent Freddie Mac study concluded that Black and Latino mortgage applicants, as well as predominately Black and Latino neighborhoods, receive appraisal values that are lower than the contract price more often than white applicants. These disparities are attributed to human appraisers and the values produced by AVMs (Freddie Mac, 2021; 2022). Another widely cited study revealed that homes owned by Black and Hispanic individuals are more likely to be appraised at a lower value than the sales price (Folk & Chen, 2021). Research comparing traditional appraisals with those conducted by AVMs found that homes owned by white borrowers are more likely to have an appraised value at least 10% higher than the AVM's estimated value compared to homes owned by Black borrowers. These overvaluations are also more likely to occur when white borrowers live in majority-Black neighborhoods (Williamson & Palim, 2022). On the contrary, other evidence suggests that AVMs are less likely to produce biased results, which can be used to advance more equitable outcomes in appraisals for minority homebuyers and homeowners (House Canary, 2021).

The present study extends prior research by Neal, Zhu, and Young (2020), who examined data from Atlanta, Memphis, and Washington D.C., to determine how AVMs contribute to racial disparities in home value estimates. In particular, these authors studied the inaccuracy of AVMs in majority-Black neighborhoods relative to majority-white neighborhoods by comparing the AVM's estimate with the actual sales price (i.e., AVM error). They found that even though the magnitude of the error (the absolute dollar difference) was larger in majority-white neighborhoods, the percentage magnitude of the error (the proportional difference for what that error meant) was larger in majority-Black neighborhoods after adjusting for lower sales prices in majority-Black neighborhoods. Although they tested for several possible explanations for these disparities, they still found evidence of systemic inaccuracies in AVM estimates (Zhu et al., 2022).

CONCEPTUAL FRAMEWORK AND HYPOTHESES

Our model examines how sales prices, which are negotiated between prospective homebuyers and sellers, differ from the home value estimates produced by an AVM. AVMs are increasingly used in place of home valuations performed by human appraisers. Home sales prices are a function of objective factors and certain qualitative market dynamics. For example, in a hot housing market where demand for units exceeds supply, prospective buyers may have to offer higher prices to outbid competing offers. This is especially the case in areas where investors are seeking single-family properties. Alternatively, when prices are higher than the market will bear, properties may remain on the market longer, motivating sellers to reduce asking prices. Anecdotal evidence suggests that real estate agents versus discount brokers such as iBuying companies or For-Sale-By-Owner may result in pricing differentials due to differences in incentives and the negotiation process. In this study, we are not able to observe the particular mechanisms that drive home price differentials. Rather, we examine the incidence and magnitude of disparities in house prices based on the neighborhood's racial composition. It is essential to understand these processes and the implications of AVM errors on Black neighborhoods and the housing market overall.

Figure 1 depicts our conceptual framework, which shows the direct and indirect effects of past redlining on the housing market today. We propose
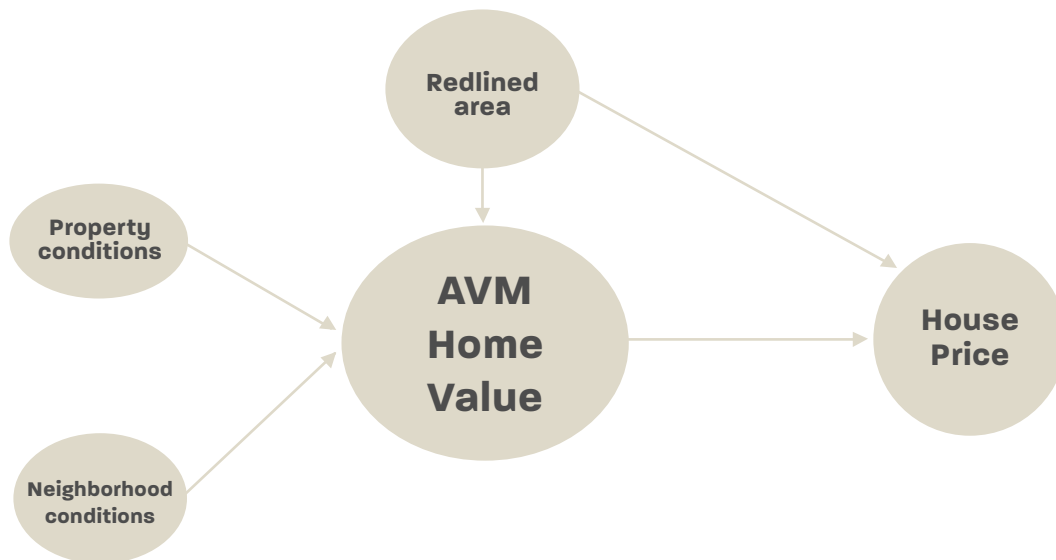
that automated home valuations are a function of property conditions, neighborhood conditions, and past redlining. Prior evidence suggests that redlined neighborhoods experienced disinvestment and limited access to credit, which exacerbated the effects of racism on education and labor market opportunities over time. As a result, these areas are more likely to experience distressed property and neighborhood conditions. Coupled with the market value of racial segregation, lower home values result, and in turn, we expect these home values to predict house prices. At the same time, house prices are also directly impacted by past redlining practices because comparable properties used as inputs in AVM algorithms are also influenced by past redlining.

The following sections describe our methodology, data, findings, and policy implications.

METHODOLOGY AND DATA

Methodology

To examine the extent to which AVMs convey historical discrimination, we conduct two-stage least squares regressions. Our first-stage regressions investigate whether home values are a reflection of historical redlining, as shown in Eq. (1).

$HP_{i,2018}$ is the sales price for a single-family property i in 2018. $Redlined_{n,1940}$ is a dummy variable with 1 indicating that the neighborhood in which property i is currently located was graded as Declining or Hazardous in the 1940s HOLC map. $Black_{n,2018}$ measures neighborhood-level majority race, with 1 indicating a majority-Black neighborhood where more than 50% of households are Black. $X_{in,2018}$ is a vector of controls, including lot sizes, numbers of bedrooms and bathrooms, built year, exterior property condition, whether located within

EQUATION 1.

$$lnHP_{i,2018} = \alpha + \beta Redlined_{n,1940} + \gamma Black_{n,2018} + \eta X_{in,2018} + \mu_c + \varepsilon_{i,2018}$$

the historic HOLC map area and neighborhood-level median household income. We also control for the county (μ_c) fixed effect.

β and γ are the two coefficients of interest that estimate the impact of historic discrimination on current home values. AVMs use a comparable sales approach to estimate the value of a particular property. If past redlining practices directly impact house prices, as tested in Eq. (1), then they will indirectly influence AVMs because house prices are used as inputs in AVM algorithms. Each instance of a lower purchase price becomes a comparable sale for the next algorithmic valuation, carrying the impact of the historic redlining, which will significantly undervalue the property values in majority-Black neighborhoods in the long run.

Our conceptual framework proposes that past redlining could also directly impact AVMs, as shown in Figure 1. We propose that AVMs are a function of property conditions, neighborhood conditions, and past redlining. We test this hypothesis by conducting the second-stage regressions following Eq. (2):

$Pct\_Diff_{i,2018}$ is the percentage magnitude of AVM inaccuracy, measured by the absolute difference between the sales price and the AVM value, divided by the sales price. To disentangle the direct and indirect effects of past redlining, we include ($\widehat{HP_{i,2018}}$, the predicted house price from Eq. (1), which bakes in the impact of historical discrimination. Exterior condition rating, $ECR_{i,2018}$, captures the property's condition. Zhu, Neal, and Young (2022) found that properties with poor ECR ratings tend to have a

EQUATION 2.

$$Pct\_Diff_{i,2018} = \alpha + \beta Redlined_{n,1940} + \gamma Black_{n,2018} + \delta \widehat{HP_{i,2018}} + \theta ECR_{i,2018} + \rho N_{n,2018} + \varepsilon_{i,2018}$$

greater percentage magnitude of AVM error. Following Neal et al. (2020), we include $N_{n,2018}$ as a vector of neighborhood characteristics, including the standard deviation of neighborhood property ages, the percentage deviation of neighborhood home values, gentrification, the share of distressed home sales, and turnover rates. β measures the additional effect of past redlining on the prices paid by homebuyers.

Data

We use four data sources in this study: property transaction data from a major data vendor, the 2014–18 American Community Survey (ACS), property condition data from CAPE Analytics, and HOLC map data from the University of Richmond. The property data includes the AVM value, sales price, transaction dates, property address, land use, property type, and building information. The ACS data provides information about each census tract, such as its household racial and income composition. CAPE

Analytics data provides ECR ratings at the property level based on high-resolution images captured from airplanes. The ECR covers all of a parcel's visible external features, including roofs, yards, driveways, and debris. The rating is measured on a five-point scale from severe to excellent (severe, poor, fair, good, and excellent).

Our sample period is 2018. For each arm's length single-family transaction in the Atlanta metropolitan area in 2018, we match the corresponding neighborhood-level ACS data. We also include measures of gentrification, distressed sales, and household income. Following Neal et al. (2020), we consider a neighborhood to be gentrified if it meets two criteria: the tract-level income is less than 70% of the income in the metropolitan statistical area (MSA) and the neighborhood (identified at the census tract level) experienced at least a 10 percentage-point increase in the ratio of tract-level income to MSA-level income over the year. In addition, we calculate

turnover rates as the number of home sales in 2018 divided by the number of housing stock. To capture the heterogeneity of properties within neighborhoods, we also include the standard deviation of property ages and the percentage deviation of home values.

We then matched these property records with the ECRs from CAPE Analytics based on property latitudes and longitudes, assessor parcel lot numbers, and transaction dates. In this study, we collapse the five-point ECR scale from CAPE Analytics into three categories: poor (includes poor and severe), fair, and good (includes good and excellent). Using property latitudes and longitudes, we identify the HOLC grades for each property by merging with the 1940s HOLC map of Atlanta from the University of Richmond. The HOLC score was on a four-point scale: Best, Desirable, Declining, and Hazardous. We defined an area as redlined if the score was Declining or Hazardous. We also created a dummy variable indicating whether the property is located in a neighborhood within the historic HOLC map area because many transactions occurred outside the HOLC-designated areas over the past several decades.

RESULTS

Figure 2a and Figure 2b illustrate the geographic distribution of single-family transactions in 2018 by HOLC score in majority-Black and majority-white neighborhoods. The Atlanta metropolitan area is highly racially segregated. Transactions in majority-Black neighborhoods are disproportionately concentrated in historically redlined areas graded as Hazardous or Declining. For example, 59.2% and 76.9% of transactions in Declining and Hazardous areas, respectively, were in majority-Black neighborhoods. In contrast, 100% and 72.6% of transactions in Best or Desirable areas were from majority-white neighborhoods.

FIGURE 2A. THE GEOGRAPHIC DISTRIBUTION OF SINGLE-FAMILY TRANSACTIONS BY HOLC SCORE IN MAJORITY-BLACK NEIGHBORHOODS
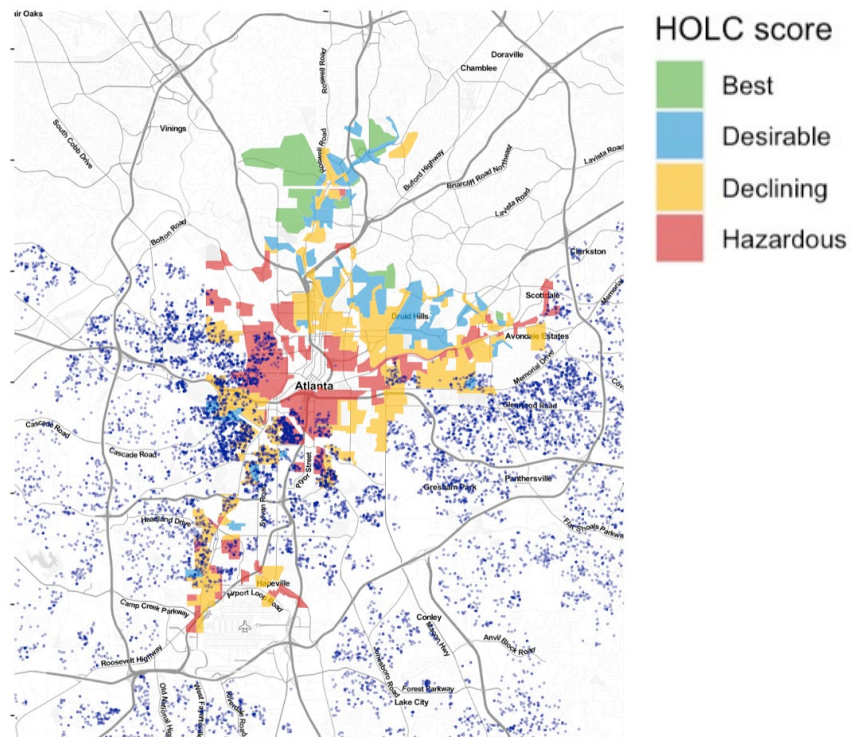
Source: Property transaction data from a major data vendor, 2014–18 American Community Survey and Mapping Inequality, the University of Richmond.

Notes: HOLC = Home Owners' Loan Corporation; Each dot represents one arm's-length single-family transaction in 2018.

FIGURE 2B. THE GEOGRAPHIC DISTRIBUTION OF SINGLE-FAMILY TRANSACTIONS BY HOLC SCORE IN MAJORITY-WHITE NEIGHBORHOODS
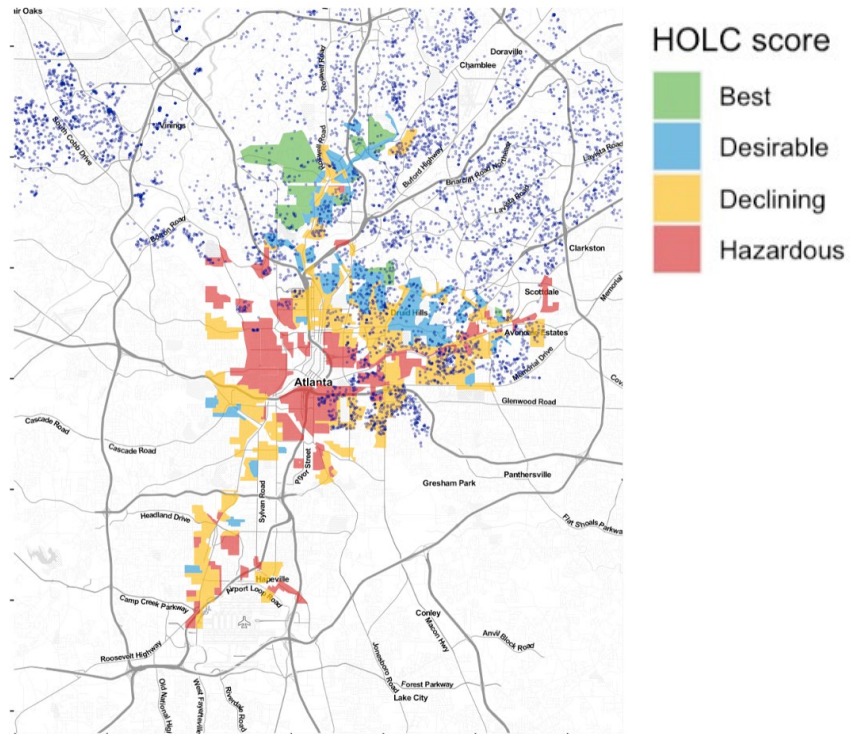
Source: Property records data from a major data vendor, 2014–18 American Community Survey, and Mapping Inequality, the University of Richmond.

Notes: HOLC = Home Owners' Loan Corporation; Each dot represents one arm's-length single-family transaction in 2018.

Table 1 displays sample descriptive statistics. Historically redlined majority-Black neighborhoods have a significantly greater percentage magnitude of AVM error: 43.1%, compared to 31.1% for all majority-Black neighborhoods and 12.5% for all majority-white neighborhoods. Moreover, historically redlined majority-Black neighborhoods have greater home prices and property age dispersion. These neighborhoods are also more likely to experience gentrification, have a higher share of distressed sales, and have a much lower average household income. Compared to majority-white neighborhoods, majority-Black neighborhoods have lower home values. The average property value of single-family homes sold in majority-Black neighborhoods in the Atlanta core-based statistical area (CBSA) was $142,554 in 2018, while the average in majority-white neighborhoods

was $353,568. Additionally, 46.5% of properties in majority-Black neighborhoods have a poor rating, higher than the 34.5% of majority-white neighborhoods.

Column (1) in Table 2 presents the results estimating the impact of past redlining on home values. After controlling for key variables at both property and neighborhood levels, our results show that both historical redlining and neighborhood race have a significant impact on home values. Specifically, holding other factors constant, home prices in historically redlined neighborhoods are associated with a 49.3% undervaluation. Similarly, all else equal, compared with majority-white neighborhoods, home prices in majority-Black neighborhoods are 64.2% lower. This supports our first hypothesis that current home values are a reflection of historical redlining.

TABLE 1. DESCRIPTIVE STATISTICS

	Redlined Areas		Entire MSA	
	Black Neighborhoods	White Neighborhoods	Black Neighborhoods	White Neighborhoods
Percentage magnitude of AVM error	43.1%	15.1%	31.1%	12.5%
Home value	148,296	492,384	142,554	353,568
Property age	75.0	72.8	45.0	35.0
Standard deviation of neighborhood property values	25.8	29.1	15.5	13.2
Gentrified neighborhood	53.8%	35.0%	42.0%	33.7%
Share of neighborhood distressed home sales	24.5%	9.5%	8.9%	2.2%
Neighborhood median household income	16.4%	5.4%	14.4%	4.6%
Turnover rate at neighborhood level	32,216	90,961	48,501	95,472
Exterior Condition Rating (ECR)	15.9%	7.8%	9.4%	7.7%
Good	7.2%	16.1%	8.7%	13.3%
Fair	53.0%	53.8%	44.8%	52.2%
Poor	39.8%	30.1%	46.5%	34.5%

Source: Authors' calculations based on property records data from a major data vendor, 2014-18 American Community Survey, CAPE Analytics, and Mapping Inequality, the University of Richmond.

Notes: Redline areas are defined as areas with HOLC score as Hazardous or Declining.

TABLE 2. FIRST-STAGE REGRESSIONS: HOUSE PRICE

VARIABLES	First-stage (1)
Redlined	-0.401***
	(0.016)
Black neighborhood	-0.496***
	(0.01)
Control Variables	Y
County fixed effects	Y
Observations	50,111
R-squared	0.754

TABLE 3. SECOND-STAGE REGRESSIONS: PERCENTAGE MAGNITUDE OF AVM ERROR

VARIABLES	Dependent Variable: Percentage Magnitude of AVM Error			
	(1)	(2)	(3)	(4)
Redlined	9.641***	10.084***	10.069***	5.654***
	(0.685)	(0.676)	(0.676)	(0.786)
Black neighborhood	18.057***	3.408***	3.434***	2.168***
	(0.326)	(0.504)	(0.504)	(0.513)
Predicted home price		-16.071***	-15.864***	-13.832***
		(0.425)	(0.426)	(0.445)
ECR: Fair			3.664***	3.592***
			(0.51)	(0.51)
ECR: Poor			3.630***	3.750***
			(0.529)	(0.527)
Standard deviation of neighborhood property ages				0.038
				(0.028)
Percentage deviation of neighborhood property values (%)				0.375***
				(0.017)
Share of neighborhood distressed home sales (%)				-0.013
				(0.010)
Gentrified neighborhood				0.044***
				(0.007)
Neighborhood-level turnover rate (%)				-0.020
				(0.045)
Observations	50,111	50,111	50,111	50,111
R-squared	0.066	0.092	0.093	0.104

Notes: In Columns (1) to (4), the dependent variable is the percentage magnitude of AVM error. The predicted home price is derived from the first-stage regression. (*** $p<0.01$, ** $p<0.05$, * $p<0.1$).

Notes: In Column (1), the dependent variable is the log value of the sales price. Control variables include the log value of lot sizes, number of bedrooms and bathrooms, built year, exterior property condition, whether located within the historic HOLC map area, and the log value of neighborhood-level median household income. (*** $p<0.01$, ** $p<0.05$, * $p<0.1$).

Table 3 summarizes the results estimating the direct impact of historic redlining on AVMs. We derived the predicted house prices from the first-stage regression and included them in the second-stage regressions, starting from Column (2). Column (3) controls for the property condition measured by the ECR, and Column (4) adds a set of neighborhood-level controls. The results show that poor property conditions, greater dispersion in property values, and gentrification are associated with a greater percentage magnitude of AVM error.

More important, the coefficients on historic redlining and the Black neighborhood variable remain significant and positive after a full set of controls in Column (4). This suggests that historical redlining has a direct impact on AVMs beyond the indirect impact through home values. The results in Column (4) show that AVM inaccuracy for properties in historically redlined areas is 5.7 percentage points greater. This suggests that for a home in a redlined area with a sales price of $148,296, the AVM error will be $8,453 greater than for a property with the same sales price in a non-redlined area, holding all other factors constant. This supports our second hypothesis that past redlining affects the prices paid by homebuyers.

- The magnitude of the coefficient is 0.401. (Exp (0.401) − 1) * 100 = 49.3

- The magnitude of the coefficient is 0.496. (Exp (0.496) − 1) * 100 = 64.2

DISCUSSION AND IMPLICATIONS FOR PUBLIC POLICY

Our results illustrate the pernicious role that historical racism plays even today in limiting home values and undermining the accuracy of our automated valuation model in majority-Black neighborhoods across Atlanta. By contributing to relatively lower home values, historical racism has reduced the housing wealth available in these communities, contributing to the broader Black–white wealth gap. At the same time, the prospect of overvaluation, which partly reflects the impact of historical racism on property prices, could fuel a destabilizing downward correction in the future (PAVE, 2022) and contribute to greater volatility of house prices in Black communities relative to white ones.

These findings call into question the appropriateness of the sales comparison approach for determining a home's value. Intuitively, this method of determining home value relies on past property sales, thereby bringing historical racism to the present period. Alternative approaches might consider the income a property generates or building costs (Mock, 2021). These should be explored for their ability to close racial disparities in property value estimation.

The federal government has already taken steps to address the appraisal challenge. Most notably, the current administration created the Interagency Task Force on Property Appraisal and Valuation Equity (PAVE), which released an action plan identifying administrative actions to address appraisals and AVMs (PAVE, 2022). In addition, the Consumer Financial Protection Bureau created a Small Business Review Panel on Automated Valuation Model (AVM) Rulemaking to develop regulations for quality-control standards for AVMs (Consumer Financial Protection Bureau, 2022). Both Fannie Mae and Freddie Mac have identified steps they will take in their equity plans to address appraisal challenges (Fannie Mae, 2022; Freddie Mac, 2022). Meanwhile, the Appraisal Subcommittee of the Federal Financial Institutions Examinations Council has recently requested information about the supply and diversity of appraisers (Appraisal Subcommittee, 2022). Although these administrative steps have helped raise the issue and prompt change, legislative action can ensure that these changes are permanent.

Given the role that property condition also plays in determining the performance of AVMs, expanding and improving access to renovation financing could help to ameliorate inaccurate house price estimates. Our analysis suggests that fair or poor property condition increases the percentage magnitude of error relative to properties in good condition (Neal, Zhu, & Young 2022). Research suggests that Black homeowners are more likely to live in inadequate housing relative to white homeowners (Neal, Choi, & Walsh, 2022). However, the federal government's key levers for providing renovation loans can be challenging for borrowers to navigate (Goodman & Golding, 2022).

Encouraging direct investment through small businesses would also improve conditions in majority-Black neighborhoods. Small businesses tend to reinvest in their local communities to support job creation. However, research has demonstrated racial inequality in access to federal small business capital (Theodos & Gonzalez-Hermoso, 2021). By harmonizing access across race and ethnicity, expanded capital access would increase hiring, reducing the likelihood of distressed sales and increasing household incomes.

Limitations and Future Research

These research results should motivate continued monitoring and action to rectify the wrongs brought on by historical racism. However, several limitations of our research suggest that additional analysis should be pursued. For example, we rely on one automated valuation model for the basis of our results, but analyzing a suite of models will help strengthen these conclusions. In addition, we focused on the city of Atlanta, but quantifying the role of historical racism in other cities can also help to size the scope of the problem. Although we identified a single method for illustrating racial and ethnic differences in automated valuations, the computer science community has codified several metrics to identify racial biases in automated systems.

AUTHOR INFORMATION

Michael Neal is a senior fellow in the Housing Finance Policy Center at the Urban Institute. His body of work has intersected racial equity and wealth building, with a specific focus on homeownership and the implications of technology. His research has explored the implications of artificial intelligence for close racial homeownership gaps. And previous research has used machine learning to explore the racially disproportionate impact of automated valuation models for Black neighborhoods. He has also published on the technological gap faced by Black credit unions. Through grant funding, Neal also contributes as a research fellow to the JP Morgan Chase Institute. Neal has a bachelor's degree in economics from Morehouse College and a master's degree in public administration from the University of Pennsylvania. He has also studied finance at Princeton University and economics at the University of Oxford.

Linna Zhu is a senior research associate in the Housing Finance Policy Center at the Urban Institute. She conducts research on policy issues related to U.S. mortgage finance, housing supply, and racial inequality. Zhu has published research articles on such topics as the Community Reinvestment Act, automated valuation models, AAPI mortgage denial rates, small-dollar loans, housing supply, local planning responses, aging in place, and household finances among older Americans. Her research has been published in leading academic and policy journals including *Regional Science and Urban Economics and Cityscape*. Her work has been cited in many notable media outlets, including the *New York Times,* the *Washington Post*, *USA Today*, *Marketplace*, *National Mortgage News*, and CNBC. Zhu holds a B.A. in economics from Renmin University of China, an M.S. in finance from Johns Hopkins University, and a Ph.D. in public policy and management from the University of Southern California.

Vanessa Gail Perry, M.B.A., Ph.D., is a professor of strategic management and public policy at the George Washington University School of Business. Her research, which focuses on consumers in housing and financial markets, marketplace discrimination, and public policy, has been published extensively. Previously, Perry served as a senior advisor to the secretary of the U.S. Department of Housing and Urban Development and as an expert at the U.S. Consumer Financial Protection Bureau. She also served as a senior economist at Freddie Mac and has been a consultant to numerous public and private sector clients, including the Federal Housing Administration, the Small Business Administration, Bank of America, the National Association of Realtors, and FICO. Perry has a B.A. from the American University, an M.B.A. from Washington University in St. Louis, and a Ph.D. from the University of North Carolina at Chapel Hill.

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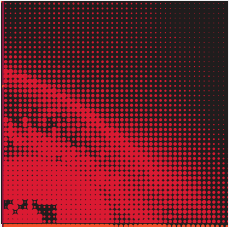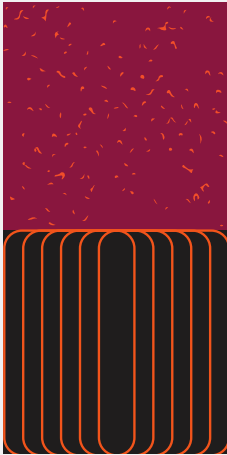
Disproportionate Criminal Justice Contact: A System Working as Designed?

Marty A. Davidson, II, Ph.D.
Department of Political Science, University of Michigan
Kaneesha R. Johnson, Ph.D.
University of North Carolina at Chapel Hill
Frank R. Baumgartner, Ph.D.
Department of Political Science University of North Carolina at Chapel Hill

ABSTRACT

Disproportionate contact with the criminal justice system has been widely noted. African Americans and other marginalized groups have substantially higher rates of contact for many types of arrest compared to the population average. We document and measure these rates of contact for hundreds of demographic groups in North Carolina, defining the groups by age, race, gender, and estimated income levels. We also go the next step to ask if these differences in contact are merely coincidental or if laws may have been written with the specific intent of creating these patterns. We focus on a set of laws passed in the 1960s relating to "riots" and "protests." These were indeed designed to allow the arrest of Black protesters, and they are still used today differentially on those who engage in "protesting while Black."

Keywords: criminal justice, intersectionality, disparate impact, discriminatory intent

POLICY RECOMMENDATIONS

- Many of the arguments against the passage of anti-protest legislation focus on constitutional violations; expansions of punishments surrounding protesting and "rioting"; and, as we have demonstrated in this paper, the targeting of Black demonstrators by law enforcement. If we understand the passage of such laws to be either rooted in discriminatory intent or the laws having a disparate impact on certain marginalized populations, then repeal or substantially amend all anti-protest laws that are overly vague and broad to restrict law enforcement to enforce such laws selectively.

- Overly vague or general laws, such as defining a riot as an assembly of three or more people or many aspects of the traffic code, rely on law enforcement officers to implement the laws in good faith. Often, laws that are written in this manner result in disparate impact on marginalized groups of people precisely because they are not implemented in a racially neutral manner. One way to safeguard against this outcome is to ensure that laws avoid vague language.

- Though tracing the legislative intent of every law on the books would be a burdensome task, identifying laws that have a disparate impact on a protected class of people and then seeking to find whether those laws had any form of intent to discriminate at the time of passage is an easy and effective way of striking laws that burden marginalized groups.

- Courts have proven unwilling to accept mere demonstrations of disparate impact in most areas of criminal justice; they require a virtually impossible standard of proving the intent to discriminate by one or more individual criminal justice decision-makers. However, legislatures are free to enact legislation that provides such relief. California's recent experience with the Racial Justice Act is one such example, allowing relief if individuals can demonstrate statistical patterns of harsher punishments for one demographic group compared to another. Of course, such legislation must be carefully crafted, but it falls to the legislature to act where the courts have not.

INTRODUCTION

What explains demographic disparities in the criminal justice system? In North Carolina, young Black men (18–24) have greater contact with the criminal justice system than middle-aged white women (55–64): 23% versus less than 2%. But why do such disparities between any demographic group emerge? Are these disparities due entirely to differences in personal behaviors? Are these disparities due to differences in law enforcement behavior? What particular laws are members of these groups typically accused of breaking? When were those laws written? Were they designed to ensnare certain people? Is the system working as intended?

Here, we assess these questions using a large database of every arrest, from traffic tickets to homicide, from the administrative records of the court system in one state, North Carolina, with more than 13 million charges from 2013 through 2019. We describe the triangular relationship between group behavior, law enforcement, and governing laws in the context of "riots" and "protests." By comparing general contact rates across North Carolina with contact rates for rioting and protests, we argue that statistical disparities in the criminal legal system cannot be reduced to a single explanation. To understand how the criminal legal system operates, policymakers must understand the interaction between group behaviors, law enforcement, and governing laws.

One key element in the design of the legal system is the use of vaguely defined laws that criminalize large swaths of behavior. In such a situation, law enforcement personnel have wide discretion to arrest whomever they choose. The traffic code is a good example; virtually anyone driving a moving vehicle breaks some element of the voluminous traffic code, particularly since the traffic on most U.S. highways is routinely over the speed limit. No one expects the police to arrest all of these lawbreakers, and people would be outraged if they did. But the traffic code provides a "useful tool" that the police can (and routinely do) use to "have conversations" with individuals they choose (for a small sampling of a voluminous literature on "driving while Black," see Baumgartner et al. 2018; Epp et al. 2014; Harris 1997, 1999a, 1999b; Seo 2019; Sorin 2020). Of course, other "vague" laws in history would include those for vagrancy, trespassing, jaywalking, and other elements of the code that were part and parcel of the historical "Black codes" providing much of the legal basis for Jim Crow (see for example Blackmon 2008).

Today, many states are considering new laws against street protest, seemingly in response to the powerful public response to the George Floyd murder and the #BlackLivesMatter movement in general. For example, these laws may decriminalize those who hit a street protester with a vehicle. In this paper, we focus on an earlier set of laws, laws that were passed in the 1960s in response to an earlier wave of Black-oriented civil rights actions. These laws criminalized common actions but gave the police discretion to enforce them. For example, the North Carolina Code, section 14-288, includes multiple provisions defining a "riot" to be "an assemblage of three or more persons which by disorderly and violent conduct"; "disorderly conduct" to include such things as sitting down or standing on a sidewalk in such a way as to impede others; "failure to disperse" as not immediately dispersing when a police officer commands it (leading to conclusion that such behavior is "prima facie evidence that the person so remaining is willfully engaging in the riot or disorderly conduct" and so on.

For the system to work as intended, state legislatures need only to pass vaguely defined laws that enable

law enforcement to criminalize whatever personal behaviors they deem offensive. When endowed with discretion, law enforcement will selectively enforce state laws most vigorously against the least advantaged members of society or those targeted. These disparities emerge primarily in legal contexts where law enforcement possesses the first-mover advantage or situations where law enforcement does not have to rely on emergency service callers. For "riots" and "protests," law enforcement almost always possesses the first-mover advantage because they determine when a peaceful assembly devolves into an illegal gathering.

We begin by describing general contact trends across North Carolina. In this section, we define "contact" as an arrest or citation that a local prosecutor must review. We count the number of contacts for population groups defined by sex, age group, race, and neighborhood socioeconomic status. In addition, we analyze contact separately for traffic infractions, misdemeanors, and felonies. Next, we provide two bits of evidence on differential contact patterns with law enforcement. First, we take advantage of the fact that police departments operate at the local (municipal) level, and there are more than 400 such departments in the state. These departments differ substantially by their size per capita; some municipalities have more police and some fewer. When there are more police, one might expect more arrests. This is indeed the case; however, this relationship depends on location and demographic group.

We then dig deeper into one part of the criminal code: laws passed in the 1960s to restrict "rioting" and street protesting. This provides at least one prominent example to show how laws designed to respond to a surge of (Black) civil rights actions by rendering such acts illegal are still used today to restrict Black, but rarely white, street protests. The crime of "protesting while Black" is written into the legal code and enforced accordingly across the state. We compare these 1960s laws to similar sounding but very different laws targeting the KKK in the 1950s. In contrast to the vague laws passed in the 1960s, the 1950s anti-Klan laws were highly specific, leaving much less discretion to

law enforcement. We conclude by providing a set of policy recommendations for policymakers.

RATES OF CRIMINAL JUSTICE CONTACT

Each year between 2013 and 2019, approximately two out of 100 North Carolina adults had contact with the state's criminal legal system because they were arrested on charges ranging from speeding violations to capital murder. This overall figure, however, masks wide variability across demographic groups. We identify more than 50,000 unique subgroups within the state by race/ethnicity, gender, age cohort, and socioeconomic status. To understand how group characteristics differ across various outcomes of the legal system, we develop two measures: a disadvantage score and a contact score. The following briefly describes how we construct each measure and use them to describe differences in group experiences.

Disadvantage Score: Our first measure involves a continuous scale of social disadvantage where we assign points to defendants according to age, gender, race/ethnicity, and socioeconomic status based on the average residential neighborhood income (information provided by the Reference USA Consumer Survey). This scale allows us to compare, for example, a young Black man living in a poor neighborhood with any other individual in the state based on those four identifying factors of age, race, gender, and income. To our knowledge, this has not been previously estimated for an entire U.S. state. We calculate our scale as follows:

- ***Race:*** One point for those who are Black, Hispanic, or Native American; zero for those who are white or Asian American.

- ***Sex:*** One point for men; zero for women.

- ***Age:*** + 1 if 18 to 34; + 0.75 if 35 to 44; + 0.5 if 45 to 54; + 0.25 if 55 to 64; and zero otherwise.

- ***Economic:*** +1 if in the lowest 10% of neighborhood housing value; +0.90 for the next 10%; and so on until zero for those in the highest 10% of neighborhood housing value.

Individuals with zero points belong to the state's most advantaged groups. This includes white or

Asian women ages 65 or older who live in neighborhoods in the top 10% of the income distribution. By contrast, someone at the opposite end of the distribution (e.g., a young Black/Hispanic/Native American man living in a poor neighborhood) will possess a high score of four. We normalize the index so that it varies between zero and one.

Contact Score: For our second measure, we construct a "contact score," estimating the odds of contact with the criminal justice system. For every 100 individuals with that demographic profile, how many are arrested or cited? We distinguish here among speeding, traffic, vehicle, property, drug, violent, and sexual offenses, but our database allows us to do so for any type of crime (e.g., traffic offenses, wildlife violations, drug offenses, or violent felonies). For any demographic group, we can count how many such people live in North Carolina and the number who are arrested for various crimes. Thus, for any crime, we can see the demographic profile of what groups of individuals have the greatest or the lowest odds of such an arrest.

Overall Rates of Contact: Overall, men have more contact than women, disadvantaged minorities more than white and Asian Americans, the young more than the old, and the poor more than the rich. However, the combination of all these factors at the same time shows their relative importance. Figure 1 illustrates the overall rates of contact by race, gender, and age. It shows, for example, that people over the age of 65 have very little contact with the criminal justice system, no matter their race or gender.

These rates of contact differ substantially across types of crimes, which Table 1 summarizes. It shows the number of individuals in 10 categories of our social disadvantage scale and the breakdown of defendants in various arrest categories (overall and separately for speeding, traffic, vehicle, property, drug, violent, and sexual offenses). The table shows the age of people arrested in each category of offense by their social disadvantage score. Recall that the highest values on the score represent those with the greatest disadvantage. Looking at that group shows that they represent just less than 5% of those cited for speeding, but more than 13% of those arrested for drug crimes, 12% of those arrested for violent crimes,

and so on. The "overall" column shows the overall rate of contact across all arrest categories, similar to what is presented in Figure 1.

At the bottom of Table 1, we also show the total number of individuals arrested under different parts of the code, and we show the ratio of the percent of those at the highest level of the social disadvantage score to the percent at the lowest level. Almost half of all arrests relate to the traffic code, whereas property crimes are less than 12% of all persons arrested, drugs represent just less than 9% of the total, violent crimes are 7%, and sexual crimes are statistically very rare at 0.06%.

Comparing the rows at the top and the bottom of the table shows the difference in the types of crimes that are statistically more common among the socially advantaged compared to the socially disadvantaged. The socially advantaged, at the bottom of the table, represents a relatively high share of those cited for speeding, traffic, and vehicle offenses, whereas the socially disadvantaged constitute higher relative shares of those arrested for property offenses, drugs, crimes of violence, and sexual crimes. Indeed, the ratios at the bottom of the table show this very precisely: for speeding, the ratio of 0.32 means that those with high social disadvantage are only one-third as likely to appear in the list of those arrested for speeding compared to those with the highest social advantage. However, the socially disadvantaged are 1.2 times as likely to appear among those with property crimes, 2.32 times as likely to be arrested for drug-related crimes, twice as likely to be arrested for crimes of violence, and eight times as likely to be arrested for sexual crimes compared to those with the lowest scores on the social disadvantage scale.

POLICING INTENSITY AND CRIMINAL JUSTICE CONTACT

Different communities have different levels of policing. North Carolina's 400+ municipalities operate local police departments, which range in size based on the community's population and the number of officers on the force per 1,000 members in the local population. On one hand, communities with high rates of minority crime might hire more police officers.

FIGURE 1. ESTIMATED YEARLY CONTACT RATES ACROSS RACIAL, ETHNIC, GENDER, AND AGE COHORTS
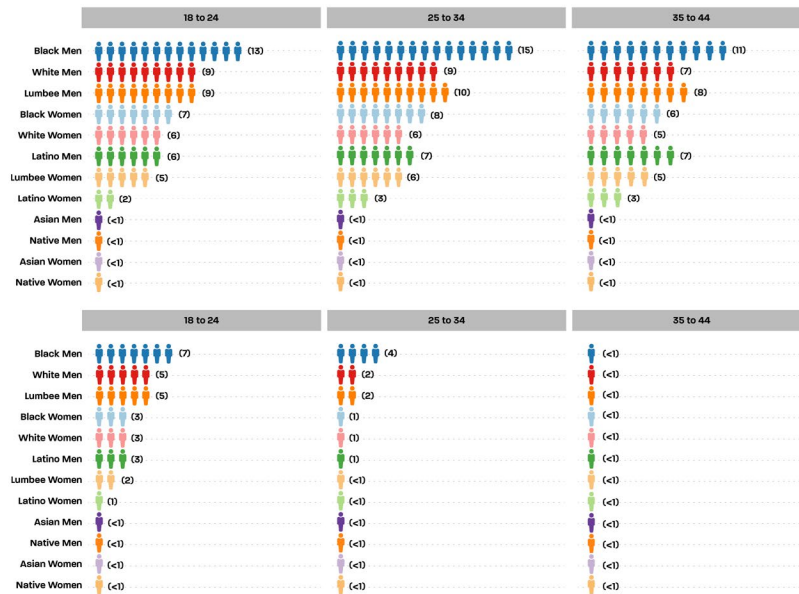
Note: BM = Black Men, WM = White Men, BW = Black Women, WW = White Women, HM = Hispanic Men, HW = Hispanic Women, AM = Asian American Men, IM = Native American Men, AW = Asian American Women, IW = Native American Women

TABLE 1. PERCENT OF THOSE ARRESTED BY SOCIAL DISADVANTAGE SCORE

Values	Speeding	Traffic	Vehicle	Property	Drug	Violent	Sexual	Overall	N
0.938-1	5.0	7.3	7.3	10.1	13.3	12.5	13.8	7.9	464,021
0.875-0.938	4.7	6.7	7.3	7.0	9.3	9.0	11.7	7.0	410,288
0.75-0.875	9.2	11.6	12.1	11.0	13.3	13.0	17.2	11.6	680,748
0.688-0.75	10.0	11.4	11.6	13.7	12.1	13.6	12.4	11.7	691,615
0.625-0.688	9.6	10.4	11.1	11.4	10.5	10.7	11.6	10.7	632,302
0.562-0.625	10.1	10.2	10.6	10.1	9.7	9.8	10.0	10.3	605,818
0.5-0.56	10.2	9.3	9.2	7.9	7.9	7.7	8.8	9.0	530,443
0.438-0.5	11.3	9.7	9.1	8.8	8.4	8.0	7.4	9.5	560,424
0.312-0.438	14.4	12.2	11.9	11.7	9.8	9.4	5.4	12.1	713,925
0-0.312	15.4	11.1	9.8	8.3	5.7	6.4	1.7	10.2	600,671
Column %	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	
Row %	23.2	47.1	39.3	11.6	8.7	7.3	0.1		100.0
N	1,368,925	2,775,879	2,313,086	684,344	514,108	428,521	3,753		5,890,255
Hi-Lo Ratio	0.3	0.7	0.7	1.2	2.3	2.0	8.0	0.8	

FIGURE 2. POLICE OFFICERS PER CAPITA AND MARGINAL CONTACT RATES BY RACE AND AGE COHORT
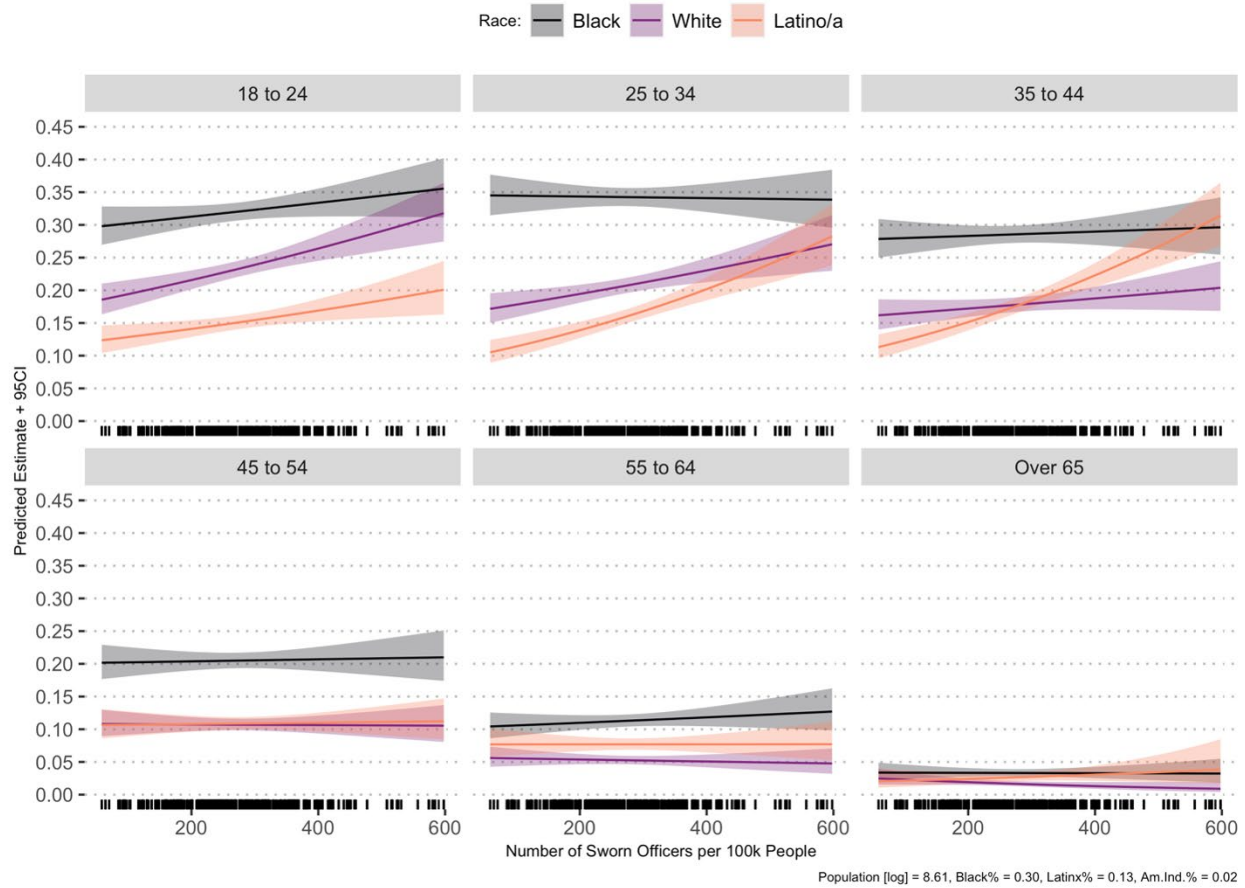
On the other hand, having more police officers per capita may allow those departments with excess capacity to generate more high-discretion arrests for low-level crimes while targeting minority communities for increased surveillance. What happens when a community is relatively under and over-policed compared to the average? That is, when there are more police officers, are there more arrests? Figures 2 and 3 show that the answer is yes, but it depends on the race, gender, and age cohort of the demographic group.

We measure police officers per capita by dividing the number of residents (using the Census) by the number of sworn officers (from the FBI's Uniform Crime Reports (UCR); see US DOJ, FBI 2019). For Black residents, high baseline rates of contact with law enforcement are primarily driven by Black men; however, across gender and age cohorts, these contact rates are largely insensitive to the number of officers per capita. For Latinx and white residents, more officers correlate with higher contact levels for men under 45. The disparity between Blacks, Latinx, and whites, however, disappears when examining women or when moving to higher age cohorts.

Figure 3 summarizes the effect of race without addressing the question of age group, separately for men and women.

Age = 25 to 34, Population [log] = 8.61, Black% = 0.30, Latinx% = 0.13, Am.Ind.% = 0.02

Figure 3 illustrates the stark differences in arrest rates for men of different races based on the number of police officers per capita. Blacks have the highest contact rates for both genders, followed by whites and Latinx individuals. The race differences are smaller for women than for men, and rates of arrest increase roughly in parallel as the local police department has more resources. More police means more arrests for women, and this difference is neither very strong nor very strongly connected with race. For men, the figure tells a different story. For Black men, rates of arrest are elevated compared to those of other races when the police department has relatively few officers. As we move to consider departments with more officers per capita, there is no impact on the rates of arrest for Black men; these remain high. But arrests of white and Latinx men increase as the relative size of the local police force increases, until at the high end of that scale, there is no racial difference; men of any race have high, but racially indistinguishable, rates of arrest.

Demographic groups alone do not provide a full account of how policing intensity influences contact patterns. We can better understand these patterns by examining different neighborhoods within the same city or region. Often, jurisdictions with high police officers per capita tend to be relatively segregated in their residential patterns.

FIGURE 4. POPULATION DEMOGRAPHICS AND POLICE CONTACT IN THE CHARLOTTE AREA
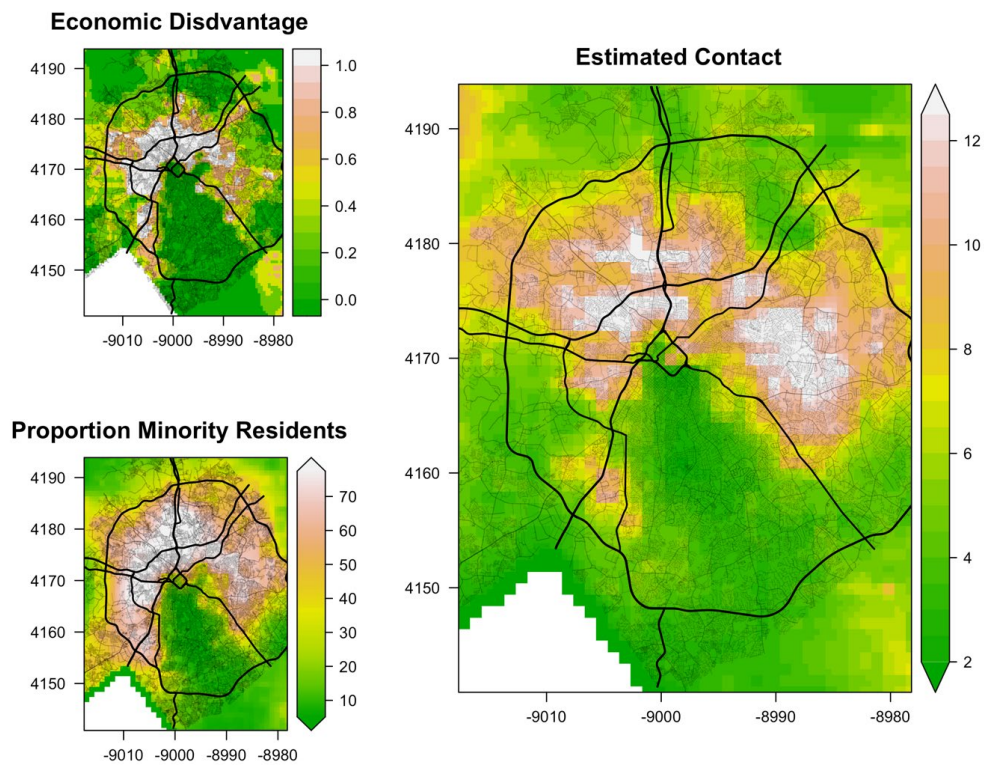
Note: We calculate population estimates for each grid cell using data from the Oak Ridge National Laboratory LandScan database: https://landscan.ornl.gov/.

Figure 4 illustrates our estimated rates of contact with the criminal legal system for Charlotte-Mecklenburg. On the right side of the figure, we estimate contact rates for 1km x 1km neighborhood grid cells. On the left side of the figure, we estimate the economic disadvantage of each grid cell based on average household income and the proportion of minority residents.

Figure 4 makes clear that patterns of residential segregation by race and by economics are almost perfectly mirrored in rates of contact with the criminal justice system.

Though we have not gotten to the bottom of all one might want to explore with regard to our social disadvantage score and contact with the criminal justice system, we have certainly demonstrated that there are wide disparities in levels of contact and that these are correlated with race, age, gender, and

economics. This is, of course, no surprise, but it is helpful to show the degree of disparity; it is high. One question remains: Is this a coincidence, a mere artifact of the law written for other purposes having these effects, or is it a direct result of laws being passed in previous periods of history with the purpose of social control of disadvantaged populations?

ASSESSING LEGISLATIVE INTENT

The 1950s marked a new beginning of racial tensions in the United States. Following the passage of Brown v. Board of Education (347 U.S. 483. 1953) and the successes of the Civil Rights Movement, the Ku Klux Klan revived its activity across the nation. In an attempt to curtail the Klan's efforts, the North Carolina legislature passed several laws, including Article 4A, prohibiting "Secret Societies and Activities." Chapter 14.12 of the NCGS was amended in 1953 to include many statutes that directly prohibited activities taken by the Klan. The article included 11 punishable

TABLE 2: SECRET SOCIETY AND ACTIVITIES STATUTES

	Statute	Punishment Class	Minimum punishment
1	14-12.3 Certain secret societies prohibited	Class 1 Misdemeanor	1-day community punishment
2	14-12.4 Use of signs, grips, passwords or disguises or taking or administering oath for illegal purposes	Class 1 Misdemeanor	1-day community punishment
3	14-12.5 Permitting, etc., meetings or demonstrations of prohibited secret societies	Class 1 Misdemeanor	1-day community punishment
4	14-12.6 Meeting places and meetings of secret societies regulated	Class 1 Misdemeanor	1-day community punishment
5	14-12.7 Wearing of masks, hoods, etc., on public ways	Class 1 Misdemeanor	1-day community punishment
6	14-12.8 Wearing of masks, hoods, etc., on public property	Class 1 Misdemeanor	1-day community punishment
7	14-12.9 Entry, etc., upon premises of another while wearing a mask, hood, or other disguise	Class 1 Misdemeanor	1-day community punishment
8	14-12.10 Holding meetings or demonstrations while wearing masks, hoods, etc.	Class 1 Misdemeanor	1-day community punishment
9	14-12.12 Placing burning or flaming cross on property of another or on public street or highway or on any public place	Class 1 Misdemeanor (b) Class H Felony	1-day community punishment
10	14-12.13 Placing exhibit with intention of intimidating, etc., another	Class H Felony	5-month community or intermediate punishment
11	14-12.14 Placing exhibit while wearing mask, hood, or another disguise	Class H Felony	5-month community or intermediate punishment

offenses, most of which were considered a class 1 misdemeanor, which carries a maximum penalty of one day in jail and a discretionary fine. In contrast, three others were considered a class I felony, which carries a maximum penalty of three to 12 months in prison.

Table 2 lists secret society crimes, the associated statutes, and the punishments.

The passage of anti-Klan legislation is a good example of a legislature acting to solve a social problem as the problem arises. Clearly, these punishments were designed to target a specific group, though no racially distinct language appears in the statute. Also, it is notable that the most active period of the Klan in North Carolina was before World War II, but these laws were passed in the 1950s when much of the activity had subsided. Further, note that many offenses were defined narrowly, not broadly; Statute 14-12.12, for example, prohibits a flaming cross, but not a bonfire or a fire in a shape other than a cross. Finally, in our

review of 13 million arrest charges, we have found not a single case of an arrest under these statutes, despite ample evidence that there are events that those statutes could punish. In sum, we can see from Table 2 some apparent efforts to target the Klan, but these efforts came late: They were narrowly targeted and easily avoided, and they have led to not a single arrest in the current period. Let us compare this with some laws that target African Americans.

Whereas the anti-Klan legislation came in the 1950s, the following decade saw the Civil Rights Movement gain significant momentum; protests and actions reached their heights in the mid-1960s. In response to the civil rights uprisings and lack of legal authority to curtail public protests, North Carolina Governor Dan K. Moore formed the Governor's Committee on Law and Order (GCLO) in 1967. The GCLO was tasked with studying the existing criminal code, recommending new legislation, and providing guidance on reforming and building local and state law enforcement agencies

with the influx of funding from federal legislation. One particular focus was the various aspects of the law that pertained to riots and civil disorders. Of course, readers will note the context and the timing of the preparation of this legislation: the Greensboro sit-ins began in 1960, the march on Selma was in 1965, various disturbances occurred in Watts (Los Angeles) (1966), Detroit and Newark (1967), and Dr. King was assassinated in 1968. There can be no doubt that a particular kind of free speech event (or "disturbance") was on the minds of legislators when they contemplated laws limiting such things in the late 1960s.

In February 1969, the GCLO released a report, *Proposed Legislation Relating to Riots and Civil Disorders*, which presented an overview of existing laws relating to civil unrest and protest and put forth proposed legislation. The proposed legislation outlined in the report was formulated into House Bill 321 and ultimately enacted by the North Carolina General Assembly as Article 36A of Chapter 14 of the General Statutes. The introduction of a June 1969 report from the GCLO titled *Assessment of Crime and the Criminal Justice System in North Carolina* frames the civil rights uprisings as "recurring riots and civil disturbances in American cities have provided a most striking and visible example of crime in the streets. All but a few Americans have been affected by these outbursts of violence and disorder" (GCLO, 1969). The Committee portrayed the protests of the 1950s and 1960s Civil Rights Movement as one the gravest public safety failings, which could be remedied only through the criminal legal system. Table 3 presents the civil rights protest–related statutes.

Several notable differences are apparent between the punishments laid out in Table 2, which relate to the KKK, and Table 3, which relate to civil rights protesters. First, the punishments are vastly different in severity. North Carolina implemented structured sentencing in 1994, outlining the minimum and maximum punishments available for any offense class.

TABLE 3: RIOT AND CIVIL DISTURBANCES STATUTES

	Statute	Punishment Class	Minimum punishment
1	14-288.2: Riot, Inciting to Riot	Class 1 Misdemeanor	1-day community punishment
		Class H Felony if there is property damage in excess of $1,500 OR any participant has in their possession a deadly weapon	5-month community or intermediate punishment
2	14-288.3. Provisions of Article intended to supplement common law and other statutes.		
3	14-288.4. Disorderly conduct	First offense: Class 1 misdemeanor	1-day community punishment
		Second offense: Class I felony	4-month community punishment
		Third or more: Class H felony	5-month community or intermediate punishment
4	14-288.5. Failure to disperse when commanded	Class 2 misdemeanor; can be elevated to 14-288.2 (class 1 misdemeanor)	1-day community punishment
5	14-288.6. Looting; trespass during emergency	Class H felony	5-month community or intermediate punishment
6	14-288.7. Transporting dangerous weapon or substance during emergency; possessing off premises	Repealed in 2012 Class 1 misdemeanor	1-day community punishment

7	14-288.8. Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction	Class F felony	13 months intermediate or active punishment
8	14-288.9. Assault on emergency personnel	Class F felony	13 months intermediate or active punishment
9	14-288.10. Frisk of persons during violent disorders; frisk of curfew violators		
10	14-288.11. Warrants to inspect vehicles in riot areas or approaching municipalities during emergencies		
11	14-288.12. Powers of municipalities to enact ordinances to deal with states of emergency	Repealed 2012 Class 3 misdemeanor	1-day community punishment
12	14-288.13. Powers of counties to enact ordinances to deal with states of emergency	Repealed 2012 Class 3 misdemeanor	1-day community punishment
13	14-288.14. Power of chairman of board of county commissioners to extend emergency restrictions imposed in municipality	Class 3 misdemeanor	1-day community punishment
14	14-288.15. Authority of Governor to exercise control in emergencies	Repealed 2012 Class 2 misdemeanor	1-day community punishment
15	14-288.16. Effective time, publication, amendment, and revision of proclamations	Repealed 2012	
16	14-288.17. Municipal and county ordinances may be made immediately effective if state of emergency exists or is imminent	Repealed 2012	
17	14-288.18. Injunction to cope with emergencies at public and private educational institutions		
18	18-38.1. Authority of the Governor to direct closing of A.B.C. stores		
19	18-129.1. Authority of the Governor to limit sale of nine and malt beverages		
20	14-49. Malicious use of explosive or incendiary	Class D felony	44-month active punishment
		Class G felony	10-month intermediate or active punishment
		Class E felony	20-month intermediate or active punishment
21	14-50. Conspiracy to injure or damage by use of explosive or incendiary; punishment	Repealed in 1994	

TABLE 3: RIOT AND CIVIL DISTURBANCES STATUTES (continued)

22	14-50.1. Explosive or incendiary device or material defined	Provides definition	
23	14-34.1. Discharging firearm into occupied property	Class E felony	20-month intermediate or active punishment
		Class D felony	44-month active punishment
		Class C felony	50-month active punishment
24	14-132. Disorderly conduct in and injuries to public buildings and facilities	Class 2 misdemeanor	30-day community punishment

We use the earliest version of the structured sentencing guidelines to understand how serious each offense would have been measured by the courts in 1994. The majority of the secret society statutes carry only a one-day community sentence, with two offenses carrying a minimum of five months of community punishment. Civil rights–era protest laws, however, were penalized much more harshly. Eight statutes carry a one-day community sentence, and seven carry more than a year in prison.

We also see notable differences in the modern-day enforcement of protest-related laws. We noted above that no one has been arrested under the laws laid out in Table 2. However, more than 40,000 charges have been filed under the laws laid out in Table 3 from 2013 to 2019. And, because the laws were written explicitly to curtail mostly Black protests (though avoiding racial wording in the legislation itself), it should come as no surprise that those arrested under these laws are primarily Black. Figure 5 shows the racial share of charges under each protest-related statute appearing in the AOC data and compares those rates with their population share.

The right-most column in Figure 5 shows the state's population demographics as of 2010, according to the U.S Census. Black people represent approximately 22% of the population. However, depending on the statute in question, they represent anywhere from

FIGURE 5. PERCENT OF INDIVIDUALS ARRESTED UNDER VARIOUS ANTI-PROTESTING STATUTES BY RACE
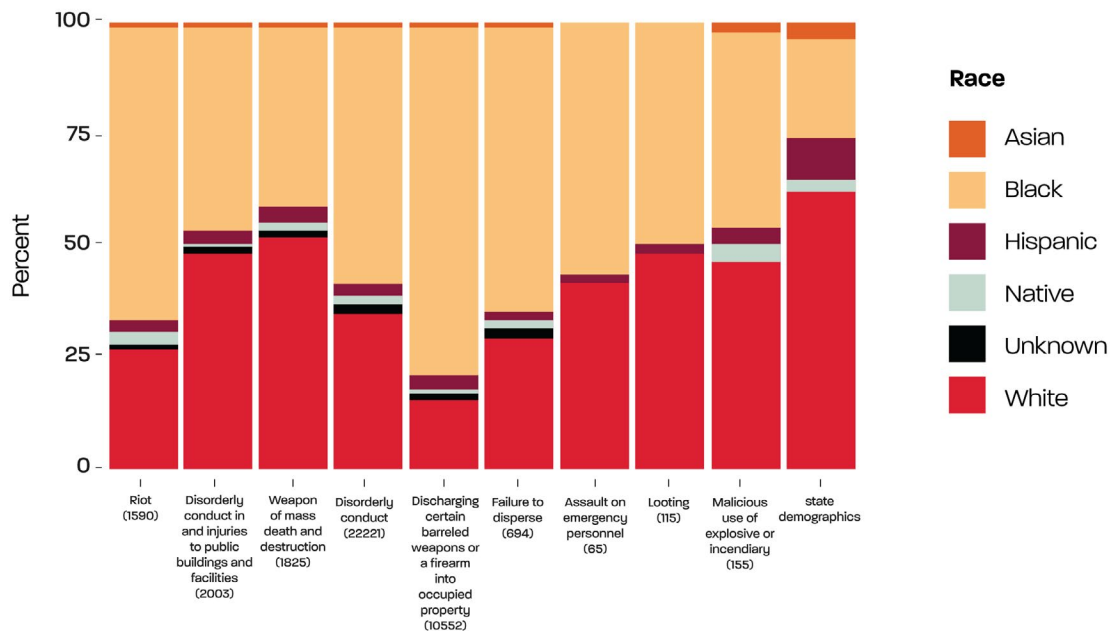
40 to 80% of those arrested under different sections of the anti-riot and anti-protesting legislation passed in the 1960s.

We can also tell when the protest-related arrests occurred across the state. We sum the number of protest-related arrests by week and display those totals by race. Figure 6 shows these totals by week.

Figure 6 shows that it is not uncommon for 100 or more people to be arrested in any week under the laws laid out in Table 3 (and almost every week shows at least 50 arrests across the state) and that these tend to be Black, rather than white, residents. Of the 366 weeks in the AOC data, there were only 48 weeks, roughly 13% of the time periods, where the white count of state total arrests exceeded the Black arrest count. We noted above that Black people represent approximately 22% of the population; no week in the database shows fewer than 28% of Black people among those arrested

for these charges. In other words, Black people are consistently overrepresented in every one of the 366 weeks of our study.

Though there are clear racial differences in who is arrested under protest statutes, there are also clear peaks and valleys in charging trends over time. We can use the data's time-series nature to see whether certain protest events may be associated with particular surges in arrests. To determine whether there is a relationship between increased arrests and certain protest events, we first identify and extract the highest protest arrest weeks in the AOC database and then calculate the number of white and Black people arrested. Finally, using a combination of the Crowd Counting Consortium data and our own internet archive newspaper searches, we document the protest event that happened in the relevant county and week. The results of this analysis are displayed in Table 4.

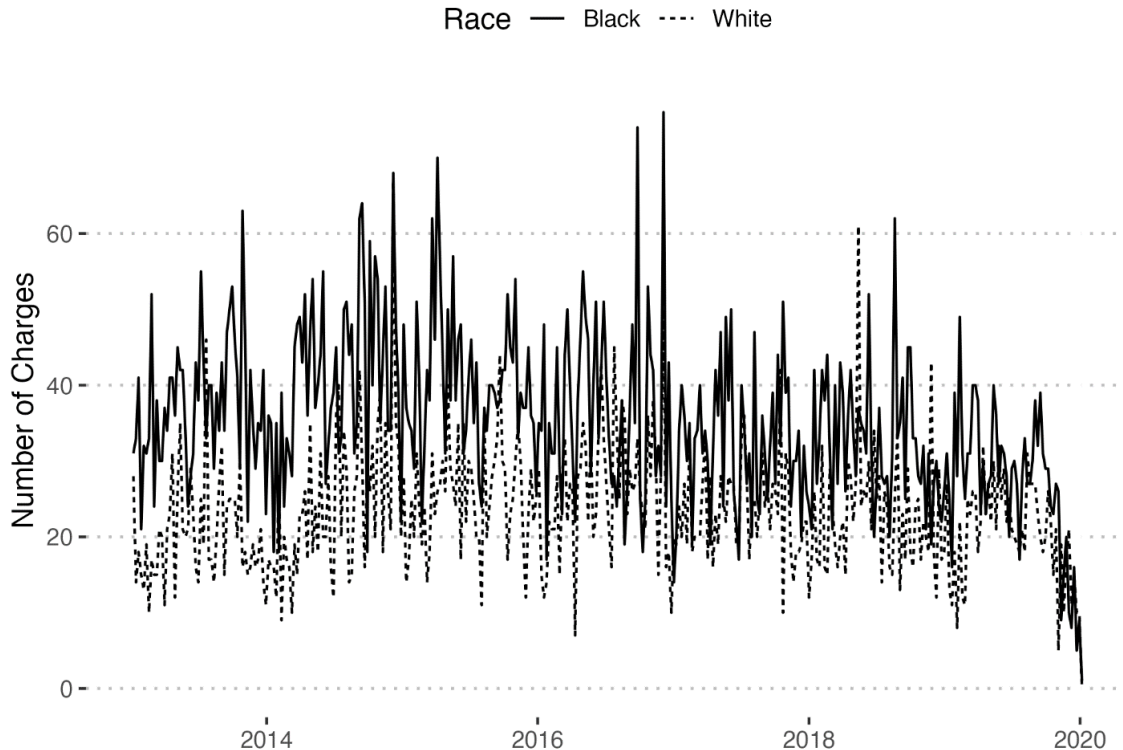**FIGURE 6. WHITE AND BLACK PROTEST-RELATED ARREST NUMBERS**

TABLE 4. IDENTIFYING PROTEST EVENTS FOR HIGH-ARREST WEEKS

County	Week Ending	Event	Total Charges	Black Charges	White Charges
Wake	8-Oct-18	Stop Kavanaugh protest	148	147	0
Harnett	11-Feb-19	Annual Social Justice March	144	144	0
Harnett	12-Feb-18	Annual Social Justice March	138	56	2
Mecklenburg	1-Dec-14	Protest against Ferguson decision	100	93	5
Mecklenburg	16-Oct-17	Police shooting of Ruben Galindo	80	78	2
Durham	16-Apr-18	Anti-KKK protest	75	75	0
Harnett	14-Aug-17	Toppling of confederate monument	69	32	37
Durham	28-Nov-16	Anti-Trump protest	55	55	0
Wilson	1-Sep-14	Ferguson Protest	54	54	0
Mecklenburg	26-Sep-16	Police shooting of Keith Lamont Scott	51	38	7

Table 4 lists each instance in which more than 50 people were arrested for protesting or rioting in a single week in a single county. Of the 10 events listed, just one had a significant number of white protesters arrested; these were white individuals protesting alongside Black individuals in a protest culminating in the toppling of a confederate monument.

All the other cases, including cases involving protests about a Supreme Court nomination, annual social justice marches, and other Black Lives Matter–related protests, involved an overwhelming share of Black individuals arrested compared to white people.

Are there other protests that do not generate so many arrests? To identify protests not subject to law enforcement intervention, we identified events that could plausibly be subjected to protest-related offenses but resulted in no arrests. Two events were related to white supremacist organizations, and one was a large college sporting event in Chapel Hill. On Aug. 24, 2019, the KKK held a public rally on the steps of the Orange County Courthouse in Hillsborough, North Carolina, and photos of the event depict two individuals wearing masks and Klan garb standing in front of the county courthouse (see: https://perma.cc/TFA3-ZBJN). Recall from Table 2 that section 14-12.8 of the code prohibits wearing masks, hoods, and the like on public property and that section 14-12.10 outlaws

holding meetings or demonstrations while wearing masks, hoods, and the like.

On May 20, 2017, in nearby Graham, North Carolina (Alamance County), a neo-confederate group called Alamance County Taking Back Alamance County (ACTBAC NC) held a sizable rally at a Confederate monument on a public street adjacent to the county courthouse (see: SPLC, https://perma.cc/2ZLT-QHTL); police did not intervene.

Finally, Chapel Hill, North Carolina, saw a public gathering of approximately 55,000 individuals, primarily University of North Carolina students and basketball fans, rushing Franklin Street following the university's NCAA basketball championship on April 3, 2017 (see: https://perma.cc/NLW6-AHDB). This event included seven injuries, and other photos (not shown here) depicted individuals hanging from light posts, from street signs, and in trees on public property. The tradition of burning couches, often in public streets, was again treated as a charming, slightly dangerous prank, rather than an act deserving of arrest. In fact, the university posted a short video of the celebration on its website, designed to lure students to come to a university known not just for great basketball but also for lively celebrations.

We could not find records of any arrests under the laws laid out in Tables 2 and 3 associated with the

three events just described. By this analysis, we do not mean to suggest that students celebrating a national championship should be thrown in jail because they obstruct traffic with their celebrations. Our point is that the protesting and rioting laws depicted in Tables 2 and 3 are subject to differential enforcement depending on who is protesting. Given the vague and overarching wordings of the laws, such police discretion is exactly the legislature's intent. And given the racial patterns we observed in who is arrested (and who is not arrested), this seems to be a system operating exactly as intended.

We can gain further purchase on this question by focusing on specific counties within North Carolina to better examine when law enforcement uses its discretion to enforce or not enforce protest-related laws. We identify two counties in North Carolina where frequent arrests were made for protest-related

events: Mecklenburg and Durham. We then identified weeks when high-profile protests were occurring in the county to determine which events intersected with weeks when there were a high number of arrests. Though we do not have the universe of protests that occur in each county for the entire period, we find that weeks with many arrests intersect with specific kinds of protests: Movement for Black Lives protests, immigration-ban protests, and protests in support of wage increases. We also identify other protests, such as the women's march, that are not subject to the same arrest outcomes.

Figures 7 and 8 clearly show several BLM and other protests leading to many arrests, whereas others do not. In Mecklenburg County, protests associated with Ferguson, Keith Lamont Scott, and the Trump Immigration Ban led to spikes in protests. Still, the women's march did not even register the slightest blip.

FIGURE 7. PROTEST CHARGES AND SELECT PROTEST EVENTS IN MECKLENBURG, NC
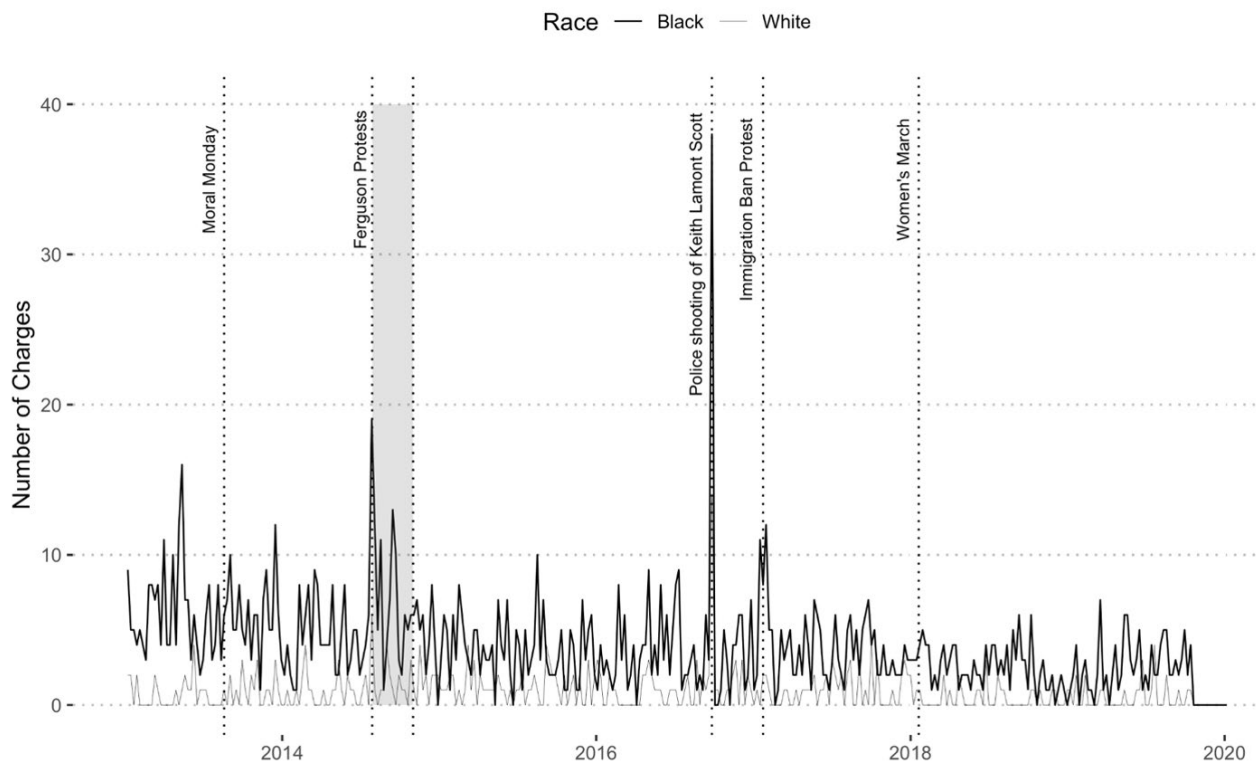
FIGURE 8. PROTEST CHARGES AND SELECT PROTEST EVENTS IN DURHAM, NC
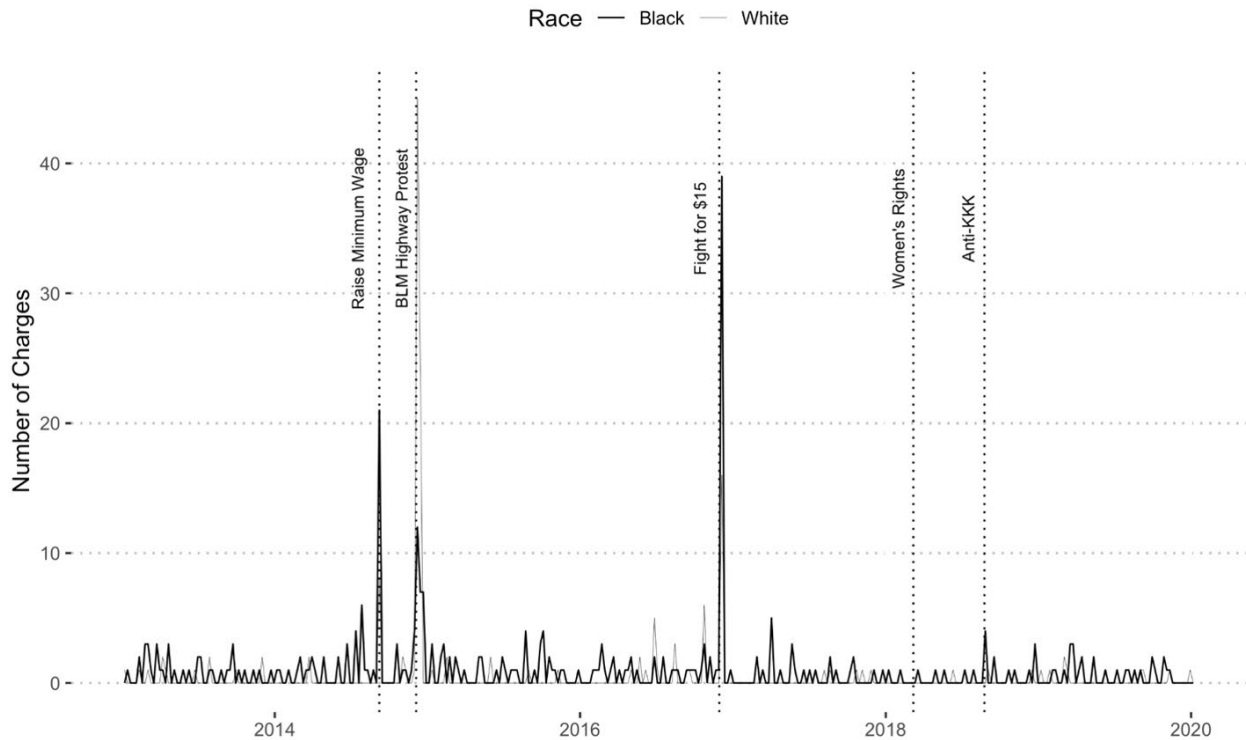
In Durham, protests associated with raising the minimum wage, BLM, and the Fight for $15 saw large numbers of arrests, but the women's march and an anti-KKK march in 2018 show no such surge. In sum, some protests are tolerated, and others are not.

The laws passed by the legislature in the 1950s and 1960s give the police the opportunity, but not the requirement, to arrest those exercising their right to free speech in public places. The police use this discretion precisely as the legislature intended it.

The targeting of protest activity is not an activity confined to legislation of the past. Criminal legal system reform has been a major topic of debate and reform in recent years. Following several high-profile murders of civilians by the police, several reforms have been put forth that would ostensibly curtail violence by law enforcement. There has been a simultaneous effort to increase the penalties for those protesting such injustices. Since 2017, organizations have documented several anti-protest laws introduced

and passed at both the state and federal levels. The International Center for Not-For-Profit Law has documented 270 bills introduced nationwide; 48 have been enacted, and eight are currently pending (ICNL, 2023). Most bills introduced (112) are concerned with creating new offenses to increase penalties that in some way cause traffic interference, 102 bills have attempted to expand the definition of a riot, and 59 bills have been introduced to create offenses for conspiring with or supporting. These protesters are later deemed to have engaged in "rioting." There are currently eight anti-protest bills pending. In other words, the historical practices we describe and whose racially targeted effects we identify here are by no means things of the past. They are happening throughout the country.

CONCLUSION

Legal scholars and others distinguish between demonstrations of the law's disparate impact on various social groups and showing discriminatory

intent on the part of the legislature or other government entities (see, for example, Rothstein 2017). Generally, though one might bemoan disparate impact, another can argue that differential behaviors cause it or that there was no intent to create these disparities when the law was written. We have attempted to push this conversation forward here. At least in some areas of the law, further marginalization of the already marginalized appears clearly to be the purpose. Laws are generally adopted to solve some newly recognized social problems. In the 1960s, white elites reacted with alarm to a number of forceful demonstrations of discontent among African Americans demanding greater freedoms. Legislative actors are elected officials, and there is no reason to believe that they would be immune to the passions and prejudices of their time; quite the contrary. A pertinent question for the rest of us is, what to do with the legacy of racist laws that continue to work as intended?

AUTHOR INFORMATION

Marty Davidson (madavidson2@wisc.edu) is assistant professor of political science at the University of Wisconsin, Madison. He is a 2016 graduate of UNC-Chapel Hill and co-author of Deadly Justice: A Statistical Portrait of the Death Penalty (Oxford University Press, 2018). He completed his Ph.D. at the University of Michigan in 2023. He has published articles in Political Analysis and in other outlets and is working on revisions of his dissertation, titled The Caller Advantage: Private Citizens, 911 Calls, and Influence on Police Behavior, for publication.

Kaneesha R. Johnson (kaneesha.johnson@unc.edu) is a 2016 graduate of UNC-Chapel Hill and co-author of *Deadly Justice: A Statistical Portrait of the Death Penalty* (Oxford University Press, 2018). She completed her MLS degree at the University of Chicago School of Law in 2022 and her Ph.D. in government at Harvard University in 2023. She is currently a post-doctoral fellow at UNC-Chapel Hill, where she is completing her second book, which is based on her dissertation titled The Punishing State: Punishment and Social Control in North Carolina Social Services.

Frank R. Baumgartner (frankb@unc.edu) is the Richard J. Richardson Distinguished Professor of Political Science at UNC Chapel Hill. He holds his Ph.D. from the University of Michigan (1986) and is the author of numerous books in the fields of U.S. public policy, comparative public policy, and criminal justice, including work focused specifically on the North Carolina criminal justice system. He was inducted into the American Academy of Arts and Sciences in 2017. He has been on the UNC faculty since 2009.

Together, Davidson, Johnson, and Baumgartner are working on a book titled *Working as Intended: Race, Class, Gender and the Law*, from which this article is drawn.

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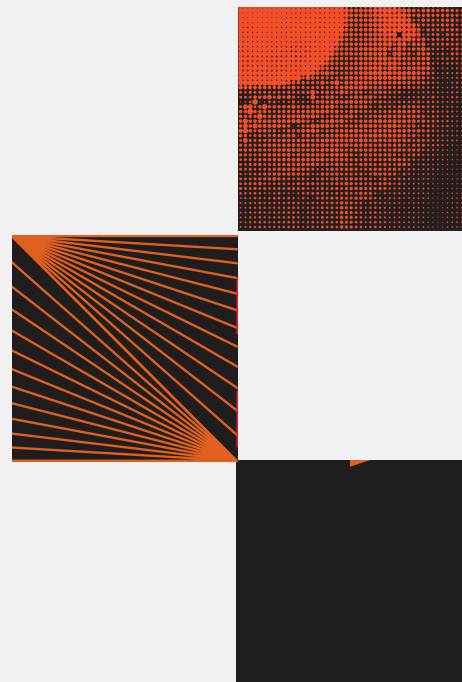
Confronting Gun Violence Through Youth-Led Participatory Action Research as a Form of Critical Allyship with Black Youth: Insights for Policymakers

L. Trenton S. Marsh, Ph.D.
Department of Learning Sciences & Educational Research,
University of Central Florida
Jasmine D. Haynes, Ph.D., MSW
Department of Sociology, Anthropology, & Social Work, University of North Florida
Itunu O. Ilesanmi, Ph.D., MSW, MPA
Department of Social Work, University of Northern Iowa
Liliana D. Belkin, Ph.D.
School of Education, University of Roehampton
April Reed, M.S., Ed.S.
Department of Criminal Justice, University of Central Florida
Jessica Scott
Department of Sociology, Anthropology, & Social Work, University of North Florida

ABSTRACT

Black male youth voices are often absent, particularly regarding youth-led research initiatives that impact their localized context. This invisibility can be addressed through Youth-Led Participatory Action Research (YPAR) initiatives. Very broadly, YPAR involves young people in gathering information about pressing school or community issues and advocating for solutions to these issues (Anyon et al., 2018, p. 11) while also increasing power-sharing between youth and adults (Irizarry, 2009). This manuscript illuminates a project, a group of 15 young Black males (ages 12–15) who collaborated with adult university research partners after the tragic murder of a peer to co-develop an annual day of communal reflection and H.O.P.E. (Healing Oasis for Peace and Empowerment) concerning youth gun violence. The theoretical underpinnings of youth–adult partnerships that led to the demonstration of young people as social justice change agents within their communities, a community-wide pledge, and the convergence and support of broad constituents are examined. The study is guided by a central research question: How does a YPAR initiative addressing youth and gun violence foster critical allyship? This paper reveals the new acknowledgments and revelations by the authors, who are university researchers, of working alongside youth and how the authors pivoted to become critical allies to maintain sustainable efforts in mobilizing youth leaders to respond to gun violence in their community. Further, though this study focuses on one youth organization, its findings have possible implications for other urban-situated environments where youth are present and gun violence ostensibly feels like a normal part of their livelihood.

POLICY RECOMMENDATIONS

- Policymakers must prioritize creating opportunities for youth-initiated policy plans/inclusion of youth in national policy development.
- Policymakers should receive development training to become critical allies of youth and understand contextual fluctuations that can hinder youth access and opportunities, akin to programs established by the U.S. Department of Labor's Employment and Training Administration that equip youth with the skills and training they need to transition to adulthood and careers successfully.
- Policymakers at the federal, state, and local levels should be required to engage in customized training regarding the mental health implications that contextual social issues (e.g., youth gun violence) have on their younger (youth) constituents. The Substance Abuse and Mental Health Services Administration (SAMHSA) supports practitioner training on behavioral and mental health concerns through the National Training and Technical Assistance Center for Child, Youth, and Family Mental Health.
- A new youth-led policy review and evaluation program should be developed at the federal, state, and local levels to incorporate youth as stakeholders and collaborators in reviewing policy goals and plans. Furthermore, youth stakeholders within this program should be included in the policy evaluation process to offer their insights into policy effectiveness and continuous improvement in mechanisms to address social issues impacting them.

Keywords: Black youth, gun violence, youth-adult partnerships, Youth Participatory Action Research, critical allyship, policy

GUN VIOLENCE AND BLACK YOUTH IN THE UNITED STATES: A NATIONAL HEALTH EMERGENCY

Death by guns increased by 50% from 2019 to 2021 among U.S. children and teens (Gramlich, 2023). For Black youth, gun-related homicides are the leading cause of death; this is 10–14 times that of their white and Asian peers (Bottiani et al., 2021). Youth gun violence refers to violent firearm-related deaths and injuries among individuals between the ages of 0 and 24 (Bottiani et al., 2021). Since 2022, the CDC (2022) and the Pew Research Center (2022) have raised the alarm about the crisis of gun violence involving Black youth as a national health concern. Marino-Ramirez et al. (2022) found that in 2020, gun-related fatalities were the leading cause of death for Black youth, with roughly five Black youth dying by guns every day.

Black youth's indirect exposure to gun violence is often associated with additional social stressors that can impact their overall well-being (Bancalari et al., 2022). Buggs et al. (2022), for instance, found that the cumulative stressors associated with structural disadvantage, lower-resourced neighborhoods, and exposure to "spatially proximate and deadly firearm violence" make Black boys and young men "uniquely vulnerable to the mental health impacts of such exposure" (p. 1). Gun violence disproportionately impacts Black male youth, whether experienced directly as victims or indirectly by hearing gunshots in their neighborhood or near their homes. They may also be profoundly impacted as close relatives or friends of victims. This disparity is depicted in data describing that Black male youth make up 2% of the U.S. population but account for 37% of gun homicide fatalities (Educational Fund to Stop Gun Violence and Coalition to Stop Gun Violence, 2021, p. 14).

The sobering statistics and data illustrated above underscore how Black male youth are succumbing to gun violence. Although youth activists have taken the initiative to respond to gun violence nationally in recent years (Jensen, 2023), the specific perspectives of Black male youth on gun violence and how they would address gun violence in their localized context, if provided the space to lead, are less clear. Therefore, the current article addresses the central research question: How does a YPAR initiative addressing youth and gun violence foster critical allyship?

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More specifically, the article describes a Youth Participatory Action Research project co-developed by a group of young Black males and adult allies to address gun violence in their community in central Florida. The YPAR project highlights the salience of adult partners embracing a critical ally approach to support historically marginalized youth to create actionable change in their communities. We present this YPAR project as a case with national implications of how adults, with support from community-based organizations, media, and local politicians, can walk alongside historically marginalized youth and become critical allies in helping them to disrupt inequities within their localized contexts. To situate this project, it is important to provide some of the contextual background that informed and guided the development of this YPAR.

BACKGROUND ON THE YPAR PROJECT

The inception of Healing Oasis for Peace and Empowerment (H.O.P.E.) Circle (HC) and this YPAR project was born of a previous research study with youth from a Boys and Girls Club (B&GC) involving the first three authors (Marsh et al., 2021) that focused on enhancing youth's social and emotional well-being through near-peer mentoring. However, a tragedy struck the clubhouse one week before assessing the previous study's results with the youth when a B&GC member was killed by gun violence. The B&GC director contacted the first author to ask him to speak with the B&GC members about their emotional well-being. Subsequently, the first author reached out to authors two and three, who at the time were doctoral-level students and trained social workers, to support him and facilitate helping B&GC members cope with the tragedy of a lost member. After three consecutive weeks of empathic listening to youth and building a trusting relationship, one youth confided with the first author "that hope was here" (Smith, personal communication, 2022). The in-depth listening and dialogue created a safe space where the youth felt comfortable sharing their experiences with gun violence and encouraged them to think about their (and the community's) future well-being. Thus, the weekly YPAR HC intervention was formed.

YOUTH PARTICIPATORY ACTION RESEARCH AND THEORETICAL PERSPECTIVES

The YPAR project is guided by social justice and youth development theoretical lenses to foster a humanizing exchange with youth and adults to unearth youth perspectives concerning important issues within

their communities, including co-constructing policy recommendations. These theoretical perspectives informed the development of H.O.P.E. Circle and the development of the project and research undertaken. The perspectives also informed the approaches taken as adults engaging with youth. Primarily, the YPAR project aimed to (1) amplify the voices and experiences of Black male youth, (2) pivot the tragedy of a gun-related death into a transformative learning experience to positively impact the community, and (3) demonstrate how YPAR as both a social just disposition and methodology can be used to broaden understanding of perspectives, namely of groups whose voices and experiences have historically been ignored or dismissed (Bertrand, 2014) in schools and communities.

(Youth) Participatory Action Research (PAR)

Participatory action research (PAR) focuses on real-life community issues, such as injustices and public health concerns, and how to combat them and equip individuals to change the world around them (Baum et al., 2006). PAR is a methodology born of the critical theory and constructivism paradigms that draw individuals to create a plan of action to implement within their respective communities (Baum et al., 2006). This methodological approach includes the two major concepts of action and participation (Walter, 2009). Participation is the key to PAR because it is collaborative and involves the community working through issues that affect them (Rajbanshi & Luitel, 2020). The PAR process includes community constituents co-researching the issue, putting action toward a solution co-developed with the community, and engaging the wider community in the implementation and sustainability of the solution (Ozanne & Saatcioglu, 2008). PAR shifts the power and expertise from the researcher to the participants (Walter, 2009). The participants observe and discuss an issue, take part in reflection and informed planning, develop an action plan for the observed issue, and reflect on the action taken and the outcome (Walter, 2009).

Relatedly, YPAR is focused on involving young people in investigating issues that are important and relevant to them in their school/community and working to address these issues (Anyon et al., 2018; Kirshner et al., 2005; Ozer et al., 2010). This is important because adults often position students as passive consumers within K–12 education settings and frame students of color as problems to be solved rather than leaders of school reform (Bertrand, 2018; Gutiĕrrez & Orellana, 2006; Valencia, 2010). YPAR aims to create spaces for young people to be active agents of change and active in decision-making across programs, organizations, and at the level of policy (Anyon et al., 2018; Ozer & Wright, 2012). Research finds that YPAR may enable the development of youth–adult relationships and partnerships that disrupt traditional power dynamics, supporting youth and adult power-sharing and authentic leadership by youth through self-determination and social action with adults (Anyon et al., 2018; Kirshner, 2008; Ozer et al., 2013).

Those involved in PAR have observed an issue or situation that they wish to change and develop practices or interventions to change them (Ozanne & Saatcioglu, 2008). They use data from the community or organization to expand the theory of PAR and social change to address the social difficulties around them (Ozanne & Saatcioglu, 2008). PAR is a collaborative type of research that allows those within the community to use the expertise of their environment and the issue to form a solution that works for them (Walter, 2009). YPAR builds on these principles, specifically focusing on inquiry and investigating topics relevant to young people's concerns (Rodriguez & Brown, 2009). The shift from researching on to doing research with is foundational to YPAR, and the power dynamics and power-sharing with young people and adults are central to creating an authentically participatory approach (Kennedy et al., 2022; Lac et al., 2022; Luguetti et al., 2023). Moreover, YPAR, like other forms of PAR, is based on transformative perspectives "to improve the lives of marginalized youth and their communities" (Anyon et al., 2018, p. 11).

Asset-Based Approach

H.O.P.E. Circle is grounded in an assets-based orientation. Historically, approaches to community development began with deficit-based discourses

and perspectives that identified the lack within the community and targeted those needs with research (Zipin et al., 2012). Deficit discourses that label, pathologize, blame, and over-emphasize constituent vulnerabilities limit opportunities for constituents to engage in strengths-based subjectivities in their community (Gardner & Toope, 2011). As Saleebey (2006) signals, "By emphasizing and assigning social status to a person's deficiencies, differences, and defects is to rob them of some of their inherent powers and motivations" (p. 280). Certainly, an approach that focuses too intently on deficits and not enough on the agency within the community members will lack the ability to develop, empower, and sustain agency and collaboration (Missingham, 2015).

Kretzmann and McKnight (1993) first described asset-based community engagement as a significantly different way of framing community work. Here, an asset-based approach involves identifying communities' capacity, networks, and positive attributions over any deficiencies (Lubbe & Eloff, 2004) or succumbing to any caricatures describing community members within (Marsh et al., 2021). Asset-based approaches call for broad participation from community members, inviting constituents to contribute their talents, resources, and skills—to be the "experts" (Missingham, 2015). This allows research to move from a deficit paradigm to community strength, empowerment, and collaboration (Lubbe & Eloff, 2004). In this way, individuals within the community serve as the "primary agents of social change" (Missingham, 2015, p. 341). Researchers reinforce a sense of collaboration by starting from a place of positivity that highlights, for instance, what is already working and the assets, capacities, and gifts constituents hold. Collaboration diminishes the differences between key stakeholders (e.g., university researchers and community constituents). It unites them as a community applying their differing strengths and values to solve a challenge (Holland et al., 2018). This relational dynamic almost reverses the traditional relationship of "we're the experts, and you're the subject" to "we're here to learn from you, those who are closest to the issues we need to solve."

Transformative Perspective

Building from an asset-based orientation, H.O.P.E. Circle is based on transformative learning perspectives (Lykes & Mallona, 2008). Transformative learning fosters the ability for learners to leverage their experiences to bring about sustainable change, have meaningful discussions, and ultimately develop reflective judgment about the learning process (Rajbanshi & Luitel, 2020). For this project, having an openness to change one's mind or develop an informed opinion about something where one may not have been initially developed was vitally important for meaningful discussions with youth and adult researchers alike. The civil discourse and discussion challenged and illuminated ideas about power and whose voice matters. The adults and youth began to shift their perspectives and paradigms based on their conversations.

Transformation within PAR is a key element of the research process and the outcome (Call-Cummings et al., 2023). As a construct, transformation is an element embedded in the self-understanding and mutual understanding of the issue as well as the action taken because of those understandings (Call-Cummings et al., 2023). Transformative outcomes appear in ontological, epistemological, and practical levels (Wood, 2012). The ontological level includes participants believing and seeing themselves as ones who can change the world, transforming how they live within their world. The epistemological level involves reflecting on one's knowledge and how that knowledge was developed within them. The practical level involves personal and structural change because of the research that should also be demonstrated in their PAR outcomes (Wood, 2012).

Critical Consciousness

PAR/YPAR as an approach is grounded in critical consciousness. Critical consciousness (CC) is a framework that describes how historically marginalized individuals analyze injustices and perceived inequalities among their communities and feel empowered to enact long-lasting and deep change (Diemer et al., 2021). Established by Paulo Freire (1970),

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critical consciousness is a process of liberation from systematic oppression for individuals (Jemal, 2017). Three factors of critical consciousness remain consistent with the theory: the critical reflection of inequality, the critical reflection of egalitarianism, and critical action (Diemer et al., 2017). Critical consciousness empowers communities to engage in social action and unite individuals to enact positive social change (Diemer et al., 2021).

In community-engaged research, constituents must be made aware of inequities, as this is the first step to addressing inequities (Jemal, 2017). Critical consciousness helps recognize the inequities within the community and the possibility of responding to those inequities (Watts et al., 2011). CC involves both critical social analysis of the issues and political efficacy to effect change on a socio-political level (Watts et al., 2011). CC involves three important aspects: critical reflection, political efficacy, and critical action (Watts et al., 2011). Critical action and reflection are impossible without the collective awareness of the issues that lead to the empowerment of social agency to make a change (Diemer et al., 2021). In this way, individuals can be aware of the systemic and localized inequities that

are present to begin developing a plan of action to address them within their communities (Jamal, 2017).

Critical Allyship

Allyship is defined as a "practice" instead of a fixed state of being or identity (Anti-Oppression Network, n.d.; McKenzie, 2014; Nixon, 2019; Springer et al., 2022). Allyship becomes a practice when "a person in a position of privilege and power seeks to operate in solidarity with a marginalized group" (Anti-Oppression Network, n.d., para 1). The YPAR project was informed by "critical allyship." Critical allyship illuminates those on top of the oft-unspoken hierarchy, understanding their role in perpetuating systems of inequity, learning from and working alongside individuals in historically marginalized groups, and working "*to build insight among others in positions of privilege, and [mobilize] in collective action under the leadership of people on the bottom*" (Nixon, 2019, p. 8, emphasis in original). Informed by the work of Yomantas (2020), four key questions should guide adults' critical allied engagement with marginalized youths: (1) How can we, as adults, rethink "service with" rather than "service on"? (2) How can we, as adults, resist the feeling of needing to appear as an expert? (3) What efforts are

we, as adults, making to engage youth? and (4) How are we, as adults, holding respect and reciprocity? The answers to these questions become the cornerstone of the youth–adult partnership. Adults intentionally work together with youth in a sustained relationship to promote social justice, address issues impacting youths' lives, and question power differentials (Irizarry, 2009).

METHODS

Participant-Researchers

The H.O.P.E. Circle (HC) members served as both participants and participant-researchers as they engaged in the YPAR project. The sample consisted of 15 Black male youths aged 11–15 years old (average age of 12.86 years) who self-selected to be part of the project as one of the many options of after-school activities available to them at their local Central Florida Boys & Girls Club. The adult partners in the HC and initiators of the YPAR project included one education professor and two doctoral-level students who were also trained social workers.

PROCEDURE

Gaining Interest

Students were introduced to the research team (adult partners) during the program's first week. The adult partners briefed the youth on the previous near-peer mentoring initiative (Marsh et al., 2021) undertaken by the youths' predecessors, who were high school students. The high school students collaborated with adult partners to co-develop a digital social and emotional learning (SEL) curriculum for the middle school clubhouse members that focused on addressing emotional safety, physical safety, impulse control, teamwork, and conflict resolution. For instance, for the conflict resolution indicator, the middle school students watched a video of the high school youth role-playing scenarios about how to address conflict when playing video games or how to handle a situation if another person bumps into you walking in a crowded hallway. For impulse control, the youth watched a high school freshman record himself responding to the prompt, "What I would tell my younger self" in what appeared to be a confessional monologue. After engaging middle school youth in the

digital curriculum, Author 1 asked the students what they learned from their older peers and whether they were interested in contributing positively to the clubhouse.

Intervention Protocol

The reiterative YPAR intervention process embedded in HC is aligned with action research projects, which often include two cycles of planning, action, observation, and reflection. This cyclical process also incorporates systematic analysis to guide future actions (Kuhne & Quigley, 1997).

Cycle 1. A Description of Phase 1 of the YPAR Process

Planning. Week 1 of the YPAR process consisted of the introductory meeting described above. The adult partners delivered and assessed the digital SEL program co-developed by the high school youth. During Weeks 2–3, the university team gained interest from the students in committing to a new YPAR intervention program derived from the tragedy of the member who was killed by community gun violence. Though many ideas were relayed, including painting a mural of the fallen student and printing and posting signs with guns crossed out, the HC members unanimously voted to facilitate a youth march to end gun violence in their community. As the youth solidified the idea, the research team collaborated to create a dynamic curriculum based on the YPAR focus group notes.

Each week, the research team met to introduce new topics, tools, and strategies to help the HC participants process and formulate new understandings about their communities and themselves as minoritized youth. For instance, during Weeks 3 and 4, participants were exposed to the histories of gang/community violence in the United States. They watched documentaries revealing that the genesis of Black gangs was the lack of access to organized activities such as the Boys Scouts of America (Peralta, 2008). The HC participants were unaware that the founder of the Boy Scouts of America (BSA), retired British army officer Lt. General Robert Baden-Powell, was inspired by his idol, Adolf Hitler, to what

some believe was to revive the rules of the European kings of old (Adonteng, 2022); as a result, the BSA was originally a white-only organization. By providing contextualized history on the insurgence of Black gangs in America, the HC participants began to reflect on their lived experiences as Black youth with seemingly limited after-school options within their neighborhood.

Action. After each week's session, students were given homework assignments in the form of queries to process for the following week. For instance, during Week 6 of the intervention, the adult partners analyzed the HC participants' Bridge Positive Youth Development Surveys ([BPYDS]; Lopez et al., 2015), which revealed three areas of needed growth: compassion for self and others, connection with others, and enhancing critical consciousness. Upon this analysis, the question students grappled with that week was, "What environment do you (not) feel safe using your voice?" Further, when participants responded to the queries, the research team used a panel model in which a sample of participants shared their responses with the larger group.

Observation. Once the growth areas were decided based on the BPYDS, the authors began to attune themselves to observations. Weekly, students were asked to reflect and write out what they wanted to say for their presentation. During this preparation phase, the authors were able to see which participants were staying on task and which were not fully engaged. Further, this time was used as a barometer to measure HC participants' interest in the overall project.

Reflection. When the authors, too, demonstrated vulnerability with HC participants, this sparked collective liberty for participants to see each other as fully human and the adults as part of the cohort.

Cycle 2. A Description of Phase 2 of the YPAR Process

Planning. After engaging in 10 weeks of informational sessions with the HC members, the members began to plan for the annual day of communal reflection and H.O.P.E. concerning youth gun violence.

The planning process involved organizing the youth into three teams of interest: marketing, communications, and production. The marketing team was responsible for designing the event t-shirt and flyers to promote and spread awareness regarding the event. Members of the communications team drafted email correspondences and scripts to contact public officials, such as the city's poet laureate and its incoming police chief, to extend invitations. The production team developed a music playlist of inspiring music selections that aligned with the tone and message they wanted to illuminate within the hired DJ's setlist at the event.

Action. The inaugural Day of H.O.P.E. was a rally executed during the summer of 2022. The rally included HC members, adult partners, B&GC staff, and community members marching from the B&GC through downtown to a local park, marshaled by a youth community band. During the rally, HC members described the impact of gun violence in their lives through a speech and by reciting a poem they collectively wrote during HC intervention sessions. The city's incoming police chief gave a speech about his plans for addressing gun violence. The city's poet laureate also recited a poem about engaging in heroism that resists oppression to create safe environments for marginalized youth. The rally concluded with rally participants stating a pledge to continue engaging in critical dialogue and action regarding community violence and community compassion.

Observation. In preparing to depart for the march, the adult partners recognized that many of the HC members who planned the Day of H.O.P.E. were absent during the morning of the rally. On the day of the event, the adult partners discovered that several youth participants were involved in a school basketball tournament—a commitment they had not previously mentioned when indicating their availability for the Day of H.O.P.E. This conflict demonstrated the significance of involving parents in the coordination of future YPAR initiatives. Though the HC members' low attendance initially dismayed the present HC members and adult partners, they were astonished

by the amount of community support, including extended community members from neighboring cities. For instance, the director of the Center for Law and Social Justice from one of the state's historically Black universities attended the rally to discuss both the disproportionate homicide rates at the state level and raise the consciousness of communal resilience that is present in Black communities. The rally also captured the attention and coverage of multiple local news outlets touched by HC members' work.

Reflection. Immediately after the Day of H.O.P.E., participants were surprised that strangers had attended. Brian, one of the few HC participants who marched, beamed as he said, "They came to hear us." His younger cousin also attended and proudly wore the event t-shirt. The impact of the inaugural Day of H.O.P.E. also expanded to the next cohort of HC members in the spring of 2023. Marcus, one of the older members of the first HC cohort who led the t-shirt design for the marketing team and who shared a testimonial about his experience with HC during the Day of H.O.P.E., would later reveal to the first author how the event elevated his critical consciousness in central Florida, especially since he started high school in a neighboring community that was both wealthier and more white. "Mr. Author 1, just like how Black people are killed more by gun violence, there are

education inequalities in school." He continued, "At my old school, we had to share books; over here at [his new, less diverse, wealthier school], everybody gets their own book."

FINDINGS
This section presents the findings of the YPAR initiative and how stakeholders, both youth and adults, were influenced throughout. In the end, the adults discovered integral components of engaging in a critical allyship process with youth, including:

1. Empathetic listening and learning
2. Shifting priorities
3. Awakening dreams (and embodying new roles)

EMPATHETIC LISTENING AND LEARNING
The often-used colloquial phrase "put yourself in someone's shoes" has become a sanitized prompt to offer an introspective, feeling-oriented stance toward empathy. Yet this introspective conceptualization and feeling alone might not be enough. Instead, the authors adhere to Lobb's (2017) understanding of critical empathy. Here, empathy comes infused with a moral imperative that derives from the understanding that a particular sample of human suffering is unnecessary. Thus, one of the adult partners' first discoveries through this YPAR initiative was that empathetic listening and learning are required pillars

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of critical allyship. Here, empathetic listening was not about adults bolstering positions of right or trying to convince others why they were wrong. Nor was the listening process intended to present advice or solutions to the youth. Instead, the adults showed up mindfully present, ready to learn and paint on the canvas of their imaginations what it means to be a young person within the clubhouse. Empathetic listening and learning were embodied early on when the adult partners responded to the B&GC director's request for the partners to host critical dialogue sessions with the middle school B&GC members following the murder of their fellow clubhouse member. Although trained professionals in working with youth and supporting marginalized clients through grief, the adult partners acknowledged their relational distance (Hess, 2003) with the clubhouse member whose passing they were meeting with the B&GC members to process. This understanding required the adult partners to approach this dialogue session with empathy as they listened to the clubhouse members' thoughts and emotions, learning about the coping mechanisms they used after such tragedies. Through this listening session, it became evident that the young people wanted a change within their community. However, due to the adult partners' lack of localized knowledge, it was also clear there was the need to (re)establish trust and partnership with the youth so that the expertise no longer remained in the hands of the adult partners. Instead, it was integral to encourage self-empowerment and autonomy among the clubhouse members by tapping into their agency. There was an intentional redistribution of autonomy, where young people were encouraged to be their most agentic selves. Therefore, empathetic listening and learning were the root of the HC's conception, leading to a shift of priorities.

Shifting Priorities

When the authors were first introduced to the clubhouse in 2019, they were answering the call from the clubhouse director to aid the clubhouse as data analysts to interpret data from a national survey administered the previous summer that measured the sense of safety and belongingness at their respective clubhouses. During this time, as university partners, the authors were seen as experts as we computed the data to identify the strengths and the areas of improvement for the clubhouse (Marsh et al., 2021). However, this role quickly dissipated after the murder of the clubhouse member in 2022. Returning to Yomantas's (2020) first two reflective questions: How can we rethink "service with" rather than "service on"? How can we resist the feeling of needing to appear as an expert?, the authors had to shift their purpose and presence. The authors held sessions with the youth about how they were coping with the tragedy. Below are some of the direct quotations from the youth from those listening sessions:

- "I felt nothing because I never really talked about him."

- "I didn't really know the dude, so it made me worried if I was going to end up like him if I was there."

- "I felt bad about what happened to him, but I don't really know him like that, but I know his mom."

- "I really did not know him, I felt, I kinda felt sad and surprised."

- "I didn't know him that well, but I am sad that he is gone."

- "It was really unexpected and made me sad because he was a cool dude and had a bright future."

- "I felt nothing."

Regardless of their relationship with the slain clubhouse member, the youth eventually came to a collective decision that his death was an unwanted occurrence. The youth wanted to both commemorate the clubhouse member's death and share awareness with their community on the issue of gun violence. This decision came at the heels of much deliberation on ways the youth saw best to honor the death of their club member.

Awakening Dreams (and Embodying New Roles)

During the healing process, when the adults asked the young people how they wanted to respond through YPAR, the youth experienced an eventual awakening. Over time, they embodied a sense of ownership and

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responsibility as the university researchers pivoted from partnering to critical allyship. As the first author would allude to during a local news interview, the Day of H.O.P.E. was a "culmination of [awakened] dreams" for the youth. They had an idea (dream) about how they wanted to honor and commemorate their fallen friend, and those dreams were manifested into reality. The adults now see the students as the primary creators, the architects of their dreams. Simultaneously, as university-affiliated adults, the authors had new revelations and began to embody different, more personal roles rooted in advocacy and action. The first embodied new role was that of an accomplice in the struggle with youth against gun violence (Indigenous Action Media, 2014). As stated previously, the HC youth and adults worked together to learn about the contextualized histories of gang/community violence in the United States, predominantly in Black communities. The researchers also became brokers, leveraging available resources (Anthony-Stevens, 2017) and introducing the youth to other adults who could help facilitate their healing process.

Additionally, the researchers became disseminators of concrete reality (Freire, 1972). The dissemination process included guided conversations about Florida gun control policies as well as state-level youth violence statistics. However, the researchers also imagined alternate possibilities, like upending current state-mandated mental health initiatives and replacing them with holistic trauma-informed initiatives. Finally, the researchers served as reflective doers and thinkers of the overall youth engagement process. The adults routinely asked for feedback on how to improve their communication and efforts to be authentic partners alongside the HC youth. Ultimately, the adults understood that true critical allyship is about guided autonomy as the authors walked alongside the youth.

LESSONS LEARNED FOR REPLICATION
Below, the adult partners offer a few lessons learned for a thriving youth-led participatory action research initiative that can have positive impacts on communities.

1. **Establish rapport and build a connection.** Girded in cultural humility (Tervalon & Murray-García, 1998), adult partners need to demonstrate their commitment to the youth partners and the YPAR initiative. This rapport takes time and intentionality. It was not uncommon for the authors in this project

to visit the B&GC on days when HC was not meeting, just to spend time observing the youth and speaking with them about their day. As the adage goes, people, particularly youth, do not care how much you know until they know how much you care.

2. **Implement a needs assessment to prioritize youths' needs.** Create an avenue to assess the youths' needs. Based on the youth–adult partnership work at the B&GC, the tragic experience of the loss of a club member had to take precedence in the collaborative research process. It is important to note that a needs assessment serves as an avenue to prioritize the community's area of need for the constituents and help the researchers meet an actual need that the population values and sees as a pressing concern.

3. **Create a consistent self-critique and evaluation to minimize power imbalances between adults and youth.** The evaluative process should be both external and internal. Externally, after each HC session, the adult partners closed by asking the youth to "check out" to end the session. The "checking out" was a formalized opportunity for youth to verbalize how they felt about the content, its delivery, interactions with adults and one another, and the like for the HC session. Beforehand, the adults reiterated that the relationship they had with the youth was reciprocal, meaning the adults were learning from the youth while the youth

might be learning something new from the adults. Therefore, the adults encouraged authentic and, at times, anonymous responses on how to improve for the following week. Internally, during weekly curriculum development meetings, the adult team looked inward and reflected on Yomantas's (2020) last two (of four) questions: (3) What efforts are we, as adults, making to engage youth? and (4) How are we, as adults, holding respect and reciprocity? As previously stated, the answers to these questions became the cornerstone of the youth–adult partnership.

4. **Build an ecosystem to engage all integral stakeholders.** These stakeholders could include various afterschool directors/leaders and coaches (beyond the B&GC), youth, and caregivers. It is unfair as adult partners to put youth in situations where they have to choose between enrichment activities that bring joy and positive opportunities. So, sharing noteworthy events across the ecosystem when possible allows for youth to engage across their community. Further, if attendance is a measurement of success, having all youth members and their families present during a culminating youth-led event is important.

5. **Scheduling and coordinating YPAR events.** The Day of H.O.P.E. was scheduled for a Saturday morning, when the B&GC is closed. The adult team made logistical provisions with the B&GC staff to open the clubhouse for youth registration, food and

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t-shirt distribution, and the like. However, because it was the weekend, attendance was lower than expected. Thus, the recommendation is to maximize youth time at the community location when they are present and most active. The 2nd Annual Day of H.O.P.E. in the spring of 2023 was on a Friday evening. The turnout was tremendous as we engaged the after-school ecosystem (#3 recommendation) and was held on a normal operational day.

STEP-BY-STEP SKELETON TRAINING FOR POLICYMAKERS

We provide actionable steps for replication in youth-serving agencies, but it's also important to provide actionable steps for developing critical allyship training for policymakers. Below, we outline a training consisting of five sessions:

Session 1: Collect empirical and secondary data with and alongside Black youth to begin to understand the potential disparities and disproportionate statistics impacting the Black youth in the policymakers' local context.

Session 2: Present disparities and disproportionate statistics impacting the Black youth in the policymakers' local context.

Session 3: Inform policymakers of the adverse impacts of disparities on the mental health and well-being of Black youth.

Session 4: Provide an overview of participatory approaches and how to capacity-build with Black youth.

Session 5: Support policymakers in identifying a community/community agency to partner with to initiate a youth-led policy review and evaluation program. This agency would work with youth to review social issues, collaboratively develop and implement policy responses, and review and reflectively evaluate the policy effectiveness.

These steps would be repeated until the youth feel the impacting social issue(s) have been adequately addressed within their community.

CONCLUDING IMPLICATIONS FOR POLICYMAKERS

At a national level, youth participation in communities can go beyond the focus on skill development and self-perception as a citizen and extend to policy design and implementation (Organization for Economic Cooperation and Development, 2017). Youth can make informed decisions about themselves and their communities when given space, access, and agency. Yet, historically, decision-making concerning policy for populations at the margins of society, like Black youth, has been void of their lived experiences, and their voices are excluded from actionable policy. This avoidance is intolerable when authoring policies concerning direct and indirect gun violence and safety. As reported by the Centers for Disease Control and Prevention (2023), Black youth are 20 times more likely to die by firearms than their white counterparts. Regrettably, this sobering narrative has seemingly been on an internal replay across the minds of Black communities across the United States, normalizing disproportionate outcomes for Black youth (Quimby et al., 2018).

However, as illuminated in this research, the theoretical underpinnings of YPAR as an intervention and research process and acknowledgment of working specifically with marginalized youth require more than a traditional youth–adult partnership. In terms of youth involvement in policy design and implementation related to social problems impacting their communities, international organizations such as the Organization for Economic Cooperation and Development (OECD) have provided strategies to facilitate youth voices in policymaking (2017). The OECD is an intergovernmental organization focused on improving global economic growth, fostering democratic principles, and developing market-based economies. The OECD is extremely influential in terms of global education policy development by publishing the worldwide PISA (Programme for International Student Assessment) rankings, which evaluate education systems and students' performance across low-, middle-, and high-income countries. The OECD (2017) guides a typology of four levels of youth–adult partnership: informing, consulting, collaborating, and empowering.

The latter two, driven by youth the most to generate transformational change, mirror the antecedents of YPAR and, thus, are not the focus here. Rather, the first two typologies are central. Each speaks to how policymakers can begin to serve as critical allies in direct ways with youth by considering youth expertise and experience on matters that affect youth. For example, where informing is involved, the OECD recommends transparent communication between policymakers and constituents. As demonstrated in the HC project, this method of youth participation is underused, but it can be beneficial in obtaining the youth's perspective on policy and their localized context.

Granted, there are limits to the political participation and political socialization (Wilkerson et al., 2023) of youth in terms of age and other eligibility requirements. Nevertheless, in the consulting typology, youth can be surveyed on topics arising in focus groups to identify shared opinions and perspectives on important matters. Though these forms of youth–adult partnership may seem perfunctory, they can begin to promote the voices of the youth and strengthen the effectiveness and efficiency of policies as they matter to the different challenges plaguing Black youth and their communities, such as gun violence. A call for youth to be leaders and a part of solving problems that impact them is no longer out of the ordinary or unheard of.

Working in genuine collaboration with marginalized youth (e.g., Black boys) requires critical allyship. If we are to truly create healing-centered environments in which Black youth can thrive with agency, policymakers need to confer with them for evidence-driven data to yield viable policy design and implementation. By leveraging marginalized youth voices and responding to their collective experiences, adults (e.g., policymakers) can demonstrate that they actively care about the youth they serve and are committed to dismantling oppressive systems that impact them (Morris, 2019).

AUTHOR INFORMATION

Dr. L. Trenton S. Marsh is an assistant professor of urban education in the Learning Sciences and Educational Research department in the College of Community Innovation and Education at the University of Central Florida. His research has intersecting commitments: (1) confronting disproportionality and understanding historically minoritized students' experiences within education settings; (2) engaging youth to inform practices and micro-level policies; and (3) examining how institutional policies may influence marginalized individuals' lives. Dr. Marsh has extensive experience cultivating community partnerships with youth-serving organizations in research and service and uses participatory qualitative methodologies to support the co-construction of knowledge that cultivates interest, understanding, and partnerships with participants, namely youth and their communities. Dr. Marsh has been published in journals such as Community Development, Teachers College Record, Urban Review, Boyhood Studies, Urban Education, GSE Perspectives on Urban Education, Teachers and Teaching Theory and Practice, Florida Journal of Educational Research, and Education Week.

Dr. Jasmine D. Haynes is an assistant professor of social work at the University of North Florida. She earned a B.A. in sociology from Spelman College, an M.S.W. from Florida State University, and a Ph.D. in public affairs (concentration in social work) from the University of Central Florida. Dr. Haynes embraces an interdisciplinary community-engaged research approach guided by two primary goals: 1) advancing social-emotional wellness and racial equity among Black youth, and 2) exploring critical consciousness within helping professionals serving marginalized populations. To fulfill these goals, she embodies a social justice lens and critical perspective to question, challenge, and expand existing knowledge. Dr. Haynes also promotes conscientization and transformation in her pedagogical approaches within the classroom through a community-engaged and experiential curriculum. Though currently serving in academia, Dr. Haynes has more than 10 years of experience serving marginalized youth of various ages and developmental stages in multiple capacities and education settings.

Dr. Itunu O. Ilesanmi is an assistant professor at the University of Northern Iowa. She earned her B.S.W. in social work from Babcock University, an M.S.W. and M.P.A. degree from Savannah State University, and a Ph.D. in public affairs (with a social work concentration) from the University of Central Florida. Her research area examines reintegration and resettlement processes from the experiences of conflict-affected/natural disaster returnees and migrants. Her research explores the barriers this affected group faces during reintegration and resettlement and emphasizes the need for a holistic, long-term approach to the interventions and programs serving this group during reintegration and resettlement. Her research extends to working with marginalized youth to ensure that their voices are being heard in spaces that implement policies and services that matter to them.

Dr. Liliana D. Belkin has a Ph.D. in educational leadership, administration, and policy from New York University and earned a US-UK Fulbright Core Scholar Fellowship in 2019–2020. She is a senior lecturer at the University of Roehampton (London, UK) in the School of Education, teaching the M.A. Education Leadership and Management program. Her research interests focus on social justice issues related to marginalized groups of youth accessing education. This includes research focused on the overlaps of education and criminal justice policy and practice, policy and practice in alternative schools, and public sector organizational learning and change. Her research experience includes policy and practice reform in school and youth justice systems in the United States; federally funded research on enhanced parolee programs; studies on the experiences of "mainstream" schooling of students with disabilities in the UK, Czech Republic, and the US; and youth justice education policy and police training functions in the UK.

April Reed is a doctoral student at the University of Central Florida studying criminal justice. She received her bachelor's in music from Rollins College and her master's and Ed.S. degrees in mental health counseling from Indiana University.

Jessica Scott is a student in the Master of Social Work program at UNF. Prior to this, she obtained her B.A. in English from Florida State University and worked as a teacher for six years; while teaching at an international school in Shanghai, she helped integrate social-emotional learning curriculum and restorative justice practices. For the past year, she has assisted with research project focused on trauma-informed professional development for high school teachers in Jacksonville. Her clinical interests include anxiety, depression, trauma, and family of origin concerns.

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A Policy Agenda for AI in Black Communities

Nicol Turner Lee, Ph.D.
Senior Fellow and Director, Center for Technology Innovation, Brookings Institution

EXECUTIVE SUMMARY

Black communities have had an ambivalent relationship with technology. Despite historic legislative and community efforts to secure civil rights, emerging and evolving technologies—including artificial intelligence (AI)—can regress that progress and make the path toward equity much more difficult for Black communities. AI can fuel existing discriminatory decision-making processes, intrude upon marginalized groups' data privacy, exploit Black people's consumption patterns, and undermine democratic processes in the United States. This paper argues that technologists and policymakers need a more grounded approach for evaluating and applying guardrails to AI models as they apply to Black communities: a framework that requires greater cultural competence in design and governance and returns agency to Black consumers already navigating a wide range of online benefits and threats. As more autonomous decisions are employed throughout society and institutions to determine eligibility for credit, housing, employment, and sentencing, these AI models must be ethical, fair, and built and interrogated by people who understand the ramifications of being denied equal opportunities. Gleaning lessons from a series of use cases that disproportionately impact Black communities and compiling existing policy, this paper proposes the drafting and adopting a more culturally efficacious and sensitive AI framework by those with vested interests in more inclusive technical design, fair governance, and community engagement in an increasingly digitally autonomous society.

Keywords: Artificial intelligence; equity; race; technology; surveillance

INTRODUCTION

For decades, Black communities have had an ambivalent relationship with technology. Despite historic legislative and community efforts to secure civil rights, emerging and evolving technologies, including artificial intelligence (AI), can regress that progress and make the path toward equity much more difficult for Black communities. That is because the same technologies that can enable remote medical care and distance learning can also mass-surveil people, communities, and data. AI can fuel existing discriminatory decision-making processes, intrude upon marginalized groups' data privacy, and exploit the consumption patterns of Black people and other vulnerable populations. For those who lack access to high-speed broadband, their exclusion from the AI revolution means that more efficient government processes, certain industry sectors, and the benefits of working in more digitized environments are not within their reach.

Current AI systems are also beginning to undermine democratic processes in the United States, which have afforded critical protections to Black people, who have been historically and systemically disenfranchised and excluded in matters ranging from voting rights to education and hiring opportunities. Though AI and evolving technologies like generative AI (Gen AI) could help identify and mitigate structural barriers that limit access to equal opportunities for Black populations, these technologies' current uses tend to emphasize the more serious risks that they pose, especially when autonomous decisions confirm

societal biases. For example, AI used in criminal justice contexts may be designed to be fair and objective when it comes to bail and sentencing decisions. However, these systems are trained on decades of biased and discriminatory arrest data that have led to the mass incarceration of Black people (Callahan, 2023). Thus, despite the potential accuracy of the decision when it comes to a defendant's potential risk of recidivism, AI exacerbates an already flawed and discriminatory institutional problem (Callahan, 2023). For AI to effectively support the goals of empowerment for Black people and their communities, its use must be carried out through a combined ethical, responsible, and inclusive lens that involves developers and other experts with either the lived experiences of their communities or empathy for the discriminatory trauma experienced by Black people in the United States. That level of inclusion, at minimum, can help identify and mitigate the potential harms generated by AI, especially those that perpetuate systemic and institutional biases.

This paper argues that technologists and policymakers need a more grounded approach for evaluating and applying guardrails to AI models as they apply to Black communities: a framework that requires greater cultural competence in design and governance and returns agency to Black consumers already navigating the range of online benefits and threats. As more autonomous decisions are employed throughout society and institutions to determine eligibility for credit, housing, employment, and sentencing, Black populations deserve the diligence and results of more equitably built and deployed AI systems, especially those interrogated by people who understand the ramifications of being denied equal opportunities.

Before discussing this framework, definitions of AI and distinctions between legacy AI systems and emerging frontier models like generative AI will be shared. A series of use cases that disproportionately impact Black communities will also be explored, with a particular focus on the use of AI in mass surveillance and policing, elections, and broad algorithmic discrimination that forecloses on equal access and potential social mobility. These use cases will surface the importance of creating public policies that bring more diversity into AI models' design and governance. Finally, the paper will provide an overview of current legislative proposals that could help address the harms experienced by Black consumers and present additional policy recommendations that urge Congress, especially those members of multicultural caucuses, to develop a culturally efficacious agenda that not only appeals to making AI decisions and other generated content more transparent to Black users through consumer disclosures and AI literacy, but also offers programs (and perhaps policies) that accelerate a more inclusive AI workforce, especially leading up to the 2024 national election.

DEFINING TYPES OF AI

In recent years, booming AI advancements have dramatically changed public perception of the technology, and its seeming omnipresence: Face ID unlocks your phone, video streaming platforms "magically" suggest your new favorite show, and voice-enabled AI automates your morning alarm. But the arrival of accessible tools powered by generative AI—such as ChatGPT—has created surges in AI capabilities as well as confusion about what AI is. On a very basic level, AI refers to the ability of computers and machines to mimic human-like intelligence to perform tasks and make decisions on an automated basis (Columbia Engineering, 2023). In recent years, distinctions have emerged about types of AI based on technical complexities, including *narrow AI*, where the focus is on a specific, limited task like predictive text or image recognition (Jones, 2023); *frontier AI*, where the focus is on highly capable foundation or general-purpose AI models that can perform a broad range of tasks (Anderljung et al., 2023); and *generative AI*, where the focus is on creating high-quality and seemingly authentically generated text, video, or audio (Gartner, n.d.).

The most widely known Gen AI and frontier AI models are trained on large language models (LLMs) like ChatGPT, which form the basis for chatbots and other forms of conversational AI. Despite its technical sophistication, Gen AI also has the potential to promote the expansion of deepfakes, misinformation,

copyright infringements, and other harmful content. *Deepfakes* are false but seemingly authentic representations of a person's voice or image, which can be enabled by generative adversarial networks (GANs) and other deep learning technologies that enable digital forgery (Somers, 2020). Misinformation can come in the form of widely shared deepfakes or false information widely shared by trusted sources. Copyright infringements can enable the expansion of the prior two phenomena and are often the result of a lack of direct disclosure of the provenance of online content. The spread of harmful content can include hate speech, cyberbullying, and other forms of malfeasance conducted over online platforms.

Narrow AI—like the AI used by judges to determine bail or the AI whose use results in sentencing Black and white defendants differently—can be slightly easier to regulate via disparate impact tests (Larson et al., 2016). Frontier models come with more dangerous capabilities that many researchers suggest can threaten public safety and global security (Anderljung et al., 2023). Because these capabilities are also layered on top of or integrated into the functionality of narrow AI models, frontier AI can also be harder to regulate due to these entanglements.

Algorithms and training data

All three forms of AI rely on copious amounts of training data, which the systems use to learn how to make correct predictions, perform tasks, or create realistic content. When applied to people, these algorithms consider both real and inferential information about them, including their identities, demographic attributes, preferences, and likely future behaviors (Turner Lee et al., 2018). Latanya Sweeney, a distinguished computer scientist at Harvard, found in her early research on online biases that a "Black-identifying name was 25% more likely to get an ad suggestive of an arrest record" (2013). Her thesis from more than a decade ago is no less true today when comparing other scenarios for algorithmic discrimination.

Unfortunately, biased data and algorithms render less-favorable outputs for impacted communities, and when left unchecked, AI technology can lead to collective disparate impact that is even worse than discrimination from other humans. Recently, the chair of the Consumer Financial Protection Bureau (CFPB) proposed a rule to address algorithmic bias in home appraisals after the discovery of discrimination in widely used automated valuation models that

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locked Black homeowners into over- or undervalued properties (Chopra, 2023).

While technical and academic distinctions between narrow and frontier AI continue to evolve, Black populations remain equally impacted by both systems. Because Black communities are underrepresented in AI, there is limited agency for them to change the trajectory of design and governance and to appeal (or repeal) the decisions being made about or for them (Buolamwini, 2019).

Criminal justice is one of many examples where Black consumers are disempowered in this era of emerging and evolving technologies. In the next section, this and other scenarios of AI applications are shared, including mass surveillance and policing, elections, and other activities that impact quality of life where accurate outputs and transparency matter.

AI USE CASES AND THE IMPACTS ON BLACK COMMUNITIES

Before diving into specific use cases, it is important to share that AI can and has been leveraged for the public good and for the benefit of Black communities. Research done by the Lown Institute, a nonpartisan think tank focused on democratizing healthcare systems, has suggested that AI has enabled medical providers to "create individualized treatment plans, predict and map epidemics, flag certain patients for high-risk COVID-19 complications, and take notes during visits automatically" (Serino, 2023). At Howard University, the 1867 Health Innovations Project is partnering with researchers, innovators, entrepreneurs, and corporate partners to incentivize the integration of inclusive AI—including another form of AI through augmented and virtual reality programs (Howard University, n.d.)—to scale values-based care for patients of the university hospital services and to reduce health disparities among medically vulnerable communities. A recent report from McKinsey (2023) also argued that Gen AI could encourage hyper-personalization to assist Black consumers with financial inclusion, including credit-matching products and services or enabling models for alternate credit scoring to address credit and lending. In these and other instances, AI that can solve or minimize

discriminatory exposure could be helpful to Black communities, and policymakers should be proactively seeking these opportunities for equal access.

Scenarios of AI risk for Black communities

However, researchers have also shared various contexts where systemic biases are exacerbated by AI, particularly in contexts of mass surveillance and policing, elections, and a range of quality-of-life scenarios that are already tainted by historical discriminatory practices.

AI USE IN MASS SURVEILLANCE AND POLICING

From the intentional monitoring of civil rights leaders to the current use of facial recognition technologies (FRT) by law enforcement agencies, Black communities have been subjected to government surveillance for decades. During the 1950s and 1960s, the FBI engaged in a massive surveillance campaign to track and restrain the actions of the Reverend Dr. Martin Luther King Jr., Malcolm X, and Stokley Carmichael, among others who were targeted through its Racial Matters and COINTELPRO programs—both of which had few guardrails and guidance. This lack of regulation resulted in the collection of intimate details about the lives of these and other civil rights leaders (Stanford University, n.d.; Bedoya, 2016). Decades later, the Black Lives Matter (BLM) movement and its leadership experienced similar government surveillance, especially in the form of protest monitoring. In 2015, the Baltimore Police Department used aerial surveillance, location tracking, and facial recognition to identify individuals, including those associated with BLM, during the protests that followed Freddie Gray's death (Joseph, 2015). In 2020, the U.S. Department of Homeland Security also surveilled protestors after the murder of George Floyd by deploying drones and helicopters across protests in at least 15 cities (Kanno-Youngs, 2020).

States and municipalities have also contributed to government surveillance efforts—and more granularly applied such efforts to people of color. After 9/11, the New York Police Department and the Central Intelligence Agency (CIA) surveilled Muslim neighborhoods, including restaurants, mosques, schools, stores, and other places where residents

congregated, for more than six years following the national tragedy (Goldman & Apuzzo, 2012). Latino immigrants experienced similar surveillance by Customs and Border Protection, in which additional tools of technological surveillance deployed on planes, boats, and radios have been mobilized to track and identify people along the U.S.–Mexico border (Davis, 2022; Funk, 2019). In a previous paper, my co-author, Caitlin Chin, and I summarized the implications of such mass surveillance: "Government entities directed surveillance with the stated goals of maintaining public order, preventing cyber theft, and protecting Americans more broadly—but the indiscriminate deployment and public vigilantism have contributed to and been fueled by deep-rooted discrimination that affects community of color in the United States" (2022).

Not surprisingly, government actors rely on the private sector to design, develop, and implement their surveillance programs. The availability of massive amounts of data—whether in government-controlled datasets belonging to the Department of Motor Vehicles or data mined from public social media assets—enables federal, state, and local actors to improve on their access and techniques for government tracking and monitoring. Some government agencies have reportedly purchased access to precise geolocation history from third-party data aggregators that compile information from smartphone apps and even wearable devices. These tools have been perfected in an AI environment where new tools, including Gen AI, can hone the surveillance capabilities for even greater oversight.

The prevalence of facial recognition technologies

One such tool leveraged by federal and local law enforcement agencies has been facial recognition technology (FRT), which uses AI for face detection and matching. In 2021, the Government Accountability Office (GAO) found that 20—nearly half—of the 42 federal law enforcement agencies were using facial recognition technology, which comes with a range of misidentification factors and has led to the false arrests of Black people (GAO, 2021). FRT-powered cameras are also used for identity verification and

identification at international points of entry, by law enforcement agencies, by concert venues and other businesses, and by personal devices such as smartphones (National Academies, 2024).

The widespread use of biometric systems like FRT raises concerns about AI's erosion of personal privacy protections and other civil rights safeguards. In April 2023, the Department of Labor warned states to exercise "extreme caution" when implementing FRT identity-verification tools in their unemployment insurance systems (Freed, 2023). To date, six people are known to have been falsely arrested after being misidentified by an FRT system, all of whom are Black and have had to find ways to expunge the trails of those police interactions (Swarns, 2023).

For Black consumers, AI's extraction of biometric data for facial recognition technologies is just one of many ways in which the technology compromises their privacy and. The ubiquity and accessibility of biometric surveillance tools also make it increasingly easy for bad actors to steal such data, which can have dangerous consequences. Without strong protections for data privacy and biometric exclusions in AI use, Gen AI systems will empower scammers and fraudsters to reproduce the likenesses and voices of others, which could have deleterious impacts on critical democratic processes like elections, where the security and integrity of Black voters are at stake (Buolamwini, 2024).

Some lawmakers have proposed legislation to combat biometric privacy and curb governmental mass surveillance. Representatives Pramila Jayapal (WA-07), Ayanna Pressley (MA-07), and Rashida Tlaib (MI-12) and Senators Edward Markey (D-MA), Jeff Merkley (D-OR), Bernie Sanders (I-VT), Elizabeth Warren (D-MA), and Ron Wyden (D-OR) introduced the Facial Recognition and Biometric Technology Moratorium Act in 2021 to prevent the government from using FRT and other biometric surveillance technologies (Office of Rep. Jayapal, 2023). Representatives Yvette Clarke (NY-9), Pressley, and Tlaib also introduced the No Biometric Barriers to Housing Act in 2019 and again in 2021, which would "prohibit the usage of facial and biometric recognition technology in most

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federally funded public housing to surveil tenants" (Office of Rep. Clarke, 2023). In 2023, another bill, the Democrat-led Facial Recognition Act of 2023, sought to limit FRT use by law enforcement, requiring annual assessments and reporting on its deployment, as well as the acquisition of a warrant to show probable cause for its use (Office of Rep. Lieu, 2023). If Congress were to adopt any of these legislative proposals right now, the rights of Black consumers might be protected, with there being at least a degree of greater transparency regarding the government's use of surveillance tools.

AI USE IN ELECTIONS

Another area of significance to Black communities is the realm of voting and elections. Research has pointed to AI's impact on elections, including the scale and velocity of the spread of misinformation, deepfakes, and other deceptive AI-enabled technologies that discourage voters. Sen. Chuck Schumer signaled as part of his AI Insights Forums that legislative proposals to curb election interference would dominate conversations on AI governance (Gaynor, 2023). Yet, at the time of this writing, no bipartisan legislation has been passed.

Black voters are particularly susceptible to deceptive AI software and practices that can be enabled not just through generative AI voice and image swaps

or re-enactments but also through robocalls whose sophisticated methods could target them. In 2020, Black voters were targeted by a far-right robocall attack to dissuade them from voting by mail, which a judge later determined violated the Voting Rights Act and the Ku Klux Klan Act (Shah, 2023). In this instance, the voice of a woman with a Black-sounding name was used to appeal to voters' trust (Shah, 2023). It is anticipated that these tactics, along with others, will be waged on the Black electorate in the months leading up to the national election, where scammers will pose as Black candidates and other trusted advisors like clergy, community activists, and neighbors to sow misinformation, confusion, and intimidation. Though social media companies have vowed to increase their content moderation efforts, Gen AI developers should be under greater scrutiny to monitor and, in some instances, disable election-eroding technologies that thrive off the spread of deepfakes and other harmful online content. In 2019, Rep. Yvette Clarke (D-NY) introduced the DEEPFAKES Accountability Act to quell such harmful content; she reintroduced it recently in response to the worsening of this problem (Saliba & DiMartino, 2023).

ALGORITHMIC DISCRIMINATION

To date, computer science experts have not established standards to identify and mitigate the

outcomes of algorithmic bias and discrimination. First, technologists have limited awareness of civil rights laws and the sectoral-specific guidance that ensures compliance. Acts of racism and other forms of structural discrimination have changed appearances in the digital space, and the increased use of algorithms has made online biases more difficult to identify. Second, existing civil rights laws rest the burden of proof on individuals who have been harmed rather than on the systems initiating them.

AI systems that touch on financial services, education, employment and hiring, and health care should be greatly scrutinized, along with those who develop, license, and disseminate algorithms. Eligibility determinations based on personally identifiable attributes (if legal) should be disclosed, explained, and communicated to applicants, whether through upfront use disclosures or explanations that accompany the results of the determinations. For example, the ubiquity of prescreening machine learning models in employment or education decisions has increased in recent years. Yet many employers or admission counselors who offload these tasks to AI are not making it known to subjects. Researchers are quickly finding racial biases in these systems; for example, Black and Latino men are more likely to be denied interviews because emotional AI tests tend to negatively evaluate their facial expressions (O'Brien, 2018). However, applicants lack means for appeal or remedy due to a lack of transparency or disclosure of their use, which should change. Industry actors that violate civil rights in banking, health care, education, and other areas that impact one's quality of life should be penalized. Further, these types of high-risk algorithms should be evaluated with greater scrutiny than those making more innocuous predictions about one's next meal, movie, or clothing choice—despite market surveillance not being ideal.

AI AND THE WORKFORCE

In addition to these examples of AI's application to real-world scenarios, the continuing adoption of AI technology also generates consequences for the labor market, particularly for Black workers. In 2019, a study by McKinsey & Company found that automation

was already widening the racial wealth gap (Cook et al., 2019). Specifically, the report found that Black workers "may have a higher rate of job displacement than workers in other segments of the U.S. population due to rising automation and gaining a smaller share of the net projected job growth between 2017 and 2030" (Cook et al., 2019). In 2023, another study from McKinsey found that generative AI threatens to supercharge this phenomenon by increasing the U.S. racial economic gap by $43 billion each year. The racial wealth gap is already a significant issue; the wealth of the median Black family is $44,900, compared to $285,000 for the median white family. McKinsey found that Black workers are overrepresented in the jobs most likely to be automated, such as office support, food services, and mechanical installation. McKinsey also concluded that the advent of generative AI has altered the jobs that can be classified as "future-proof": jobs that are likely to avoid automation (Brown et al., 2023). These new future-proof jobs will be those that require social and emotional skills, hand-eye coordination, or nuanced problem-solving abilities. The study's findings suggest that focusing on these non-automatable skills could better position Black workers to develop resilience in the labor market (Brown et al., 2023). In the end, it is imperative that the negative effects of adopting generative and evolving AI technologies, especially frontier models, be monitored for their specific threats to Black communities.

POLICY RECOMMENDATIONS: TOWARD AN INCLUSIVE AI AGENDA

Various federal and state policy proposals have been mentioned throughout this paper. At the federal level, U.S. policy on AI has been the exclusive domain of the executive branch. And current federal actions may be uncertain without congressional mandates. To date, the United States has seen the White House Office of Science and Technology Policy's (OSTP) Blueprint for an AI Bill of Rights, which outlines nonbinding principles to "guide the design, use, and deployment of automated systems" and the National Institute of Standards and Technology's (NIST) AI Risk Management Framework, which expresses a nonbinding roadmap for those who create, license, and distribute AI to identify and mitigate its risks (The

White House, n.d.; Turner Lee & Malamud, 2024; NIST, 2023; Kerry, 2023).

The most significant executive action on AI has been President Biden's Executive Order (EO) on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence, which recently touted some of its accomplishments (Exec. Order 14110, 2023). Though the White House EO has built on many of the principles outlined in the OSTP's Blueprint, it also calls for creating guidance for procuring AI systems, requires developers of certain systems to share safety test results with the government, and instructs NIST to develop standards for red-team testing (a series of technical scenarios to avert harms to consumers and society) (Turner Lee & Malamud, 2024).

In addition to the various draft bills shared in the paper, there are still others pending in Congress that could seriously thwart AI-wielding bad actors, such as the REAL Political Ads Act, which would require a disclaimer for political ads that use images or video generated by AI; the National AI Commission Act, which would create a bipartisan commission to study and propose AI regulations; the AI Labeling Act, which would require developers to include notices on AI-generated content; and the NO FAKES Act, which would prohibit "unauthorized digital replicas of individuals in a performance" (Office of Sen. Klobuchar, 2023). There is also the Eliminating Bias in Algorithmic Systems Act, which would require all federal agencies that use, fund, or oversee algorithms to establish an office of civil rights focused on algorithmic bias and discrimination, and the latest version of the Algorithmic Accountability Act, which would mandate impact assessments for any automated decision-making systems involved in high-risk contexts such as employment, education, healthcare, finance, and housing. Many, if not all, of these proposed bills could address racial discrimination in AI development or deployment if they were to be passed.

To return agency back to Black consumers, some congressional members have also explored legislation to increase AI literacy, which would develop public education about AI, increase awareness of AI bias, and ameliorate Black underrepresentation in AI-related fields. Given that the White House EO included the acceleration of the AI talent pipeline, there could also be an additional call to action to ensure that these roles are identifying and retaining diverse talent for a more inclusive workforce and diverse options for AI innovators and inventors.

COMPONENTS OF A MORE INCLUSIVE AI AGENDA

Technology has long been seen as a mechanism to lower barriers to entry for historically disadvantaged and more vulnerable communities to compete in an increasingly digital economy. A framework that centers the needs and wants of impacted communities could improve the experience that Black consumers have with emerging and evolving technologies.

An AI agenda drafted and led primarily by multicultural leaders in Congress and other affected organizations and individuals could harness the cultural competencies of these communities who share the lived experiences of being Black and/or minority in the United States and abroad. Grassroots versus grass tops organization of priorities of AI use for Black communities and consumers is a start: design and governance of AI systems can democratize both its use and technical leadership, especially as these technologies interact with all aspects of society. For example, a new AI project called "Latimer" is bringing more inclusivity to LLMs to create more racially sensitive experiences in which Black and Brown people can feel deeply embedded and represented in generative AI models. Considered as "Black GPT," this project is working to address some of the online biases that start with the data training AI models through explicit partnerships with historically Black colleges and universities (HBCUs) (Latimer, 2019). Increased community engagement should be a key factor in expanding the universe of stakeholders interested in AI equity.

Second, the envisioning of a potentially updated or upgraded civil rights regime that protects Black consumers' rights should also be prioritized to achieve a more inclusive AI agenda. In December 2023, the Lawyers' Committee for Civil Rights Under Law worked alongside other national civil rights organizations to draft the "Online Civil Rights Act," which could serve

as model legislation for addressing "discriminatory outcomes, bias, and harm arising from algorithmic systems, [and] form the basis of artificial intelligence products and large language models" (2023) This community collaboration, along with the various legislative proposals that focus on the rights of individual consumers, would protect Black users while reflecting the spirit and intent of the White House's original Blueprint, which stressed increased agency for consumers profiled and targeted by AI systems. Having these considerations as part of a more grounded agenda for Black communities will clarify which civil rights protections and related guardrails can best raise the stakes in tackling online discrimination.

A third, and certainly not last, component for a culturally efficacious and inclusive AI agenda is involving consumers so that they better understand AI's impacts and implications to their communities. A recent Forbes article suggested that HBCUs may be broadly overlooked in the AI revolution, as well as small businesses and entrepreneurs whose information may not be reflected in existing predictive and LLMs or who may not know how to avoid online risks. According to the author, a limited understanding of AI's prevalence could also restrict Black families' access to and participation inopportunities in homeownership, education, and credit (Carter, 2023). While colleges and universities are drafting policies for appropriate use of Gen AI tools, it is imperative that Black communities have easily accessible information

to filter out misinformation, deepfakes, copyright infringements, and other harmful content. Mandated by Congress, a public AI literacy campaign can also leverage experts from within the community who can serve as trusted teachers and ambassadors for the cause. On this point, the Brookings Institution's Center for Technology Innovation has launched a new AI Equity Lab to convene culturally and racially diverse stakeholders who share the same values and goals of equity. The project will elevate the backgrounds of these compassionate experts as part of a new "Hidden Figures" repository, which will connect their expertise with others in government, industry, media, academia, and civil society that seek more input on policies and programs.

Taken together, these three components—an agenda grounded in equity, the review of existing civil rights laws to ensure compliance, and a widespread, culturally competent media campaign—can address the glaring oversight of more purposeful AI that is designed, implemented, and shared by communities who stand to lose the most when systems go awry. Thoughtful and representative AI can benefit Black communities, especially in areas where the impenetrable barriers created by structural and systemic racism present closed doors. However, the dangers of AI can be more daunting and further repress Black communities unless policymakers and other like-minded change agents establish a new arc for change.

AUTHOR INFORMATION

Dr. Nicol Turner Lee is a senior fellow in governance studies, the director of the Center for Technology Innovation, and co-editor-in-chief of the TechTank blog and podcast at the Brookings Institution, which is a global think tank headquartered in Washington, D.C. Her research intersects race, technology, and social justice in the United States and abroad. She also focuses on the mitigation of online biases in artificial intelligence and launched a new AI Equity Lab to convene experts. She has a forthcoming book on the U.S. digital divide titled Digitally Invisible: How the Internet is Creating the New Underclass (Brookings Press, August 2024). She is regularly quoted by various news media and has testified before Congress and international governance bodies. In 2022, she was recognized for her distinguished career by the American Sociological Association. She has a B.A. from Colgate University and a Ph.D. from Northwestern University.

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Education in Crisis: Race in Schools

Adia Harvey Wingfield, Ph.D.
Vice Dean of Faculty Development and Diversity,
Professor of Sociology, Washington University

At the current moment, the nation's professional educators face severe challenges when it comes to areas of race and racism. States are increasingly restricting what topics teachers can cover in courses, while colleges and universities grapple with the Supreme Court's decision to overturn affirmative action in admissions. At the same time, critics have stepped up a concerted push to eradicate organizational diversity, equity, and inclusion (DEI) efforts. Many educators are uncertain and on shaky ground when it comes to charting a professional course and understanding the new restrictions in their field.

These shifts have broad, far-reaching implications for many aspects of the education landscape. For one thing, the growing backlash to discussing issues and topics related to race comes as the U.S. population is rapidly becoming more racially diverse. According to recent census data, Asian Americans and Latinxs are the fastest growing populations in the country.[1] Furthermore, significant and noticeable

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1   Frey, William H. (2021). Mapping America's Diversity with the 2020 Census. Washington, DC: Brookings Institute. https://www.brookings.edu/articles/mapping-americas-diversity-with-the-2020-census/ Accessed Feb. 8, 2024

racial disparities between groups still exist, with Black Americans lagging behind whites when it comes to income, wealth, health, life expectancy, and many other critical measures.[2] Disparities are also present in the teaching field, with the National Center for Education Statistics reporting in 2022 that 80% of teachers in the U.S. are white, despite a student body that is much more racially diverse.[3] Even though policymakers try to eradicate the ability to study and discuss issues related to race and inequality, students and teachers are seeing and living it every day.

The articles in this special section of JCPAR are indicative of these issues and reflect the current moment of contestation over race in our education systems. In an original submission for this volume, Dr. Larissa Malone provides a content analysis of anti–critical race theory laws and makes the case that they are affecting American education and that there is a case for their repeal. In another original submission, Drs. Ashley L. White and Adai Tefera offer a historical analysis of the Black freedom movement and assess how race and disability intersect to create particular outcomes for students. These articles provide concrete documentation of the ways that public policy has shaped the racial contours of education through the past and continues to do so today, as well as identifying movements that defined the resistance to these pressures.

In additional articles originally appearing in the *Journal of Negro Education*, authors in this volume critically interrogate other aspects of the educational system and how they affect both students and teachers. Dr. Bettina Love considers an overhaul of the entire educational system, envisioning a complete rebuilding that centers Black joy rather than reproducing systemic inequalities. Drs. Maya Corneille, Anna Lee, Kimberly N. Harris, Karen T. Jackson, and Megan Covington consider the wide racial disparities in STEM education and assess the racial barriers that hinder Black students' success. Finally, Dr. Jessica Stovall explores these racial dynamics from the teachers' perspective, examining the role anti-Blackness at work plays in teacher retention, particularly post-pandemic. These innovative, important articles document some of the challenges of our current educational moment and the ways racial barriers continue to persist—some in ways that have clear historical precedent, others in ways that reflect contemporary circumstances. But they also help paint a broader picture of a nation where racism continues to be one of the defining issues of our society. Educators are part of a workforce that is profoundly racially segregated and unequal, with Black workers still facing substantial hiring discrimination, wage inequality, and underrepresentation in leadership. As a sociologist who researches Black workers in different occupations, I have found that the challenges and issues the authors in this volume present are strikingly similar to those Black journalists, doctors, executives, and other workers encounter. In my recent book, *Gray Areas: How the Way We Work Perpetuates Racism and What We Can Do to Fix It*, I found that these disparities persist through social, cultural, and relational dynamics—the "gray areas" of work that are amorphous, unregulated, and thus ripe for perpetuating inequality.[4] I urge readers to think about the racial crisis in education as part of a larger trend of broad racial inequality in many other settings—our workplaces, the criminal justice system, and the health care industry, among a few—and then to consider how as a society we can fix it.

2   Milligan, Susan. (2018). "Unequal in America." US News and World Report. https://www.usnews.com/news/the-report/articles/2018-05-04/african-americans-lag-behind-whites-in-equality-index Accessed Feb. 8, 2024

3   Characteristics of 2020-2021 Public and Private K-12 School Teachers in the United States: Results from the National Teacher and Principal Survey. https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2022113 Accessed Feb. 8, 2024

4   Wingfield, Adia Harvey. (2023). Gray Areas: How the Way We Work Perpetuates Racism and What We Can Do to Fix It. New York: Amistad.

We Cannot Just Research Racism: Abolitionist Teaching & Educational Justice

Bettina L. Love, Ph.D.
University of Georgia

ABSTRACT

This article draws from my Charles H. Thompson Lecture on Nov. 4, 2020. I argue that the current educational system does not need to be reformed or reimagined; it needs to be abolished.
My presentation was a call to action to utilize the imagination, determination, boldness, and urgency of abolitionists for educational justice. I conclude with centering Black joy as the panacea for anti- Blackness and the foundation for abolitionist teaching.

Keywords: abolitionist teaching, educational justice, spirit murdering, Black joy

TO BE MADE VULNERABLE

Tonight, I want to have a conversation with you all about where we are as a country, but also with the ideas of abolition and what it means to be a coconspirator. I also want to discuss what we mean by this notion of educational justice. And in speaking with you all, a day after this election, I am thinking very deeply about abolition, about what it means to do the work of educational justice. I think we all have to take a deep breath. We have to understand that no matter who wins, no matter who they call this election for, we got work to do. No matter who they say is the 46th President of the United States, we got work to do. And that work has to be focused; that work has to be driven by Black joy, Black love, and an unwavering commitment to Black Lives Mattering. The work has to be clear. And so tonight, I want to take you on a journey of the issues facing education, the issues facing us as Black folx, and how we apply the strategies and approaches of abolitionist teaching.

I want to begin tonight where my book starts. I wrote this book last year called We Want to Do More Than Survive (2019). It's this idea that to be Black in this country is to live in a perpetual state of survival mode, and that is no way to live. So, we have to ask ourselves some questions, and I think the questions that Du Bois asked in 1926 are perfect for right now:

> What do we want? What is the thing we are after? We want to be Americans, full-fledged Americans, with all the rights of other American citizens. But is that all? Do we want simply to be Americans? Once in a while through all of us there flashes some clairvoyance, some clear idea, of what America really is. We who are dark can see America in a way that white Americans cannot. And seeing our country thus, are we satisfied with its present goals and ideals? (Du Bois, 2000, p. 258)

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Du Bois says this in 1926, and I love that he says we who are dark can see America in a way that White Americans cannot that's just a fact. And what we have seen, particularly in the field of education, is that we have used our very Black children to try to tell this world that we are beautiful. That our history, our language, our culture is one of glory. One of love, struggle, and pain, but also one of Black excellence and Black joy. And nothing for me symbolizes this like the story of Ruby Bridges. November 14, 1960, this six-year-old little girl, with all the courage in the world and the weight of it on her shoulders, walks into this school in New Orleans, to show everyone just how beautiful and strong we are. The 60-year anniversary of Ruby Bridges is 12 days away and there are two things we still don't talk about enough. Number one, Ruby Bridges today is only 66 years old, that's it. This did not happen centuries ago; she is only 66 years old. When we think about the history of this country, 66 years is nothing. And on top of that, the second thing we don't talk about is what we have lost. Not only what Black people have lost, but what this world has lost because they refuse to educate us to our highest potential (Siddle Walker, 1996). We have to understand that racism is not just about statistics and numbers, it's about real human beings not being educated to

their highest potential. And that is a loss not only for Black people, but for society. And we're talking about racism in every facet of this country. Black folx are not just mad because they are gunning us down in the streets. We are mad because at every turn in this country, we face discrimination.

Take for example the medical field. A study published in 2019 reported that half of White medical trainees believe such myths as Black people have thicker skin and less nerve endings than White people (Villarosa, 2019). Now let's take this concept from the medical field and extrapolate it to policing; that is how you put your knee in a man's neck for eight minutes and forty-six seconds, because you believe he feels no pain. That is what we are up against in this country. Another study found that if you attend a historically Black college, you might pay more for your student loans simply because you decided to go to a historically Black college, what researchers are calling "educational redlining" (Student Borrower Protection Center, 2020). Black students are paying a Black tax simply because they decided to get their education and live up to the very ideals of democracy. So, what we are talking about is racism and anti-Blackness embedded in every fabric of this country---all the rules and all the policies.

Finally, of course racism and anti-Blackness would show up in a global pandemic. Black folx and Latinx folx are dying at disproportionate rates. To understand why is to know that Black people have been shut out historically in the medical field, the housing field, the banking field, and that when a global pandemic hits, we will be the most vulnerable because our country has made us the most vulnerable. And now we are the essential workers of this pandemic. This is what we're up against.

BLACK LIVES MATTER & SPIRIT MURDERING

According to a 2019 study, the sixth leading cause of death in this country for a Black man is the police (Edwards et al, 2019). So, when we say Black Lives Matter, what we are truly trying to say is that no Black life is disposable. That in every institution in this country, our lives are viewed as disposable. And we are no longer going to be seen as disposable. That is what we mean at the very core---that our lives have to matter. And I argue that if you are going to teach us, then you have to know that our lives matter. If you're going to teach us, you have to know who we are, you have to know our beauty. If you're going to teach us, when we walk in those doors you have to say, 'oh what a beautiful people.' The idea is that we are no longer going to be disposed of in education, disposed of through mass incarceration, disposed of by police brutality, or disposed of by the medical field. Our Lives Matter. And let me be very clear, when I say Black Lives Matter, I mean all Black lives matter. Yes, Black men's lives matter. Black women's lives have matter. Black queer lives matter. Black trans lives matter. Black Muslims' lives matter. Black life at every intersection of Blackness matters. When we say Black Lives Matter, we are truly talking about the liberation of Black people. If that is the case, we must mean the lives of Black trans folx; if we are truly talking about the liberation of Black folx, we must mean the lives of Black queer folx. So, when I say Black Lives Matter, that is deeply what I mean, profoundly what I mean. I am coming to you from Atlanta, Georgia, as a Black queer woman. Black Lives Matter must include Black queer folx because we are all dealing with racism, anti-Blackness, and the spirit murdering of Black children

(Williams, 1991). Now, I think we use the word racism too much, and I don't think we always use the term racism correctly. Racism is the systematic institutional denial of education, home loans, job opportunities, and medical care. Racism is pervasive; it's in the very fabric of this country. And let me be clear: I do not think Black people can be racist. However, we do not talk about anti-Blackness enough. Anti-Blackness is a disdain for you, a disregard for you, that your very humanity does not matter (Ross, 2020). Anti-Blackness allows Black people to be seen as criminal (Ross, 2020). I don't believe that Black people can be racist, but they can spirit murder Black children. Williams (1991) argued that spirit murdering is the psychological, spiritual, mental, and physical toll of racism. In education we don't talk enough about the murdering of our babies. When a child walks into the classroom at six years old, they're ready to go, they're excited, they have a light in their eyes. Now, what dims that light? The process of schooling dims their light. When you walk into school and you don't see teachers that look like you, you don't hear your language, you don't see your history. When your school functions as a prison; when there's metal detectors and dogs and police. This is the spirit murdering of our children. And it happens every day. When school districts suspend Black children for having locs in their hair, that is spirit murdering. When a Black girl is body slammed by the school's resource officer for not giving up her cell phone, that is spirit murdering. When a 12-year-old Black boy is suspended from virtual school for having a toy gun at his house, that is spirit murdering.

Yes, we need police out of schools, but we also need to understand that the idea that Black children are criminal is embedded within schooling. Teachers are calling the police on Black children in virtual school. We are witnessing the Zoom-to-prison pipeline. This is what it means to live in a carceral state that is racist, anti-Black, and committed to spirit murdering Black children.

BLACK JOY & ANTI-RACISM EDUCATION

The opposite of anti-Blackness is not pro-Black, it's Black joy. Nikki Giovanni said:

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> Style has a profound meaning to Black Americans. If we can't drive, we will invent walks and the world will envy the dexterity of our feet. If we can't have ham, we will boil chitterlings; if we are given rotten peaches, we will make cobblers; if given scraps, we will make quilts; take away our drums, and we will clap our hands. We prove the human spirit will prevail. We will take what we have to make what we need. We need confidence in our knowledge of who we are. (www.lifechrome.com/nikki-giovanni/quotes)

To know Giovanni's words is to understand Black joy. One must know this to teach Black children. Giovanni's words should be the foundation of teacher education and the work of anti-racism education. Professional development and curriculum focused on anti-racism cannot just be consumed with Black people's pain and trauma. That's not anti-racism. That's a class on power, privilege, and violence. Anti-racism is showing Black people's lives, art, music, histories, and cultural means of resistance, survival, abolition, and Black joy. It's showing Black people's humanity. I argue that if you don't know Black people's history, you can't teach us; if you don't know our love and joy, you can't teach us. To know Black people is to know we have always wanted to do more than survive.

ABOLITIONIST TEACHING

Why abolition? I don't believe that we live in a society that even knows what justice is. I believe we live in a society that is incapable, does not have the fortitude, and does not have the desire to really understand what Black liberation can be for society. And if that is true, then we cannot try to reform this world. We have to think very deeply about how we start over. I argue that we can start over with love, joy, compassion, and a radical imagination. A new world is possible. However, we must let go of the idea of reform that is slow, incremental, and maintains that status quo. In one of my favorite books by Dr. King, *Where Do We Go from Here*: *Chaos or Community?*, he reflects on some of the biggest civil rights gains of our time, like the *Civil Rights Act of 1964* and *the Voting Rights Act of 1965*. He writes,

> The practical cost of change for the nation up to this point has been cheap. The limited reforms have been obtained at bargain rates. There are no expenses, and no taxes are required, for Negroes to share lunch counters, libraries, parks, hotels and other facilities with whites. Even the psychological adjustment is far from formidable . . . Even the more significant changes involved in voter registration required neither large monetary nor psychological sacrifice (King, 2010, p. 65)

King is calling out these cheap reforms that are symbolic in nature and performative.

Now in 2020, after a summer of uprising, we saw performative reforms. Black Lives Matter signs in the

yards of the same folx pushing Black folx out of their communities. Corporations making Black Lives Matter statements in the summer that are now fading into the background. Major U.S. cities now have huge murals that say "Black Lives Matter" in the same streets where they are killing Black people. These symbolic gestures of reform make us all feel good and we pat ourselves on the shoulder, maybe we get some incremental gradual change, but the material everyday lives of Black folx do not change. It does not push the status quo. What we have to understand is that we have to move toward abolition, and this is why I wrote about the ideas of abolition; to bring the struggle of prison abolition, abolishing the police, and the methods and strategies of abolitionists, historical and contemporary, to the field of education.

Robin D. G. Kelley (2020) tells us, "Abolition works to dismantle systems that have caused harm." Education is a system that is causing harm. So, let's not reimagine or reform education; let's tear it down and build something more just, loving, and kind that centers Black life. To do this, we must have bold imagination to dream something different. And dream something that is about equity and about love; that is about justice that centers Black lives. Abolitionists have an indomitable spirit. Abolitionists understand that we may not see the end of this work, but we are going to work every day like we are going to take racism out. And we may not get to the finish line, but we are going to create a path to it. That's what an abolitionist does.

An abolitionist says we're not just trying to tear down bad schools; we're trying to tear down the conditions that created those schools. We're not just trying to close prisons forever; we're trying to close the conditions that created prisons. As Ella Baker said: "Always go to the root" (Ransby, 2003). That's what it means to be radical---go to the root. That's what it means to be an abolitionist---to love, protect, dismantle, and build. To eliminate the harmful and oppressive policies geared at students of color you have to see that freedom dreaming is a part of your work. To dream of a world that does not exist, to dream of rules and policies and procedures that are loving and kind to Black children. It's not just your job to research racism, it's your job to dream up how to beat it. That's what this work has to be. So how do we freedom dream together? How do we grow together? We have to see loving Blackness as a political act of resistance, we have to have a radical imagination, and we have to understand that Black joy must be the foundation of our work.

AUTHOR INFORMATION

Bettina L. Love, the Georgia Athletic Association Professor in Education at the University of Georgia, was the guest lecturer of the 41st Annual Charles H. Thompson Lecture-Colloquium Series that was held November 4, 2020. She presented her lecture via Zoom, "Abolitionist Teaching, Co- Conspirators & Educational Justice," which is provided here in expository format for The Journal of Negro Education.

All comments and queries regarding this article should be addressed to blove@uga.edu.

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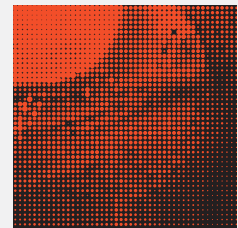
Whitelash in American Schooling: A Critical Content Analysis of Anti-Critical Race Theory Laws

Larissa Malone, Ph.D.
Social and Cultural Foundations of Education,
University of North Carolina Wilmington

ABSTRACT

Despite a racialized awakening in the country, laws that silenced dialogue about race and racism have been introduced in more than half the states, mainly targeting American schooling. This research examined the language and context of anti–critical race theory (CRT) laws and explored how defunct executive orders served as a blueprint for state education policy. What is the language and context of anti-CRT laws? In what ways have the anti-CRT laws targeted American schooling? This study used critical content analysis as a methodology to engage with the text of the anti-CRT laws. The express purpose was to detect systematic patterns and identify themes across various documents to locate the ways in which the set of texts challenged racial justice. Using CRT as a theoretical framework unveiled myriad ways in which race was operationalized relationally, politically, legally, and systematically in the making of anti-CRT laws. As a result of this study, the author makes the following recommendations: Define terminology accurately in law, consult experts in the CRT and education fields, enact laws that protect vulnerable and marginalized populations, end the punitive measures that have been put into place, and repeal anti-CRT laws. This study aimed to demonstrate the impact anti-CRT laws have had on American schooling, and it provides insight into how to counteract laws that desire to suppress the acknowledgment and examination of the role of race and racism in the United States and American schooling specifically.

POLICY RECOMMENDATIONS

- Define the terminology in laws accurately. Much of the language in state anti-CRT laws are based on annulled federal executive orders that misconstrue definitions related to race, racism, and discrimination.
- Consult with experts in the field. Critical race theory is often miscategorized in definition and context within anti-CRT laws, and consulting with critical race theorists and educators would have prevented this fundamental flaw.
- Enact laws that center the vulnerable and marginalized. To counter restrictions intended to silence discussions on race and racism, enact laws that ensure the inclusion of multiple perspectives representing all of America.
- End punitive measures and opt-outs. The punishment for violating anti-CRT laws is often subjective yet enforceable, creating stressful and confusing conditions. On the other hand, abdicating participation in training and instruction is unduly protected. Until anti-CRT laws are refined or repealed, both practices should cease.
- Demand repeal. Because much of the text and language of anti-CRT laws are based on false syllogisms, their implementation must be immediately suspended.

Keywords: African American/Black women, intersectionality, politics, equity

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INTRODUCTION

The summer of 2020 was a remarkable time in racial justice history. Following a succession of young Black Americans being murdered, most notably George Floyd, Ahmaud Arbery, and Breonna Taylor, protests occurred around the world in the name of police brutality and racial inequality in America. National conversations pivoted toward racial disparities across various sectors of society, the racialized implications of policies and practices, corporate commitments toward dismantling systemic racism, and community awareness and dialogue.

Although it seemed like the long arc of the moral universe was finally bending toward justice, whitelash—defined as a strong negative reaction to a change or recent events by white people against the success and achievements of Black people (Cambridge Dictionary, n.d.)—occurred from the highest office of the land. In September 2020, then-President Trump issued the Executive Order on Combating Race and Sex Stereotyping (2020), banning "radical ideologies." Practices that were interpreted as "divisive concepts," "race or sex stereotyping," and "race or sex scapegoating" were prohibited. The mandate included a limit to

and a review of "any training, workshop, or similar programming having to do with diversity and inclusion, as well as information about the duration, frequency, and expense of such activities." Soon after, another executive order was issued to establish the President's Advisory 1776 Commission (2020). This mandate focused on history education, and its purpose was to combat a "radicalized view of American history" that was categorized as the vilification of the Founding Fathers and instillment of anti-patriotism. Neither enactment abided, as President Biden rescinded both on his first day in office. Nevertheless, the damage had been done. The two executive orders, often entangled, soon became the gold standard for anti-critical race theory (CRT) state laws and introduced CRT into the everyday lexicon of the American people.

In the afterlife of these executive orders, well over half of the states have introduced some version of anti-CRT legislation. It is important to note that the first executive order does not target schools, and neither executive order mentions CRT by name. It is also essential to acknowledge that CRT rhetoric surrounding the executive orders or subsequent state mandates is often incorrect. Nevertheless, the

federal hyperbolic messaging solidified a nefarious relationship between CRT and education and spurred state campaigns that replicated the executive orders. What is the language and context of anti-CRT laws? In what ways have the anti-CRT laws targeted American schooling? This research aims to examine the language and context of anti-CRT laws and explore how the national mandates served as a blueprint for state education policy. This paper aims to provide insight into how to counteract laws that aim to suppress the acknowledgment and examination of the role of race and racism in the United States and American schooling specifically.

CRITICAL RACE THEORY AS A THEORETICAL FRAMEWORK

Paradoxically, the most appropriate theoretical framework for examining the function of race and racism in anti-CRT laws is CRT. CRT straddles both the legal field and the field of education in that it was born in the legal field in the late 1970s (Delgado & Stefancic, 2001) and has been applied to the field of education since the mid-1990s (Ladson-Billings & Tate, 1995). Over the years, CRT has unveiled myriad ways in which race is operationalized relationally, politically, legally, and systematically in American schooling (Alemán, 2007; DeCuir & Dixson, 2004; Dixson & Rousseau, 2005; Duncan, 2019; Ladson-Billings, 1998; Stovall, 2013). CRT's overarching premise is that race matters in every possible way, and racism in society functions as an enduring presupposition. Hence, the goal of CRT is not the absence of racism but rather the progression toward a less-racist society, and it aims to continually challenge dominant ideologies that reify racialized hierarchies (Solōrzano, 1998).

This research relies heavily on five tenets of CRT that are particularly relevant to interrogating anti-CRT laws.

- First, the permanence of racism asserts that race and racism have impacted every facet of life in America and will continue to do so into the foreseeable future (Bell, 1992; Delgado & Stefancic, 2005).

- Second, the principle of racial realism insists that race and racism be approached soberly,

both in justice and truth, and acknowledges that regressions plague racial progress (Bell, 1992). The tenet of racial realism is particularly germane to the present topic because it establishes and interrogates the ebbs and flows of justice in America, as demonstrated by whitelash.

- Third, interest convergence posits that policy changes that advance minoritized populations are implemented when there is a benefit to the race that wields power in society (Bell, 1980a; Morris, 2001).

- Fourth, whiteness as property (Harris, 1993) parallels whiteness as a valuable commodity in society and underscores that nonwhite individuals can never hold whiteness nor the benefits associated with it.

- Fifth, the critique of liberalism tenet argues that incremental improvements are often celebrated, even if the results are not far-reaching and are often only performative (DeCuir & Dixson, 2004).

Though anti-CRT laws misdefine CRT and erroneously link CRT to curriculum and instruction in K—12 schools, it is important to mention that one of the most prominent figures of the CRT movement, attorney Derrick Bell, based many of his seminal writings on the function of race in American education institutions (Bell, 1976a, 1976b, 1977, 1980a, 1980b, 2004). *Brown v. Board of Education* and the way in which it failed to bring about widespread racial equity in American schools and society was often the centerpiece of his arguments when developing many of the tenets that undergird CRT. Indeed, it was during his personal experience of supervising nearly 300 school desegregation cases that he concluded that the *Brown* decision was "more symbolic than real" (Bell, 2004, p. 19) and served no purpose but to "reinforce the fiction" (Bell, 2004, p. 7) that racial advancement occurred by its passage. Ultimately, he was bewildered how a legal rendering could have "promised so much, and, by its own terms, accomplished so little" (Bell, 2004, p. 2). Thus, it is particularly ironic that anti-CRT legislation that restricts acknowledging race and racism in American schooling abundantly proves the central arguments on which CRT was built.

METHODOLOGY

Content analysis views text as data. Content analysis engages in systematic pattern-seeking, theme-identifying, and coding to interpret the meaning of a text or a set of texts (Krippendorf, 2004; Stemler, 2000). Content analysis goes far beyond enumerating words and instead places significance "on the characteristics of language as communication with attention to the content or contextual meaning of the text" (Hsieh & Shannon, 2005, p. 1278). This study employs a particular form of content analysis, namely critical content analysis. Critical content analysis engages with text with the express purpose of "locating power in social practices in order to challenge conditions of inequity" (Short, 2017, p. 1). Though critical content analysis falls under the umbrella of content analysis, they differ in that critical content analysis approaches the text with a critical lens and a social justice agenda and works in tandem with a critical theory (Short, 2017). Critical content analysis surfaces that the research and the researcher, nor the texts and the authors of the texts being analyzed, are politically neutral.

At the time of this research, approximately 36 states had introduced an anti-CRT bill (Stout & Wilborn, 2022). To narrow the scope, this study examines the text of the 15 anti-CRT bills that were enacted into state laws, either by legislative vote, governor executive order, or attorney general binding opinion. The states included are Alabama, Arkansas, Florida, Georgia, Idaho, Iowa, Mississippi, Montana, New Hampshire, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Virginia. The text of each law was read multiple times, and passages were coded based on emergent themes. Moreover, during a second coding exercise, the constructs of CRT were used as pre-determined categories to "validate or extend conceptually a theoretical framework or theory" (Hsieh & Hannon, 2005, p. 1281). Additionally, a comparison was made of each text to the federal executive orders, as well as to one another, in terms of both language use and context.

FINDINGS

After careful analysis of the anti-CRT laws, the findings are as follows:

Mimicking of Executive Orders

The language used across the anti-CRT laws closely mimicked the executive orders, and similar passages appeared several times across multiple documents. In fact, much of the terminology was a direct lift from the executive orders with little to no variance. This includes the definition of "divisive concepts," which, in part, include concepts such as "one race or sex is inherently superior to another race or sex," "an individual's moral character is necessarily determined by his or her race or sex," and "meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race." Wording that also appeared multiple times included defining "race or sex stereotyping" as "ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex" and defining "race or sex scapegoating" as "assigning fault, blame, or bias, to a race, or sex, or to members of a race or sex because of their race or sex."

Incorporation of CRT in Totality

Although CRT was never mentioned directly in the executive orders, there were multiple anti-CRT laws that explicitly called for a ban on CRT. North Dakota's anti-CRT law states that "a school district or public school may not include instruction relating to critical race theory in any portion of the district's required curriculum." Virginia's anti-CRT law calls for "ending the use of inherently divisive concepts, including critical race theory, and restoring excellence in K–12 public education in the commonwealth." Utah's resolution identifies "risks of critical race theory in public education." Moreover, some states attempted to define CRT, elucidating a gross miscategorization of the theory. For example, Montana's anti-CRT ruling states that CRT "rejects the belief that what's in the past is in the past," rather than framing CRT as a theoretical framework that historically examines the legacy of white supremacy. Another example is that of South Dakota's anti-CRT law, which defines CRT as a theory that "compels students to view the world through a purely racial lens and to judge others based on the color of their skin rather than the content of their character," which falsely positions CRT in

opposition of Martin Luther King Jr., someone who is widely considered an influencer of the CRT movement.

Implementation and Application to K–12 Settings

The Executive Order on Combating Race and Sex Stereotyping (2020) pertained to the federal workplace. Yet much of the terminology from this executive order, including definitions and punitive actions, was applied to education institutions in most anti-CRT laws. Many of the anti-CRT laws intermingled the language of the two executive orders, including verbiage from the Combating Race and Sex Stereotyping Executive Order and the 1776 Commission Executive Order. This created a hodge-podge of locales in which the law would take effect. Though some states passed anti-CRT laws that centered on state workplaces and were inclusive of K–12 public schooling by virtue of public schools being state-funded, many other states focused specifically on K–12 public schooling. Still others focused on state-funded entities, such as K–12 public schooling and postsecondary education institutions. It is important to note that all 16 state anti-CRT laws apply to K–12 public schooling, and most legislation had K–12 public schooling as the centerpiece of their argument. In at least two states, additional addendums were introduced after the passage of the original anti-CRT law, and these addenda pertained to K–12 schooling. For example, in South Dakota, the original law restricted instruction in higher education and a subsequent governor executive order expanded the scope to K–12 schools. In Georgia, the "Parents' Bill of Rights" was passed, giving K–12 parents the right to classroom materials and the ability to have their children opt out of certain instructional topics.

Punishment and Protection

In the executive orders, specific policies prohibited governmental agencies and contractors from practicing "divisive concepts" and the like. Yet there was a variance across state anti-CRT laws regarding consequences associated with violations. Though some laws did not mention a punishment, others were very specific, such as withholding state funds or terminating federal contracts with entities that did not conform to the law. Additionally, oversight of the law

varied from state to state; some laws did not include specificities of who would be responsible for ensuring compliance with the law, while others did name a state agency for reviewing and reporting but no other directives. However, there was one aspect that was consistent across the majority of state anti-CRT laws. If someone opted out of participating in training or instruction of materials that involved "divisive concepts," "race or sex stereotyping," or "race or sex scapegoating," they were protected against retaliation from their employer or the school. For example, the anti-CRT law in Texas states, "A teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs." Virginia's anti-CRT law states that "executive employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts."

Underscoring the Need for Critical Race Theory Analysis

There were clear examples of how race and racism functioned in the construction of the anti-CRT laws. For instance, though the purpose of a particular anti-CRT law was to limit discussions about race, the law also explicitly stated that Martin Luther King Jr.'s "Letter from a Birmingham Jail" and "I Have a Dream" speeches should be taught. These two speeches are widely considered palatable racial justice passages, even by the most racially intolerant individuals. This illustrates the critique of liberalism tenet because it emphasizes certain texts that advance the argument of the dominant culture in power: that there have been great advancements in the social justice movement, and that race and racism exist only in the past. Yet substantive discussions about racial realism and the complexity of the ebbs and flows of racial progression are banned. Several instances in the texts were thinly veiled attacks on the principles of CRT. For example, many anti-CRT laws prohibited language that declared "inherent privilege" and banned instruction that stated that America was "fundamentally or irredeemably racist or sexist," definitions that could be easily interpreted as being in alignment with the CRT tenets of whiteness as property and the permanence of racism, although the descriptions are thoroughly incomplete.

DISCUSSION

It cannot be underscored enough that CRT is misidentified and under-contextualized in anti-CRT laws. Even more, banning cherry-picked innuendos of CRT is deceptive and misleading. Further, the verbatim language lifted from the executive orders and used in state anti-CRT laws is problematic. Many of the definitions are cryptic, vague, and left up to the reader's interpretation. Thus, the definitions that are directly linked to CRT are defective and inaccurate, with CRT placed in opposition to words and phrases such as "patriotic," "true history," and "public peace" and associated with words and phrases such as "harm," "degrade," and "inflame divisions." This further convolutes a theoretical framework that is already grossly misunderstood in the public sphere.

The extent to which these anti-CRT laws are centered on K–12 public schooling is quite troubling, especially given that a great deal of the language is lifted from an executive order meant for federal workplace employees, not children. With little to no consistency regarding reporting, reinforcement, or repercussions, it has left educators, from administration to the classroom, confused. In Tennessee, a teacher has lost their teaching position because of their anti-CRT law (Natanson, 2021). In Oklahoma, the State Department of Education is threatening a district with a sanction, which can eventually result in losing its accreditation (Carter, 2022). New Hampshire launched a hotline for parents to report anti-CRT violations (Gibson, 2021). These examples highlight that enacting anti-CRT laws has real consequences. Yet states have little to no guidance on how to interpret the law or a great deal of elasticity to interpret the law in a partisan way.

CONCLUSION

If there was any doubt regarding the intentions surrounding the issued executive orders, Trump made them crystal-clear a few months after leaving office. In an op-ed (Trump, 2021), he penned specific directives that included a call to withhold tax dollars from districts or workplaces that allow CRT and that "each state should create its own 1776 Commission to examine the public-school curriculum and ensure that students are receiving a patriotic, pro-American

education—not being taught that the United States is an evil nation" (para. 13). Further, he encouraged local parents to unite about, rally against and opt out of 'leftist' civic lessons and demand to see every teacher's lesson plan. His language is bombastic and intended to stoke fear, exampled by phrases such as, "the government has no right to brainwash students with controversial ideologies against their parents' will" (para. 16) and "for our children, we must act before it is too late" (para. 20).

Kahn (2021) reported that more than one-third of Americans support anti-CRT laws, although the same study found that most Americans could not define CRT. 33% of Americans believe that CRT claims that "white people are inherently bad" and that "discriminating against white people is the only way to achieve equality," neither of which is true. Twenty more states have anti-CRT legislation pending, and the attacks are only intensifying as the former commander-in-chief has called anti-racism training "anti-American propaganda" (Associated Press, 2020) and CRT "psychological abuse" (Brewster, 2021). Without a doubt, this is the time for research and policy to be a theoretically sound resource contributing to racially just education practices.

Beyond public discourse, anti-CRT laws are disrupting teaching and learning in American schooling. After the passage of anti-CRT legislation, many state departments of education were forced to interpret the law due to intense confusion or because they were named as the entity responsible for enforcing the law. Teachers unions have brought lawsuits against states because the laws are vague and fail "to make clear to teachers what exactly is prohibited...casting a chilling effect in the classroom" (Meckler, 2021). Further, because many of the states that passed anti-CRT laws have majority minoritized public school populations, it is critically essential that the language and intent of anti-CRT laws are closely examined so that teachers receive the necessary training to work with Black and Brown students and all students receive a thorough and accurate curriculum that's inclusive of all Americans.

AUTHOR INFORMATION

Dr. Larissa Malone is an associate professor of social and cultural foundations of education in the Watson College of Education at the University of North Carolina Wilmington (UNCW). Dr. Malone earned a doctorate in cultural foundations of education at Kent State University, an M.A. in education from Walsh University, and a B.A. in international studies from Case Western Reserve University. Dr. Malone also holds a primary teacher certification from the American Montessori Internationale, taught early childhood and early elementary grades, ans served as an administrator in a bilingual community-based school before joining the ranks of higher education. Dr. Malone's research centers on the minoritized experience in schooling, including students, parents, and teachers, and she is particularly interested in the intersection of education, race, and tangential disciplines, such as religio-spirituality, geography, social reproduction, critical race followership, and critical race mothering.

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From the Perspective of Race and Disability: Violence and Black Liberation in Schools

Ashley L. White, Ph.D.
Department of Rehabilitation Psychology & Special Education,
University of Wisconsin-Madison
Adai Tefera, Ph.D.
Special Education, University of Arizona

ABSTRACT

In our effort to understand the history and failure of Black liberation in schools, authors examine Black freedom movements in education and current contextual issues that contribute to Black students' oppressive educational conditions. The authors highlight the Black liberation movement's role in securing education equity and intellectual freedom for Black children, youth, and families, focusing on the success and demise of Black Panther Liberation Schools and the Student Nonviolent Coordinating Committee's Freedom Schools. Authors also explore the significance of *Oliver Brown et al. v. Board of Education of Topeka, Kansas (347 U.S. 483) 1954 and (349 U.S. 294) 1955* in its failure due to the strategic and diminishing execution of the Court's decision to liberate Black children in U.S. schools. Finally, the authors foreground the current and intersectional context of ethnoracial identities and disability through the consideration of special education and the Education for All Handicapped Children Act (Individuals with Disabilities Education Act [IDEA: PL94-142]) to demonstrate the persistent ravaging effects of education systems and practices upon Black children and other marginalized student groups. The authors examine the historical and present forms of educational bondage of Black students toward the advancement of equity, inclusion, and liberation of Black students' bodies and minds in the 21st century. As a solution, the authors encourage a deep examination of current liberatory policy and practice in the context of resistance theories.

POLICY RECOMMENDATIONS

Scholars

- Use liberatory theories, as opposed to theories that intentionally or historically uphold the perpetuation of inequity from antiquated supremacist perspectives, to analyze disparities and create change-agent research for policymakers and other education stakeholders.
- Expand scholarly influence by connecting with and providing timely research to policymakers, legislative staff, and other supporting entities to contribute to effective policies for Black and other marginalized student groups.

Policymakers

- Coordinate with the U.S. Department of Education to enhance the dissemination of agency equity guidance, recommendations, and other agency policies in states and congressional districts.
- Expand coordination with historic civil rights organizations beyond legislative endorsements to connect grassroots work in states and districts regarding policies and practices for education justice.

Eductors and Other Educational Stakeholders (Including Parents and Advocates)

- Monitor the implementation of federal agency guidance and recommendations in state and local education agencies (SEAs & LEAs) and connect federal guidance and recommendations to curriculum guidance and professional development for educators.
- Consider and use successful models of teaching, school climate improvement, parent and community involvement, and state and local advocacy efforts from other SEAs/LEAs to improve local practices.

INTRODUCTION

Liberation efforts for Black students in education have failed. Such failure has resulted in disproportionate discipline, inequitable learning experiences and outcomes, and subsequent social and economic consequences, to name a few. To understand and work toward liberation for Black students in schools, we examine the history of freedom schools amid *Oliver Brown et al. v. Board of Education of Topeka, Kansas (347 U.S. 483) 1954 and (349 U.S. 294) 1955* and associated legislation and policy. We also explore the maintenance of curriculum and physical violence toward Black students through a brief analysis of core curriculum areas as well as special education policies, practices, and systems to foreground the educational bondage of all Black students, including students residing at the intersection of race and disability and issues related to antiblackness. According to Dumas and Ross (2016), "antiblackness is not simply racism against Black people. Rather, antiblackness refers to a broader antagonistic relationship between blackness and (the possibility of) humanity" (p. 429). The expansive scope of violence that Black students have experienced in education contributes to persistent social, political, and economic inequities and foretells the injustice and violence to come if scholars, practitioners, policymakers, and other education stakeholders do not consider ways to maximize comprehensive efforts of education post-reform within the context of resistance theories and work.

BLACK LIBERATION MOVEMENTS IN EDUCATION

"All the educators at Oakland Community School read Paulo Freire's 'Pedagogy of the Oppressed,' one of the seminal books in liberatory education, critical thinking pedagogy, and culturally relevant education" (Bahls, 2020).

Rodney Gillead, a former educator with the Black Panther Party's Oakland Community School (OCS), read Freire's *Pedagogy of the Oppressed* (2000/1968) and explains that many of his colleagues also read this seminal work. Given Freire's historical connection to Pan-African revolutionists (Strong & Nafziger, 2021), this connection is important. Freire's work on school and education as a mechanism for oppression and the necessity of critical consciousness to overcome

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oppressive education (White, 2022) provide a critical foundational framework for creating liberation schools and curricula. The Black Panther Party (BPP) established liberation schools as a strategy to free Black students from oppressive education systems and pursue independence (Andrews, 2014) from the education practices that proffered deficit narratives of the intellectual inferiority of Black students, families, and communities. Liberation schools represented educational nationalism (Harris, 2001) and demonstrated the Party's commitment to serving its communities through innovative methods.

The BPP's emphasis on schooling included the Children's House, which simultaneously focused on teaching revolutionary history and culturally holistic education practices, as well as ensuring physical safety for children of BPP members (Bahls & Zarni, 2022). In kind, the Intercommunal Youth Institute continued to develop revolutionary identities among its Black students (Bahls & Zarni, 2022) that could support them in unshackling themselves from educational and societal oppression. The Intercommunal Youth Institute's name was changed to the Oakland Community School (OCS), which focused on community education practices that still involved critical thinking as praxis but expanded beyond the curricular focus of earlier BPP schools by including children not affiliated with the BPP and considered the whole child, including experiential learning in and out of school (Thompson, 2007). Liberation schools supported the BPP's10-point platform, including "changing the narrative and realities of Black students and families" (Burton, 1978; The Black Panther, 1971).

In similar efforts to free Black students and communities from educational oppression, the Student Nonviolent Coordinating Committee (SNCC) (SNCC, n.d.) established Freedom Schools in Mississippi in 1964. As a part of Mississippi's Freedom Summer, Freedom Schools emerged as a "collaborative social justice project" between the Congress of Racial Equality, the National Association for the Advancement of Colored People (NAACP), and the Southern Christian Leadership Conference (Hartley-Kong & McMurray, 2022). The *Citizenship Curriculum*

and the *Guide to Negro History* curriculum were "designed to help students examine their personal experiences with racial discrimination and understand their broader context in Mississippi's closed society" (SNCC, n.d., para. 3). Freedom Schools served several purposes, including supporting students who had opted out of traditional schooling (Hale, 2014), exploring concepts that Black students post-Brown had/have yet to realize on a large scale, and providing an avenue for students to become advocates and activists themselves (SNCC, n.d.).

These institutions used education as a tool for liberation, despite its exclusionary beginnings (Lowe, 2021), and proved once again that Black children were equally capable of learning. In some instances, these schools received praise from policymakers and other officials (SNCC, n.d.). Liberation and Freedom Schools were not the first of their kind. The long history of schools and education practices liberating Black people in multiple ways also includes covert education practices used during chattel slavery (Gundaker, 2007), the establishment of historically Black colleges and universities (HBCUs) (Wade, 2021), and the Citizenship Schools of the 1950s and 60s (Levine, 2004).

EXAMPLES OF CURRICULUM VIOLENCE

The concept and practice of curriculum violence flourished post–Brown v. Board with the dissolution of liberatory/freedom schooling, ushering in an opportunity to further disenfranchise Black students amid desegregation efforts and restrictive learning environments. Much of the violence imposed upon Black students in education spaces can be witnessed through the foundations and teaching practices in core content areas, specifically reading, mathematics, and science. The assumption that Black students' capabilities are inferior to those of white students has been taken for truth and justified via test scores (Martin, 2012, 2019). Scholars have long documented bias in reading instruction, testing, and outcomes (Hoover et al., 1987), stemming from the direct prohibition of reading during chattel slavery (Lowe, 2021). As a skill, reading has been integral to intellectual, social, and economic liberation. Therefore,

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keeping the enslaved illiterate helped solidify the institution of slavery and the economic power of white citizens over their human property. Freeing Black students from inequitable reading instruction requires action that fundamentally opposes current education practices. Among other strategies, scholars suggest decolonizing reading and liberating students through literature choice (Lowe, 2021) and the consideration of cultural and language differences for culturally and linguistically diverse student groups (Hall & Guthrie, 2017).

Similar biases persist in science and math curricula. Scholars have long since catalogued inconsistencies and inequities in these areas (Anderson, 1970), attributing disproportionate educational outcomes in science, technology, engineering, and mathematics (STEM) to minimized access to high-quality STEM teaching and supplemental resources (Morton et al., 2022), beliefs that Black students possess an "inability to handle high-quality materials" (Morton et al., 2022, p. 132), reduced access to advanced STEM courses (McGee & Pearman, 2014); and minimal access to high quality teachers and teaching (Darling-Hammond, 2001). Inequitable STEM practices are severely consequential when considering the impact on postsecondary opportunities in STEM for Black and other marginalized students (Newsome, 2021). Scholars have also provided research-based

frameworks and strategies for change, including concepts that feature diverse student ability in STEM (e.g., Black Liberatory K–12 Science Education [BLKSE]), explicitly highlighting and expanding on the contributions of Black STEM intellectuals and naming antiblackness in K–12 science education (Morton et al., 2022).

HALTING EDUCATION FREEDOM THROUGH LIBERATORY REFORM

Liberation schools were only one of many BPP programs thwarted by Hoover's Federal Bureau of Investigation (FBI) and conspiring local authorities throughout the nation.[1] The FBI targeted and worked toward the demise of the BPP and all its programs. Between external government forces and internal party struggles, all liberation schools eventually closed, including the Oakland Community School in 1982 (Johnson, 1998). The rise of the BPP, its educational programs, and the government's targeted efforts to dismantle these programs occurred after *Brown v. Board of Education (1954 and 1955)*, the landmark case that was initially proclaimed a national shift toward education equity.

Brown v. Board I and II represented a shift toward race-inclusive schooling even as political actors worked tirelessly to prevent school desegregation of schools at the state and federal levels (White, 2022). As desegregation proved inevitable, scholars

noticed a shift in segregationist strategy, one that involved segregating students *within* schools. Staunch opposers to desegregation essentially used disability and special education as a tool to continue to exclude Black students and other marginalized students of color from comprehensive education opportunities (Sleeter, 1986). Methods such as tracking (Dunn, 1968) and misuse of disability labels (Sleeter, 1986) helped to maintain segregation in schools and perpetuate the notion of Black intellectual inferiority. To date, the misuse of special education has continued to exacerbate exacerbating inequitable education and disproportionate outcomes (White et al., 2021). At this juncture, the authors emphasize special education policies and practices as a new phase of education subjugation, not because the needs of and practices for students with disabilities/disabled students are fictitious, but because special education systems also serve as the latest conduit for discriminatory practices in schools.

HISTORICAL INEQUALITIES AND EVER-PRESENT DILEMMAS CONCERNING SPECIAL EDUCATION

The history of special education in the United States is one of exclusion and marginalization. Despite compulsory education laws that required children to attend school (White, 2022), in the 1800s and 1900s, courts played a key role in excluding disabled children from attendance in schools (Winzer, 2009). For instance, in 1893, the Massachusetts Supreme Judicial Court ruled that a child who was not able to take "ordinary, decent, physical care of himself" could be expelled from public school (cited in Yell et al., 1998, from *Watson v. City of Cambridge*, 1893). Such decisions permeated state decisions across the United States into the middle of the 20th century. For example, in 1958, the Illinois Supreme Court ruled in Department of Public *Welfare v. Haas* that the state was not required to provide a free public education for students deemed "feeble minded" (Yell et al., 1998). These early legal decisions contributed to a key paradox between compulsory education laws that required all children to attend schools and ableism embedded within the law, given the legal exclusion of disabled children from many of the same rights that benefited nondisabled children. However, by the 1960s

and 1970s, many states had passed laws requiring the education of disabled students, contributing to the passage of the federal law called the *Education for All Handicapped Children Act* of 1975 (or Public Law 94-142), now known as the *Individuals with Disabilities Education Act* (IDEA, 2004).

Woven into this legal history of education for students with disabilities is the central role of race, racism, and ethnoracial inequality. The intersection of ethnoracial identity and disability includes a troubling history in the United States, given the central role of white supremacy that contributed to the legal oppression of Black communities and other ethnoracially oppressed groups. The enslavement of Africans led to medical theories about slavery-related disabilities (Connor & Artiles, in press) and so-called "diseases" such as *rascality*, a "disease that made slaves commit petty offenses," and dysesthesia, "which made slaves insensible and indifferent to punishment" (Willoughby, 2018, p. 579). Indeed, research about the racialization of ability was leveraged to enforce and maintain ethnoracial inequality, including the eugenics movement in the early 20th century and segregation during the Jim Crow era (Connor & Artiles, in press). As previously stated, significant civil rights advancements in the 1950s and 60s, including the landmark decision of *Brown v. Board of Education* (1954), provided an essential legal infrastructure under the equal protection doctrine for Black and other historically marginalized communities, including students with disabilities. The *Brown* decision, including its legal strategy and the Civil Rights Movement in general, aided the modern-day disability movement and was instrumental in the passage of PL 94-142.

LEGACIES OF RACISM AND ABLEISM: CONTEMPORARY INEQUITIES

Although the IDEA's passage was intended to ensure a free and appropriate public education and least-restrictive environment for all students with disabilities, schools continue to fall short in meeting this intention. Indeed, ethnoracial disparities facing students with disabilities, particularly Black students, persist. For example, Black students ages six through 21 were 40% more likely to be identified with disabilities than white students, and Indigenous students were 70%

more likely to be identified with disabilities than white students (Harper, 2017). In 2011–12, Black girls and boys with disabilities were disciplined at higher rates than any other racial group with disabilities (Hines et al., 2018). And in 2017–18, Black preschool students with disabilities accounted for 18.2% of the total preschool enrollment but received 43.3% of one or more out-of-school suspensions. They were also expelled at twice their share (38.2%) of the total preschool enrollment, and they represented 31.4% of students who received in-school suspensions and 38.2% of out-of-school suspensions—more than twice their total enrollment (15.1%) (Civil Rights Data Collection [CRDC], 2021). Notably, important debates regarding ethnoracial disproportionality in identification, discipline, and placement have illuminated the complexity of factors that contribute to these inequities. A growing body of research explores the shortcomings of IDEA and special education (Blanchett et al., 2006; Skiba et al., 2005; Tefera & Fischman, 2024), including the ethnicity and race-evasiveness embedded in the law (Tefera et al., 2023), a challenge we explore more in the following section.

IDEA AND CONTEMPORARY LEGISLATION: THE TROUBLE WITH RACE-EVASIVE LAWS AND POLICIES

The persistent inequities presented above make clear the shortcomings of IDEA and special education policy and practice. To understand IDEA's limitations, it is essential to first recognize that public schools in the United States are more ethnoracially diverse than ever before. This includes ethnoracial diversity among students with disabilities (National Center for Education Statistics [NCES], 2019). Despite this growing diversity, underlying IDEA is a one-size-fits-all approach that fails to adequately consider multiple forms of diversity (White, 2022). Indeed, IDEA ignores social, historical, and political influences of disability, using a medical model that "fragments the individual… rarely examining the interplay of race and disability" (Artiles, 2013, p. 331).

Race-evasive rationales underlying IDEA contribute to what Kohli et al. (2017) describe as a "new racism" in the post-*Brown* era, which has replaced more blatant forms of racism from the past. Given the ambiguities embedded within IDEA, cultural and historical factors that contribute to key inequities influence subjective processes and practices. For example, a recent study (Tefera et al., 2024) focused on school districts struggling with racial disproportionality in identifying and disciplining Black students with disabilities, revealed that education stakeholders subscribed to a damaging deficit perspective of Black students with disabilities—that is, that Black students with disabilities are intellectually inferior and behaviorally troubled compared to white students with

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disabilities—as explanations for disproportionality. Despite the ways race and disability were clearly intertwined and interwoven into staff's explanations for and responses to disproportionality, their focus on the technical aspects of IDEA erased intersections of race and disability, contributing to ethnoracial disparities. Notably, recent legislation efforts proposed by members of Congress (e.g., the Behavioral Intervention Guidelines (BIG) Act, the Luke and Alex School Safety Act, and the EAGLES Act)[2] that claim to address the ever-rising violence in schools are examples of proposals that will worsen disparities for Black and other ethnoracially marginalized students with and without disabilities by promoting physical and curriculum violence of marginalized student groups through disproportionate/zero-tolerance discipline (CRDC, 2021), and, therefore, minimize learning opportunities and outcomes for students (White et al., 2021).

CURRENT LEGISLATIVE EFFORTS FOR EQUITY IN IDEA AND SPECIAL EDUCATION AS FORMS OF LIBERATION

Special education is couched in historicized discriminatory policies and practices toward people with disabilities, ethnoracially diverse students, and U.S. education systems at large. IDEA is necessary to preserve the present rights of students with disabilities. Still, the race-evasive, ahistorical, and acontextual language of IDEA also contributes to the very inequities the law is meant to alleviate. These issues have not gone unnoticed by scholars or policymakers. In this section, we outlined recent policy efforts to mitigate inequities for Black and other marginalized students, all of which demonstrate the importance of examining intersections between ethnoracial identities and disability.

As previously mentioned, a history of legislation fueled by political rhetoric has contributed to all forms of violence perpetuated against Black students in schools (Skiba & White, 2022). Still, there are some legislative efforts that could help reduce physical and, subsequently, curriculum violence (e.g., the Keeping All Students Safe Act [KASSA], the Counseling, not Criminalization, Act, and the Safe Schools Improvement Act). Such legislation champions

strategies and practices that to create more inclusive schools for Black students, such as ending seclusion and restraint, using culturally relevant and research-based strategies to improve school climate, and increasing trauma-informed care (White & Freeman, 2023). In addition to the proposed legislation, the Department of Education has provided multiple forms of guidance to mitigate inequities for Black students with disabilities and other marginalized student groups. The following list includes recent guidance and other documents from the department.

As we enter a post-reform age of education, proponents of Black student liberation, education equity, and inclusion at large must leverage federal guidance related to the intersection of ethnoracial identity and disability. Proponents must monitor state and district use of this federal guidance and complete, completing accurate reporting to the Department of Education regarding the academic and discipline outcomes of all subgroups. Further, they must engage, and engaging administrators and teachers in professional development toward the comprehensive use of such guidance in district, school, and classroom instructional goals, planning, and implementation.

A THEORETICAL AND PRACTICAL NOTE ON THE EMANCIPATION OF BLACK MINDS AND BODIES

Neither legislative nor regulatory reform have resulted in authentic inclusion and equity, let alone education liberation, for Black students, families, and communities. The consequences of inequitable policies and practices extend beyond schools and education into the economic and social experiences of Black students, families, and communities. Over time, issues of inequity for Black students have been conflated with special education and mired in the intersectionality of disability and ethnoracial identity. To understand the full context of liberation and violence against Black students, we must evaluate present issues and the failure of liberatory efforts within the context of theoretical frameworks that support the freedom of Black students in schools. Frameworks that evaluate through lenses of power (Delpit, 1988; Freire, 2000, 2013; Giroux, 2020;) and anti-Blackness (Dumas, 2016; Morton et al., 2022) combine with those that enlighten through the

application of truth-telling and possibility (Bell, 1995; Ladson-Billings, 1998, 2021) to create space for collective resistance. We must also consider the political role of desegregation (DuBois, 1934; Meier, 1957; Rucker, 2002) in the perpetuation of curriculum and physical violence on Black students and how, despite liberatory efforts, the system continues to bend back upon itself (Martin, 2019). Finally, scholars, practitioners, policymakers, and other stakeholders must leverage current federal and state initiatives as well as school models that support equity and education liberation for Black students in schools.

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2   The Leadership Conference on Civil and Human Rights. (2021a). Oppose S. 391/H.R. 1229, the EAGLES Act of 2021. Retrieved online, https://civilrights.org/resource/oppose-s-391-h-r-1229-the-eagles-act-of-2021/

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AUTHOR INFORMATION

Dr. Ashley L. White is an assistant professor at the University of Wisconsin-Madison and serves as the Inaugural Educational Fellow for Equity, Access, and Opportunity with the National Association for the Advancement of Colored People (NAACP). Before her appointment with UW-Madison and the NAACP, Dr. White served as the 2019—2020 Joseph P. Kennedy Public Policy Fellow with the Committee on Education and Labor under Chairman Robert C. "Bobby" C. Scott. Before earning her Ph.D., Dr. White taught in general and special education settings for 15 years. Dr. White studies the intersectionality of ethnoracial identities and disability across the educational continuum through the consideration of student and educator experiences in P—20 education settings, the sociological construct of race, applicable federal legislation and policy, related socioeconomic for identified students and communities, and deep attention to the historicized context of these collective issues.

Dr. Adai Tefera is an associate professor of special education at the University of Arizona's College of Education. She received her doctorate in education with an emphasis in urban schooling and public policy from UCLA and served as an education fellow with the Congressional Black Caucus Foundation. Dr. Tefera uses an interdisciplinary approach to examine how federal and state education policies aimed at improving equity among students at the intersections of race, disability, language, and other social categories are enacted, interrupted, and resisted by students, families, educators, and leaders.

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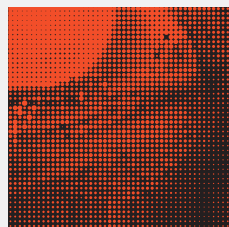
Developing Culturally and Structurally Responsive Approaches to STEM Education to Advance Education Equity

Maya Corneille, Ph.D., Morehouse College
Anna Lee, Ph.D., North Carolina A&T State University
Kimberly N. Harris, Ph.D., Educa Consulting
Karen T. Jackson, Ph.D., North Carolina A&T State University
Megan Covington, Ph.D., Indiana University

ABSTRACT

Numerous structural and cultural barriers exist that contribute to the underrepresentation of Black/African American students in STEM disciplines and careers. This article explores how structural and cultural barriers operate to impact Black/African American students' pursuit of STEM education and STEM careers. The authors describe structurally and culturally responsive frameworks that may address these barriers and provide specific recommendations to increase education equity and representation of Black/African American students in STEM careers.

Keywords: STEM education, education equity, structural inequality, culturally responsive education

Currently, Black/African American students are underrepresented in science, technology, engineering, and mathematics (STEM) fields including undergraduate and graduate degrees and participation in STEM-related careers. National Science Foundation (NSF) data collected from 2002 to 2012 indicated that across all institutions only 12% of STEM majors were Black students (NSF, 2015). These data indicate a strong need to increase representation of Black/African American students in STEM education and careers. The purpose of this article is to encourage the development of a holistic approach to STEM learning that includes the use of structurally and culturally responsive STEM education strategies that address barriers (i.e., pedagogy, language, policies, and institutional practices) for Black/African American students. Therefore, to advance educational equity, the authors recommend the development of structurally and culturally responsive models to increase the representation of students of color in STEM.

THEORETICAL FRAMEWORKS

Two theoretical frameworks, Critical Race Theory (CRT) and Phenomenological Variant of Ecological Systems Theory (PVEST), guide the model. CRT provides a framework for identifying how racism, enacted through policies, practices, and interpersonal interactions, contributes to inequities within the education system (DeCuir-Gunby, 2007; Ladson-Billings & Tate, 2006). CRT challenges claims of objectivity, color-blindness, and meritocracy in favor of a race-conscious approach that acknowledges the pervasiveness of racism across various systems (e.g., education, legal, health) (Bell, 1993; Ladson-Billings & Tate, 2006). The CRT framework contends that structural racism creates barriers to education access and opportunity for Black/African American students throughout the education system, particularly STEM fields (Ladson-Billings & Tate, 2006). Within an educational context, CRT integrates marginalized stakeholders' (students, community members, etc.) voices into the conversation about factors impacting their scholastic outcomes (Donnor, Dixson, & Anderson, 2016; Iverson, 2007). Similarly, PVEST postulates that social, cultural, and historical forces influence an individual's development and identity formation (McGee & Pearman, 2014; Spencer, Dupree, & Hartmann, 1997). More specifically, PVEST is grounded in Ecological Systems Theory and explores the paths for obtaining both resiliency and unproductive outcomes given structured inequalities (Bronfenbrenner, 1977; Spencer, Dupree, & Hartmann, 1997). PVEST also considers that children form situational identities in response to perceived risks and supports. Black/African American students' identity formation process occurs in the presence of stereotypes and biases. These stereotypes and biases present risks that Black/

FIGURE 1. THE IMPACT OF STRUCTURALLY AND CULTURALLY RESPONSIVE EDUCATION.

Structuarlly Responsive Education	Culturally Responsice Education
Access to STEM resources and facilities	Access to culturally relevent teaching/strategies
Access to high-quality educators trained in strategies to minimize bias and alienation	Access to opportunities and educators that value cultural and social strengths of students
Access to STEM course and opportunities to apply theoretical concepts	Access to applications of STEM learning to transform community

Psychosocial Impact	Psychosocial Impact
Preparation for college courses and STEM careers	STEM and racial identity development
Positive self-schemas	Increase in resilience

Outcome

Increased participation of Black/African American students in STEM fields

African American students must negotiate using formal and informal supports such as family, churches, neighborhood, clubs, and other organizations (Trask-Tate, Cunningham, & Francois, 2014). Depending on the available supports, Black/African American students have the potential to adopt positive adaptive identities in spaces where they historically have been unwelcomed or under-represented (McGee & Pearman, 2014; Spencer, Dupree, & Hartmann,1997).

Taken together, these approaches offer the ability to understand policies, practices, and interpersonal interactions that facilitate inequitable distribution of resources, shape biases and stereotypes, and impact resilience and identity development among Black students. Figure 1 provides a model to describe how structurally and culturally responsive education can increase participation of Black/African American students in STEM fields.

CULTURALLY RESPONSIVE STEM EDUCATION

Culturally responsive education refers to using teaching and learning strategies, materials, and topics that are culturally relevant to the learners (Corneille, Ashcroft, & Belgrave, 2005; Eglash et al., 2006; Gay, 2010, 2013). Black STEM students are more likely to report feeling alienated in STEM education experiences (Strayhorn et al., 2013). Culturally responsive education can motivate and improve the STEM learning experience through empowerment for social critiques, opportunities to understand cultural heritage, and through culturally responsive teaching practices (Bransford, Brown, & Cocking, 1999; Eglash et al., 2006; Scott et al., 2013; Villegas & Lucas, 2002). Culturally responsive educators can offer accessible explanations and create approaches to learning that facilitate motivation among Black students (Scott et al., 2013). These approaches have demonstrated increases in factors related to persistence in STEM fields such as STEM efficacy, STEM identity, and STEM career aspirations (Gilbert et al., 2008; Hood & Hopson, 2008; Madison, 2007).

IDENTITY DEVELOPMENT AND RESILIENCE

Culturally responsive education can support positive identity development and the rejection of negative stereotypes about one's abilities to perform well in STEM fields (Bailey et al., 2011; Cokley, 2002). Positive racial/ethnic identity has numerous psychological benefits including positive self- esteem and efficacy (Phinney & Chavira, 1992; E. P. Smith et al., 1999; T. B. Smith & Silva, 2011) and is a component of healthy identity development for young Black people (Townsend et al., 2010). Higher racial identity is associated with numerous factors that contribute to educational attainment including more positive academic self-concept (Witherspoon, Speight, & Thomas, 1997), higher academic achievement (Altschul, Oyserman, & Bybee, 2006; Thomas et al., 2009; Witherspoon, Speight, & Thomas, 1997), greater academic engagement (Chavous et al., 2008), greater academic efficacy (Kerpelman, Eryigit, & Stephens, 2008; Oyserman, Harrison, & Bybee, 2001) and greater resilience (Chavous et al., 2008; Miller, 1999). Enhancing racial identity has the potential to impact numerous psychological variables associated with academic motivation and resilience.

Culturally responsive approaches can utilize cultural strengths such as collectivism. Collectivism is the idea that individuals view themselves as interdependent and concerned about the welfare of a group (Malach-Pines et al., 2008; Triandis, 1995). Although there is considerable diversity in individuals across groups, Black/African American cultures tend to be collectivist cultures. People with collectivist worldviews are more likely to base their occupational choices on norms and expectations of their reference group, while people with individualist worldviews place more emphasis on personal attitudes and goals (Gomez, 2003; Hartung et al., 2010; Malach-Pines et al., 2008). Individuals with a collectivist worldview also tend to emphasize the impact of their personal or career choices on their ability to positively impact their community (Carson, 2009). Science culture has notoriously undervalued collectivism and other communal goals that many communities of color hold in high regard and on which many under-represented groups consider to be important to their success (Allen et al., 2015). Moreover, by integrating STEM curricula within culturally relevant content, Black students can learn how STEM careers can allow them to impact their communities. However, to implement culturally responsive education,

structural inequalities that limit Black/African American students' access to high-quality STEM facilities and advanced coursework need to be addressed.

STRUCTURAL INEQUALITY

For quite some time, researchers have identified structural inequalities in the education system and more narrowly within STEM disciplines (Hare, 1987; Ogbu, 1994; Perna et al., 2010; Sullivan & Artiles, 2011). Structural inequality refers to embedded bias within organizations, institutions, governments, or social networks which provide advantages for some members and marginalizes or produces disadvantages for other members (Groß, 2003; Hare, 1987). Structural inequality in education includes the lack of access to equitable school funding, science resources and facilities, high-quality teachers, technology and computer science courses, and advanced coursework (College Board, 2012; Goode, 2010; Scott et al., 2013; Barondess, Hahnel, & Schroeder, 2012). Lack of access to STEM learning opportunities contributes to underrepresentation of Black students in STEM fields. Schools with higher proportions of underrepresented students of color (e.g. Black/African American, Latino, and Native students) have fewer resources and are less likely to have classes that provide access to STEM learning experiences (Dahl & Lochner, 2012).

STRUCTURALLY RESPONSIVE EDUCATION

Structurally responsive education addresses structural inequalities (Walter et al., 2017) by developing action plans to address disparities. Action plans to address disparities in accessible opportunities for STEM learning need to address the multifaceted structural inequalities within STEM education such as shortages of qualified STEM teachers and lack of investment in teacher professional development, poor condition of laboratory facilities and instructional media, and limited hands-on training for students (Ejiwale, 2013).

Preparation for College Courses and STEM Careers

Structurally responsive education requires an analysis of resources and opportunities provided to Black/African American students that include an examination of accessibility of the opportunity for Black/African American students. Several strategies to increase inclusiveness of STEM education have been implemented in recent years. Among these, informal science strategies have been utilized to promote learning experiences that appeal to diverse learning styles and encourage broader participation in STEM fields (Allen et al., 2015; Cannady, Greenwald, & Harris, 2014). Informal science learning focuses on providing enriching learning experiences that take place outside the classroom (Gewin, 2013). In fact, because of this approach, informal science is sometimes referred to as citizen science (Trumbull et al, 2000). However, despite these noble aims, many Black citizens and less resourced individuals have not always viewed informal science as inclusionary (Dawson, 2014; Eglash et al., 2006). Informal science learning spaces such as museums have been critiqued for catering to individuals that already experience greater science learning opportunities such as affluent and White individuals (Council, 2009; Dawson, 2014).

Structurally responsive education is critical given the research that indicates that Black students pursuing degrees in STEM are often negatively impacted by alienation and invisibility, lack of support from same-race peers and faculty, and limited opportunities to apply theory to practice (Strayhorn et al., 2013). Barriers persist even among high-performing Black/African American students with a demonstrated interest in STEM fields (Scott et al., 2013). Scott and colleagues (2013) found that many high-achieving Black/African American students view STEM as non-inclusive, non- inviting, and inequitable, noting STEM as a field in which some individuals are privileged, and others face significant obstacles to entrance. Addressing these inequalities is critical to ensuring that Black/African American students are prepared and interested in pursuing STEM majors and careers.

Training Administrators and Educators

Structurally responsive education can include equity training of administrators and teachers to transform policies and practices that perpetuate bias, promote alienation, and limit opportunities for Black/African American students. The social environment including educators and school system can impact self-schemas through implicit biases (Markus & Nurius, 1986). Implicit biases are negative associations that

are expressed automatically without conscious awareness and can impact the types of support and feedback that Black students receive from educators. Structurally responsive education can impact self-schemas by increasing accessible opportunities for mastery and by facilitating internalization of ability to perform well in STEM disciplines. Self-schemas refer to internal structures and representations about one's self and ability that can include beliefs about self (self-concept), beliefs about abilities to accomplish a specific task or goal (self-efficacy), and how people define themselves by group membership (identity) (Altschul, Oyserman, & Bybee, 2008).

Some research indicates that implicit biases are malleable through intervention (Devine et al., 2012; Kawakami, Dovidio, & van Kamp, 2005; Rudman, Ashmore, & Gary, 2001). However, other research has questioned whether implicit biases remain altered long-term (Lai et al., 2016). Lai and colleagues (2016) examined implicit bias interventions designed to reduce implicit racial bias. These interventions included providing intentional strategies to overcome bias, experiencing counterstereotypical examplars, presenting multicultural ideology, and exposing participants to evaluative conditioning. The researchers found that none of the interventions demonstrated long term impact on implicit or explicit biases.

Other research has found long-term practical impact of implicit bias training efforts. For example, researchers found implicit bias training increased the number of female applicants offered faculty positions in STEM fields relative to a control group (Devine et al., 2017; J. L. Smith et al., 2015). Potentially, the impact of these implicit bias trainings stemmed from communicating high institutional value of equity and diversity. Considerable variability exists across racial equity and anti-racism training, with implicit bias as one potential component. Structurally responsive education recognizes that racial equity and anti-racism efforts need to include ongoing assessment and transformation of inequitable practices (e.g., placement of Black/African American students, allocation of resources, availability of STEM courses).

RECOMMENDATIONS AND CONCLUSION

Accelerating the cultural and structural responsiveness of STEM education is critical to increasing the number of Black/African American students pursuing STEM careers. To address the inequalities discussed, we offer the following recommendations based on Critical Race Theory and PVEST theory to promote structural and systemic change:

- *Include racial equity and anti-racism training in teacher preparation programs.* Racial equity training for teachers and administrators is critical for transforming practices that can alienate Black students from STEM education. Current and future teachers and administrators must be aware and understand the cultural and structural dynamics that impact student learning within their classrooms. The proposed framework emphasizes three areas of racial equity training aimed at transforming systems through (a) facilitating the development of policies and practices that increase equitable access to opportunities in STEM education; (b) developing practices and interpersonal interactions that values the sociocultural histories, identities, and resilience of Black students (Ladson-Billings, 1995a, 1995b; Tatum, 2010); and (c) recognizing and transforming biases about academic performance of Black students in STEM disciplines (Chavous et al., 2008; DeCuir & Dixson, 2004; Ferguson, 2003).

- *Offer opportunities for students to explore applications of STEM learning to solve community problems.* STEM educators should be trained in ways to apply lessons to address community problems. The integration of STEM learning in community issues may create greater interest from Black/African American students in pursuing STEM careers (Young, Young, & Paufler, 2017). Research has demonstrated that community engagement, through mechanisms such as service-learning opportunities, is an important factor in retention and persistence (Bringle, Hatcher, & Muthiah, 2010; Gallini & Moely, 2003; Piket-May & Avery, 2001; Seidman, 2005). Moreover, this approach to STEM learning is consistent with the collectivist worldview of many Black/African American students.

- *Analyze mechanisms of STEM education funding to determine equity of distribution of funds.* Access to advanced placement courses and appropriate tools (e.g. computers, computer software, technology, laboratory facilities) increases the likelihood of success in STEM careers. Equity in school funding ensures that all students experience educational environments that demonstrate investment in educators and educational facilities (Augenblick, Myers, & Anderson, 1997; Baker, Farrie, & Sciarra, 2016).

- *Increase the role of Black/African American educators and scholars in developing pedagogies and providing leadership in STEM education that reflect students' racial/ethnic and socioeconomic backgrounds.* The development of models to enhance STEM learning, motivation, resilience, and career identity that considers personal and cultural motivators could potentially increase representation of students of color in STEM education and careers. Research has demonstrated that culturally relevant pedagogy contributes to Black/African American student success (Brown-Jeffy & Cooper, 2011; Ladson-Billings, 1995a, 1995b; Murrell Jr, 2012).

In conclusion, culturally and structurally responsive strategies need to be implemented to reverse the current underrepresentation of students of color in STEM and to provide more equitable educational opportunities. Specifically, STEM education professionals should integrate racial equity with STEM programs and use reliable and valid instruments to evaluate participant outcomes. This approach has the potential to transform the field of STEM education by developing effective system- level strategies to integrate personal and cultural motivators for Black/African Americans students into STEM education. By broadening opportunities for Black/African American students to participate in STEM learning, more Black/African American students can be prepared and interested in STEM college degrees and careers.

AUTHOR INFORMATION

Maya Corneille is a visiting associate professor at Morehouse College and a Curriculum Fellow for the Institute for Social Justice Inquiry and Praxis at the Andrew Young Center for Global Leadership at Morehouse College in Atlanta. She is also the co-director of the Collective Health and Education Equity Research (CHEER) Collaborative.

Anna Lee is an associate professor in the Department of Psychology at North Carolina A&T State University, and she is co-director of the Collective Health and Education Equity Research (CHEER) Lab.

Kimberly N. Harris is a culturally responsive researcher, evaluator, and consultant with publications on equity and access in STEM careers. She is also an adjunct instructor at North Carolina Central University.

Karen T. Jackson is an assistant professor in the Leadership Studies and Adult Education department at North Carolina A&T State University.

Megan Covington is a Ph.D. candidate in higher education at Indiana University in Bloomington.

All comments and queries regarding this article should be addressed to maya.corneille@morehouse.edu

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"We Will Not Be Afraid to Share Who We Are": Black Teachers' Experiences with Antiblackness during a Global Pandemic

Jessica Lee Stovall, Ph.D., Stanford University

ABSTRACT

This study shares the stories of Black Bay Area teachers during the 2021-2022 school year--the year of the return to in-person teaching. Drawing primarily on the analysis of semi-structured interviews with 30 teachers from across the Bay Area, I use Critical Race Theory and BlackCrit to examine Black teachers' experiences with antiblackness during the global pandemic. Analysis of the data suggests that the COVID-19 pandemic exacerbated issues of equitable access for their students and their job salary sustainability. However, teachers named their continued experiences with antiblackness and their disproportionate workloads compared to their non-Black colleagues that they were experiencing before the pandemic as their most pressing concerns regarding teacher retention.

Keywords: Black teachers, antiblackness, pandemic, BlackCrit, teacher retention

INTRODUCTION

I feel that the pandemic gave me an opportunity to pause, to start some things, do some things I hadn't done before, to reflect upon the Black experience, how I want it to be shared, to not be ashamed of who I am. I hope that as we move forward through the pandemic and see education be reinvented, we will not be afraid to share who we are.

This interview excerpt comes from Layla, a Black high school teacher who has taught in the Bay Area for almost three decades. In the summer of 2020, the global pandemic coupled with the racial reckoning after the public murder of George Floyd appeared to open a portal to address structural antiblackness in schools (Roy, 2020). Yet after the 2021-2022 school year—the return to in-person learning after the pandemic shuttered the doors of school buildings—many are left wondering if we missed our chance at this reimagination of schools as they have slowly gone back to their pre- pandemic ways. Yet, for Black teachers like Layla, the pandemic has created an unwillingness to sacrifice parts of their racial and cultural identities to fit into White hegemonic norms of school appropriateness and teacher professionalism, bringing new perspective to the power of Black teacher voice.

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This article shares the stories of 30 Black Bay Area P–12 teachers during the second semester of the 2021-2022 academic school year. Drawing primarily on the analysis of interviews with these teachers, I examine the unique challenges Black teachers faced during a global pandemic and this so-called moment of racial reckoning. Although Black teachers have always experienced antiblackness in their workplaces, this article will demonstrate how the pandemic has compounded teachers' concerns about exhibiting their full human selves in antiblack environments. This article consequently focuses on how Black teachers negotiate their roles in combating antiblackness for their students and themselves.

THE WORRISOME STATE OF BLACK TEACHERS

The ongoing COVID-19 pandemic has exposed noticeable fissures in our public education system, leading to consequential teacher shortages. For example, 55% of the National Education Association's (2022) nationally representative sample of teachers reported that they are planning to leave the profession earlier than expected, with 62% of Black teachers disproportionately stating that they will leave teaching. The State of U.S. Teacher Survey found that 25% of its respondents considered leaving at the end of the 2020-2021 school year—more than any typical pre-pandemic year—and Black teachers were most

likely to consider leaving (Steiner & Woo, 2021). We are therefore at a critical moment for addressing Black teacher retention.

This current concern is nothing unique when one considers the history of Black education in the United States. (Il)literacy has been a central feature of the antiblack positioning of Black people in the United States since the time of enslavement (Massengale, in press), and yet Black people have risked everything to resist and learn. Some sources estimate that almost 50% of Black woman professionals were teachers in 1950 (Cole, 1986; Foster, 1996), demonstrating the importance of education to Black folk living in the segregated Jim Crow, antiblack society. The landmark *Brown v. Board of Education* (1954) Supreme Court decision changed the face of education, for, on paper at least, Black and non-Black children would learn together as the highest court deemed separate to be unequal. However, thousands of Black teachers lost their jobs as schools retained White teachers at the expense of Black teachers when schools combined. The Black teachers who remained used innovative pedagogy to push back against the harm that antiblack norms taught in these desegregated schools. Others abandoned the public school system altogether in favor of the liberated learning in the Freedom Schools of the 1960s. And yet after

20 years of legislation related to school integration, most schools have quietly gone back to their segregated beginnings, bringing disproportionate harm to Black students who learn in the most under-resourced schools with the highest teacher turnover (García, 2020).

Despite all the upheaval in Black education, Black teachers remain critical for the education of Black students. Studies show that Black students who have at least one Black teacher have higher grade point averages, better socioemotional health, less interactions with the school discipline system, and greater chances of going on to higher education (Bristol & Shirrell, 2019; Egalite & Kisida, 2018; Gershenson et al., 2016; Lindsay & Hart, 2017). Acosta and colleagues (2018) asserted that Black teachers have persistently "challenged racist regimes through culturally specific ways of thinking, acting, and teaching" (p. 341). Under this history of subpar working conditions, Black teachers have found ways to teach Black-centric curricula with effective pedagogies with little resources, support, or respect.

This background of antiblackness toward teachers sets the stage for present day conditions. Today, Black teachers struggle to enact culturally relevant (Ladson-Billings, 1995) and Black- affirming curricula in an era where more conservative states have wiped Critical Race Theory (CRT) and the teaching of the history of antiblack terror in the United States from their lessons (Morgan, 2022). Given that Black teachers are more likely to leave than their non-Black counterparts today, this descriptive study explores their struggles with antiblackness during the ongoing global pandemic to support the development of counter-structures and spaces needed for their retention.

THEORETICAL FRAMEWORK

Antiblackness is a lens to understand the permanent and pervasive structure that Black teachers fight, resist, and dream in. It is the universal positioning of Black people as less than human, as chattel, and this positioning is baked and normalized into our ideologies, institutions, and social constructs. Black Studies scholars assert that antiblackness helps us understand how the legacy of enslavement creates the station and the unsurprising outcomes of Black students. Shange (2019) draws on King (2013) and Wolfe (2006) to remind us to understand "slavery as structure rather than event" (p. 121). Our institutions, like our educational system, have ingrained this positioning of Black as synonymous with "slave," and Wynter (2003) argued that this "bottommost role of Black Americans in the United States is systemically produced" (p. 324). And yet, Sharpe's (2016) notion of "wake work" reminds us that even in this totalizing

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climate that positions Black people as "no citizen," "if we are lucky, the knowledge of this positioning avails us particular ways of re/seeing, re/inhabiting, and re/imagining the world" (p.22). Even with its attention to the pervasiveness of antiblackness in education, this article will allow us to re/see the legacy and the impact of Black teachers in the United States.

In the afterlife of slavery (Hartman, 1997) and school segregation (ross, 2021a), antiblackness manifests itself through performative ways of addressing racial inequities. For example, the public murders of Black lives like George Floyd and Breonna Taylor created a period of what Phillips (2020) called performative allyship, or when non-Black people support Black people for a reward or to feel absolved of racism, which perpetuates the antiblack status quo or triggers further harm. For example, post George Floyd's murder, we witnessed blacked out Instagram squares and anti-racist book clubs, instead of structural and political changes that would positively impact Black lives.

This author draws on CRT in education (Bell, 1995; Ladson-Billings & Tate, 1995) and its more specific BlackCrit (Dumas & ross, 2016) for they help us unpack these performances of anti-racism through the understanding that "Blackness exists in tension with the neoliberal-multicultural imagination" (p. 430), and this tension is one reason that schools are "sites of Black suffering" (Dumas, 2014). To address the harm brought on by the neoliberal, post-racial narrative, CRT emphasizes the use of counterstories (Delgado, 1989) to disrupt the dominant narratives through elevating suppressed, ignored, and undertold stories. This study builds on teacher retention scholarship by exploring the counterstories of Black teachers to nuance the white teacher focused narrative around current teacher shortage concerns. I also draw on the BlackCrit (Dumas & ross, 2016), which extends the CRT framework to allow for the "specificity of the Black" (Wynter, 1989), enabling us to see how antiblackness is structurally implicated in the concerns Black teachers raise.

These interviews provide an unapologetic look at the experiences of Black educators who refuse to have their experiences sugar coated, commented on, or altered. They "true speak" as hooks (2015) called it, "an act of resistance, a political gesture that challenges politics of domination that would render us nameless and voiceless" (p. 8). I use these lenses to explore the ways that Black teachers navigate their roles in combating antiblackness for their students and themselves. I asked: how does antiblackness in schools manifest during a global pandemic, and what are the implications of these manifestations on their decisions to stay in the teaching profession?

METHODS

Methodology

To explore the question about the role of antiblackness in schools, I designed a study with semi-structured interviews (Galletta, 2013) that I conducted virtually with 30 P–12 teachers in the Bay Area during the 2021-2022 academic year. In this study, which is part of broader ethnographically oriented research on the power of Black spaces for Black teachers, I focused specifically on the current conditions of San Francisco Bay Area's Black teachers. I asked Black teachers questions like "In the third year of the pandemic, what are the most pressing issues facing Black teachers?" and "What will it take to recruit and retain Black teachers?" In addition, I conducted qualitative analyses of artifacts that teachers shared with me after the interviews, which included a book of poetry and two nonprofit entrepreneurship projects the teachers created in response to their encounters with antiblackness. This methodology allowed me to explore the various manifestations of antiblackness and the teachers' responses to those manifestations.

Setting

The San Francisco Bay Area is a unique environment to study the experiences of Black teachers as it is an urban area, with the full region holding about 7.5 million people. "Urban" is often coded language meaning Black and Latinx, and although the Bay Area has much racial diversity, the rapid gentrification and housing displacement brought on by the tech industry has been pushing out the already disproportionately low number of Black residents. Black people now only make up 6.7% of the Bay Area population compared

to 12.4% nationwide (Bay Area Census, 2010). Shange (2019) called San Francisco a *progressive dystopia*, "a perpetually colonial place that reveals both the possibilities and limits of the late liberal imaginary" (p. 11). The Bay's reputation for being progressive conflicts with its policies that run much more conservative and intolerant of difference. Thus, unlike most metropolitan cities where Black teachers tend to cluster together in the most under-resourced and high turnover schools, outside of the city of Oakland, Black teachers are more likely to be the only one or one of few Black teachers in their schools.

Participants

I recruited the teachers in the study in an open call on social media and school district listservs, seeking P-12 teachers who identify as Black and teach in the Bay Area. After the open call recruitment, my undergraduate research assistant and I vetted teachers by having them fill out school demographic information with their school email address as well as interviewing with their cameras on. We discarded four interviews after we found them not to be teachers in the Bay Area.

All teacher names are chosen pseudonyms by the teachers. The teachers come from 10 different school districts and 28 different schools. Seven of the teachers were the only Black teachers in their school, and six more only had one Black teacher colleague. Eighteen teachers taught high school, five middle school, five elementary school, and two P–12. Almost half (13) of the teachers planned to teach until retirement, and five teachers planned to exit the profession by the end of the school year. Ten more teachers planned to leave within five years, and one teacher was unsure. The teachers ranged in age from 26 to 70, with an average age of 40. They taught in a range of school settings having one to 30 years of experience, with an average of nine years of experience. See the Appendix for a demographic table of the participants.

Reflexivity

I am a Black woman and a former high school English/ Language Arts (ELA) teacher. As a teacher, I loved building my students' critical racial literacy through educating my students about the legacy of antiblack racism in the United States and their roles in refusing, resisting, and reimaging in the wake of that legacy. However, my public ethos in the school led me to find the resulting and consistent confrontations with antiblackness to be unsustainable. As a researcher, I therefore seek ways to counter these antiblack structures for current Black teachers to stay in the profession, and I was open and honest about this commitment with the teachers in this study.

Data Collection and Analysis

Data sources consist of transcripts from video-recorded, semi-structured interviews (n = 30). Each interview lasted approximately 50 minutes. My unit of analysis was turn of talk, and I therefore I coded each response to an interview question as one block. I collaboratively coded (Smagorinsky, 2008) the interviews with my research assistant using a mix of a priori and emergent codes, reconciling differences when required. For the a priori codes, we used the research questions to begin with the codes "antiblackness," "pandemic," "Black teacher retention," and "implications." We coded each interview at least twice, with several interviews coded three times.

We then engaged in data display, where we printed out all the codes under "antiblackness," "freedom dreaming," "pandemic," "Black teacher retention," and "disproportionality," to answer the research questions. We annotated and analyzed each of the code groups, looking for patterns, recurring themes, and disconfirming cases. After analyzing each coded excerpt, we each wrote an analytical memo. We then shared our memos, looking for points of convergence along with divergences. When we noticed when there was a co-presence or a difference, we discussed the themes until they were reconciled. After much discussion, we formalized the findings and sent them to the teachers in the study for their feedback (Creswell & Miller, 2000).

FINDINGS

This study draws on CRT and BlackCrit to explore Black teachers' experiences facing the dual harm

caused by antiblackness and the COVID-19 pandemic. Using these framings of antiblackness as endemic and totalizing (Sharpe, 2016), my analysis of the data suggests that the COVID-19 pandemic exacerbated issues of equitable access for Black teachers' students and their job sustainability. However, when asked about their most pressing concerns regarding their retention, teachers named their continued experiences with antiblackness and their disproportionate workloads compared to their non-Black colleagues that they were experiencing before the pandemic.

Although 24 of the teachers stated that they experienced explicit antiblackness, six stated they did not. Of those that stated they did not experience antiblackness, four stated they experienced

- holding Black children to lesser standards as non-Black children,

- passing Black children even though they had not acquired the necessary developmental skill sets, and

- ignoring behavior that illuminated that Black students needed extra care.

Louise stated as a Black woman and mother, "it's very difficult to see that students' bar lowered so incredibly low out of an effort to be culturally sensitive." To counteract these low expectations, Louise focused her instruction on supporting her students to have a "healthy, positive disposition toward math" and creating a safe space where students felt comfortable making mistakes and taking academic risks.

Some teachers noticed the connection between the surface-level diversity, equity, and inclusion (DEI) initiatives and the responses from non-Black teachers, as the superficial approaches seemed to allow some of their colleagues to avoid taking real accountability for their work. For example, KoKo discussed that her special education caseload was 100% students of color, with an overrepresentation of Black students, and when she brought up errors in students' individual education plans (IEPs), her non-Black colleagues replied with sentiments like, "no one is really checking." She discussed the tension of the notion that "every

Friday we're having an anti-racist professional development, but then when I'm addressing these issues and discrepancies around Black students, you're telling me 'jokingly' that nobody's checking." KoKo's experiences with deflection when she tried to work on her Black students' IEP's underscore how the "grace" offered during the pandemic led to the unwillingness of her colleagues to be accountable for their Black students and exposed how anti-racist trainings made more room for non-Black people to not feel guilty when they did so. In response to this sentiment, Koko expressed that she was "absolutely checking because that's my job," and because she was "constantly thinking about her students," she was unwilling to budge on her high standards of care for the students on her caseload.

Pushing back against harmful professional development. The Black teachers in the study were frustrated that even though the school paid for anti-racist professional development training, they still felt Black teachers had to buttress the work of addressing antiblackness. After the summer of 2020, many schools in the Bay Area focused their attention on anti-racist or DEI trainings. Several schools used book club models with anti-racist texts as their diversity checkbox, which Zora criticized by arguing that books do not "cure racism" and that "money could really have been used for something else [because] it's not systemic change. You're just reading a book." Instead, she noticed that if her White colleagues had trouble with a racially minoritized student, they would still "run to a Black teacher or a Brown teacher and say, 'Hey, I can't connect with this student, can you help me?'" instead of building relationships with that student. For Zora, teaching came as a career change, and she reflected on not having a Black teacher herself until college. She therefore loved teaching young people because of their "ideas, the creativity, the willingness to challenge the way the world is right now," and she hoped to be an adult ally to young people who will be at the forefront of imaginatively addressing racial inequities.

Some of the Black teachers in the study explicitly mentioned professional development as times where

they faced the most explicit antiblackness. For example, Samantha shared the story of being the only Black person in a teacher group designed to support Black students. The teachers decided to read a book that focused on building White people's tolerance. Annoyed by the book selection, she did not attend the first meeting. However, when she did show up, her presence shifted the tenor of the meeting. She recalled the experience of having a White colleague publicly announce at the end of the meeting:

> Last week, this meeting was great. I felt really supported and welcome. But this week it was like a dark cloud came in the room. And then I (Samantha) turned to her and I said, "Did you just call the only Black person in the room, a dark cloud, Ms. Carenly?" And she said, "Yes." And I said, "Okay, I got to go." And then I told the superintendent. I said, "I was called a dark cloud in a meeting that was supposed to be about Black people. And I was the only Black person put there."

Samantha was unwilling to show up and perform a role of a Black person grateful for her non-Black colleagues doing "the work." The use of the phrase, "I was the only person put there," demonstrates her understanding of the role she was supposed to play, and her avoidant behavior of the space showed she understood the performative environment she would be walking into. When she showed up authentically, instead of people affirming and learning from her concerns, she was positioned as the enemy of progress toward racial equity. Samantha's story spotlights how non-Black people wanted to be the picture of what it looks like to not be a part of the problem, but that her presence challenged this performance of anti-racism. Still, Samantha went to her administration to continue to refuse to tolerate these performances. For many Black teachers, the response to the racial reckoning of 2020 further highlighted the unwillingness of their non-Black colleagues to face the antiblackness embedded in the school system.

The Intersection of the Two Pandemics

The COVID-19 pandemic disproportionately impacted the Black community through its exacerbation of health and economic inequities, which some of the teachers in this study felt deeply through personal loss in their families and communities. Zora witnessed her Black students struggle in particular, reflecting:

> students having to move away because either they lost a parent, there's financial instability, gentrification [in the Bay Area]. Folks being pushed out of their neighborhoods because of the pandemic. It's like this twin pandemic, there was already racism, right? Then the pandemic happened. It impacted it even more. Having certain [White] teachers not understand the gravity as to which this pandemic affected Black students is really frustrating. Really frustrating.

Like Zora, several Black teachers in the study noted how the pandemic disproportionately impacted Black children, especially in the Bay Area. For example, Layla demonstrated that the sickness and death brought on by the pandemic was another layer added to the burdens of Black people already trying to exist in an antiblack environment. When asked about the pandemic, high school resource specialist Jordan described how the pandemic "magnified a lot of problems, put a spotlight on the disparities, or the severities, that our kids is experiencing." These disparities included lack of internet at home and quiet spaces to study, as well as new manifestations of antiblackness. For example, Miah discussed that distance learning not only impacted kids socially because they were relegated to virtual boxes, but also because some teachers used their power to mute students to silence Black and Latinx voices. In this way, the switch to virtual learning gave some teachers a physical tool, like the mute button, to enact the same kind of silencing they would employ in the classroom before the pandemic. To counteract this attack on student voice, Miah's focused on his elementary students "seeing themselves, and having a sense of pride and power in who they are and allowing them to imagine great potentials for themselves . . . and their community." For Miah, the power of voice, a sense of purpose, and positive racial identity development were his primary focuses during this overall climate of silencing.

The disproportionate and negative impacts of the pandemic on Black children motivated the Black teachers in this study to go the extra mile, devoting

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more time and energy to invalidate any antiblack student experiences. Teachers like Monique spent even more time investing in their communities, as Monique said, "I always say this to my kids: save the world but touch the hood first." As she had herself been a hard-to-reach student when she was in high school, she stated that she provided extra effort for the "Monique's around her school sites," dedicating her time to serving the students most vulnerable to the antiblack educational system.

And yet, for two Black teachers in the study, distance learning served as a shelter from the usual onslaught of antiblackness. Samantha said that during professional development, "I loved it as a Black teacher because I didn't have to turn my camera on . . . and I could opt out of conversations that you're forced into." More specifically, she stated she felt relief that she did not have to monitor her facial expressions when she encountered harmful comments from her colleagues. Lauren also found that after encountering a hate crime in her school in spring of 2020, in which her administration did little to support her or change their policies around hate crimes, it was difficult to face the very people that perpetuated harm. She stated, "COVID was the best thing that did happen to me because . . . I didn't have to finish the school year in-person with any of these people." She appreciated that she could just pour her focus onto her students

and not the adults who harmed her. Although not typical of all the teachers in the study, Samantha and Lauren's stories trouble narratives of how distance learning affected teachers, as some found they could focus more on their teaching and showing up authentically when they did not have to face the direct antiblack harms at their physical school sites.

Distance learning also helped teachers see schooling more clearly as a complex web of relationships and social services. For Paul, virtual schooling highlighted that when schools are no longer a specific, physical location, "school is now a relationship," noting that schools "are just the social relationships we have that just happen to be on a physical campus." Paul's analysis of school as a set of relationships underscores the importance of teachers' support of students as they process difficult life changes. Paul discussed that he focused on relationship-building and student-centered instruction, reflecting that he wanted to help his students "grow holistically." Several teachers noted that their students needed asset-based, healing-based care to address the socioemotional impacts of mass death and unrelenting uncertainty that befell them and their families.

Why Some Black Teachers are Leaving

The global pandemic caused some teachers in this study to contemplate leaving the classroom

earlier than originally planned. For example, Monique mentioned that she thought she would retire in education, but "teaching in the pandemic is aging her." However, even though the pandemic impacted how teachers felt about their jobs, it was the exacerbation of antiblackness in education that impacted their job sustainability. For Layla, the pandemic brought "close contacts, exposures, people getting sick, people passing away. And so with all of that, just trying to exist as a Black person in a space that is institutionalized to be racist can wear on you." In this way, the pandemic brought new manifestations of antiblackness that the Black teachers in the study had to face, refuse, and resist.

Five teachers in this study planned to resign at the end of the 2022 school year: Lauren, Jacques, KoKo, Michele, and May. When I asked them why they were going to leave the teaching profession, the teachers cited antiblackness as their primary rationale, as overt antiblackness and isolation from other Black teachers made the job unviable. Lauren planned to leave primarily due to lack of institutional and administrative support when she was a victim of a hate crime at her school. She stated, "For me, it's not about the workload, it's just about the antiblackness that I've experienced at multiple schools. And it just seems to be ongoing, and I'm tired." Lauren's emphasis was on the constant nature of antiblackness, that despite employment at multiple schools, the problem persisted and remained unaddressed by administration. Jacques cited that he was leaving teaching because of the difficulties of being the only Black teacher. He also noted the challenges of being in schools that had a "very, very long history of antiblackness," with the lack of administrative support as the final straw. KoKo, although wanting to stay in education more broadly, stated that she felt she was "constantly compromised or facing white supremacy" in her current position. May stated that she did not want pity, but that something needed to change because she "can't just sit and wait" any longer. She also stated she could not pinpoint the exact reason for leaving, for although the pandemic made it easier for her to leave, it was not her reason for leaving. She stated it could be "everything that happened with George Floyd" or just overall

burnout. At one moment she offered, "I honestly wish interviewing with you would make me want to stay in teaching, but it doesn't." Even though May didn't have an exact reason for leaving, her hope that talking through her decision would keep her in the job demonstrates how challenging the decision was for her.

While many teachers cited antiblackness, rather than their workload, as a reason they wanted to leave, some teachers did note that antiblack policies resulted in an increased burden of work placed on them. For example, Michele planned to leave because she felt that non-Black administration intentionally placed Black and Latinx students in her classes and expected her to get them up to school standards, causing her to work "Sunday to Sunday" to give her students what they need. She reflected that:

> . . . part of the struggle of working in a space like that is that as a Black person, your own trauma becomes triggered. You're in a revolving door of trauma for little people that look like you. And that is a different weight that people who are from outside of that community and come into work could never understand, at least not from the perspective of Blackness.

In addition to Michele, several other teachers stated that witnessing their students experience antiblackness was a primary reason that the profession is unsustainable for Black teachers. Witnessing their students face antiblackness brought on trauma responses, and they were hyper-aware of their roles as agents of the state who were expected to encourage Black students to conform to White male dominant ideals in schools. Jordan also expressed that he had a disproportionate number of Black students in his classroom, which he believed is because "the teachers didn't want them in they class." A few special education teachers who co-taught courses with White teachers talked about the struggle of witnessing damaging representations of Black people in the curriculum or the erasure of Black stories altogether. May stated that during the online component of pandemic teaching, she wanted to cry when a Black student typed in the chat, "Why do I have to learn [White] history at school and Black

history at home with my parents?" She reflected that "the impact of witnessing that Black students don't matter to all teachers" is "damaging."

The teachers in the study also overwhelmingly discussed the impact of low salary. As the Bay Area is one of the most expensive places to live in the country, the Black teachers argued that they deserved to get paid commensurate with the amount of work they are putting in to impact students' academic progress and socioemotional wellbeing. They did not want to have to decide between a much-needed vacation or new tires for their cars. As a consequence of their salaries, some of the teachers were in debt, while others worked extra jobs to supplement the income. Although all teachers need better pay, Billy stated it is especially important for Black teachers, who have "historically been denied the ability to access generational wealth." Some teachers also desired more pay because they had to do a disproportionate amount of work, such as serving on equity committees, running activities and events for Black History Month, and providing additional support to Black and Latinx students. However, even though "better pay" was teachers' number one response when asked what is needed for Black teacher retention, none of the teachers leaving the profession or considering leaving the profession named pay as their reason for leaving. Instead, all of them named their antiblack school environments and lack of support from administration as their reasons for changing professions.

The Unwillingness to be Quiet

When I asked Lauren at the end of the interview if there was anything else that is important to her story, she stated that even though she is leaving teaching, "I'm not silent. I experience these things, and I'm not silent, and I don't think anyone should be silent." The compounding effects of performative allyship and the global pandemic reminded Black teachers of how critical it was for them to disrupt antiblack harm in their own schools. As students and teachers alike experienced trauma, the teachers recognized how important this educational moment was for their students. Makalya stated that the pandemic made

her an even bigger advocate for students, and many teachers turned to innovative project-based curricula to foster joy and healing, teach openly and honestly about race, and push their non-Black colleagues to be co-conspirators (Love, 2019). Alex stated how the pandemic led him to be more vocal and unapologetic, stating that:

> these last couple of years [of the pandemic] have really fueled me to be more outspoken and given me the courage and broken down those mental barriers to really addressing things head on, and just stepping out into the fire. If there's a fall out, if there's negative responses, deal with it after, but certain things need to be discussed because students aren't hearing this from anyone else either.

This excerpt from Alex's interview sheds light on how for many teachers, the racial inequities exposed and reinforced after the global pandemic led them to have more courage to disrupt antiblackness even despite the threat of consequences. Alex was willing to be a radical space creator, designing a shelter for his students to honestly process the ongoing news of racial unrest. Jay stated that the pandemic taught him to have clear boundaries, and not allowing them to be crossed forced him to stand up for himself and his students, something he noted he was very proud of. Lulu asserted that she would not be talked down to by administration, and she was quick to go to her union. May also advocated for her rights when she went to see a lawyer in October about her mistreatment. In fact, three of the teachers filed discrimination complaints against administrators, demonstrating their unwillingness to sacrifice their voices and senses of self.

Even though the pandemic sparked more vocal activism for many Black teachers, it did not come without discomfort or consequence. Some teachers felt uncomfortable speaking up, feeling hyper-conscious of their tone because, as Chimere argued, her colleagues "can't handle that level of passion that comes from me." Tessa discussed how when she stood up for her schedule and its impact on her students in a staff meeting, one of the white teachers started crying. She noted that "the second I stood up to her," she "weaponized her white tears" against her. When she met with her principal about it the next

day, Tessa said to her, "I've had to defend myself in college. I'm not the type of person who takes racial disrespect. I stand up for myself." Tessa's experience demonstrates that teaching is not the first time she has encountered antiblackness, as these antiblack experiences color the formative learning experiences of Black people in the United States. However, she did not engage with the reaction of her colleague's white tears, refusing to back down from what she felt was best for her and her students.

In addition to defending themselves and their students, some teachers felt that their very existence in predominantly White spaces was enough. For example, Miah discussed how important it was for him and other Black teachers to "show up." He stated that, "Sometimes it is enough just to witness what's going on. And sometimes people just behave better when we're in the room." Miah reflected that his very presence mitigated White behavior. For the teachers in this study, even among the onslaught of antiblackness, they consistently and creatively found ways to resist this antiblackness in their voices, teaching, and presence.

DISCUSSION

Critical Race Theory and BlackCrit reveal "the nature of racial suffering in schools" (Dumas, 2016, p. 16), allowing us to understand that antiblack racism in the United States is permanent, "irreconcilable," and "fundamentally irredeemable" (ross, 2021b). The stories that Black teachers shared in these interviews are a counternarrative (Solórzano & Yosso, 2002) to the overall discourse around teacher retention more broadly. They illustrate the cumulative toll that disproportionate workloads, the isolation of being a token Black person, unsupportive colleagues and administration, and pressure to mentor Black and Latinx students take on Black educators. The teachers overwhelmingly expressed that these issues make the profession unsustainable, leading to unsurprising Black teacher attrition. However, through their unwillingness to be silent in the presence of antiblackness, Black teachers are a critical component in the re/imagining of Black education.

This study took place in the unique context of the San Francisco Bay Area, where gentrification, unsustainable housing markets, and political climate isolate many Black teachers from one another. This fact makes them both hyper-recognizable, in that they literally and figuratively stand out, and invisible, in that their needs are often ignored at the expense of the predominant White female teacher voice. I use the term "recognizable" not in the sense that they are acknowledged or affirmed, but in the way that when they show up authentically, Black teachers cannot hide (are often unwilling to hide) from their words or actions. Many teachers who taught in predominantly White schools found that professional development was often a particularly antiblack space. As antiblackness is a universal and embedded structure, photo ops and book clubs will do little to impact the lived experiences of Black people. The teachers responded to these displays of performative allyship by refusing to perform themselves, as they spoke out against antiblackness directly to their colleagues, sent emails to administration, or even sought litigation. As a result of the inaction of their schools, Black teachers turned to action, and in this way, "Blackness as intervention" (Coles & Kingsley, 2021) propelled the teachers in this study to pour into their students, working "Sunday to Sunday" as Michele stated, to try to create Black-affirming curriculum that would support the academic and positive racial development of their students.

The school board member who told May that "George Floyd had no effect on people here" embodies a symbolic dismissal and chosen ignorance of the social-emotional impact of antiblackness on Black and non-Black people alike. His denial of the real and human reaction to a public lynching reveals just how inconsequential Black lives are, and this denial posits that Black people are less than human, that their deaths (and subsequently their lives) do not matter. May's school board's refusal to publicly state their support for Black people underscores how antiblackness functions: to carefully design systems to replicate Black suffering and to position Black as problem, as a pest. Without the CRT notion of interest

convergence (Milner, 2008), or something in it for them, the school district had no desire to disrupt the neoliberal illusion or invoke the ire of the vocal and influential White families. For several teachers in the study, the racial reckoning of the summer of 2020 provided some consciousness-raising for non-Black people around issues of antiblackness, but it further illuminated the education system's refusal to enact structural changes that would mitigate harms for Black teachers and students. And although the COVID-19 pandemic shined a spotlight on the stressful teaching conditions and inadequate pay, it also spotlighted the harmful, antiblack ideologies that undergird our educational institutions. And as Paul noted when he reflected on how the pandemic highlighted school as relationships, the pandemic revealed that students are always learning, and they often learn who they are in society from their teachers. As social relationships operate from personal and societal ideologies, without centering and affirming Blackness, these social relationships in schools can mirror society's subjugations of Black people. The teachers in this study understood this deeply, and they poured into their students' voices and identities, reflecting a model of education that can be impactful for all students.

Although some of the teachers in this study left at the end of the 2021-2022 school year, an overwhelming majority decided to stay on, with almost half of the participants planning to stay until retirement. This fact should give us hope, and we should confront the antiblack structures that will allow them to meet this goal of staying in the profession. It is also important to note that the Black teachers in this study who left the profession did not necessarily do so because of the workloads and the extra physical and mental stress brought on by the global pandemic that disproportionately impacts Black and Brown families. Instead, antiblackness, which has been ingrained into the very foundations of our schools, affected these Black teachers' capacity to stay. This finding adds nuance to the dominant discourse about teacher shortages, as not all teachers are leaving for the same reasons.

For the Black teachers in this study, the COVID-19 pandemic simply introduced new manifestations of antiblackness, but it did not in and of itself cause Black teacher attrition.

Regardless of whether the teachers decided to stay, the Black teachers in this study expressed the predominant theme of an unwillingness to be quiet, to refuse to be passive in the face of antiblack aggression and harm. For many, this refusal came through staying in the profession and using their voices and expertise to push back against antiblackness in their school sites. For others like Miah, it was simply being in the room, for as Lorde (1984) once observed, people "for whom oppression is as American as apple pie have always had to be watchers (p. 114). This watching is a protective stance that bears witness to the harm, and their very presence brings accountability for those harmful actions. For five teachers in this study, the unwillingness to be quiet came from leaving the profession, which can be seen as a refusal to perpetuate antiblack harm through advancing White dominant expectations around so-called school appropriate behavior and test-driven academic success. These acts of resistance are a part of what Dumas and ross (2016) refer to as "Black liberatory fantasy," or the radical hope for the possibility of change, of resistance, of a re/imagination. The notion that Black teachers are unwilling to bring harm to their students and unwilling to be quiet in the face of antiblackness has implications for providing spaces and the conditions for those grievances to be aired without metaphorical or literal white tears.

IMPLICATIONS AND CONCLUSION

Black teacher attrition takes place within the greater context of teacher retention concerns nationwide, especially considering the COVID-19 pandemic and the continued antiblack attacks on curriculum and instruction. Like their historical predecessors who taught despite personal consequences during enslavement and segregation, the present-day Black teachers in this study have fought to take up space

and disrupt protocols that harm students. In studying their needs related to retention, we can start to better understand the strategies that Black teachers use to navigate antiblackness. We can learn a lot from the ways that Black teachers worry about bringing harm to Black children, and the ways in which they resist, (re)imagine, and respond to these harms.

One key implication of this study is the importance of real accountability for the wellness, academic success, and positive racial identity development for all children, racially minoritized youth in particular. However, as ross (2021c) argued, we still must do work "in the meantime in between time," or continue to make a way right now as we do the uncomfortable and slow work of trying to shift norms and structures. In this in-between time, we can support Black teachers with the unique emotional toll that this profession takes on them. Districts can provide opportunities for Black teachers to work in racial affinity, such as hiring Black mental health professionals that can run in-house group-based therapy to support teachers with their struggles with antiblackness and providing protected opportunities for teachers to attend professional development in racial affinity groups. In addition, administering anti-racist training for human resources, school boards, and administrators on how to create a thriving culture for Black students can help take some of the burden off of Black teachers having to be at the forefront of these commitments.

This study demonstrates that the overwhelming antiblack school environments, which predate the COVID-19 pandemic, is the primary concern among these teachers. And yet, even with the suffering they face, they refuse to negotiate their senses of selves, and some stunningly cling to hope. To return to Layla's assertion from the opening of this article, "I hope that as we move forward through the pandemic and see education be reinvented, we will not be afraid to share who we are."

AUTHOR INFORMATION

Jessica Lee Stovall is an Anna Julia Cooper Fellow at the University of Wisconsin--Madison. She will be an assistant professor of African American Studies at UW—Madison in fall of 2024. Her work in education draws on the discipline of Black Studies to explore how Black teachers create Black-affirming spaces to navigate and combat antiblackness at their respective school sites. In her current study, Jessica employs notions of educational fugitivity to theorize how Black teachers co-construct Black space, and how these curated Black-affirming places are rehumanizing and sustaining for Black teachers. Jessica's research has been generously funded by the Spencer dissertation grant, the Ford Foundation Predoctoral Fellowship, and the Fulbright Distinguished Award in Teaching grant, among others. She holds a B.S. in secondary education from the University of Wisconsin-Madison, an M.S. in literature from Northwestern University, and a Ph.D. in Race, Inequality, and Language in Education (RILE) and Curriculum and Teacher Education (CTE) from Stanford University. Before starting her doctoral studies at Stanford, Jessica taught ELA for 11 years in the Chicagoland area.
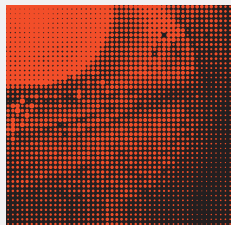
Demographics of Participating Teachers

Pseudonym	# Black Colleagues	% Black Teachers at School	Subject/Grade Taught	Years of Teaching Experience	# Years Planning to Continue Teaching
Alex	5	5	High School Math and Computer Science	8	Retirement
Billy	1	10	High School Special Education	5	4-5
Bob	5	5.46	High School Physics	3	Retirement
Chimere	1	9	High School Social Studies and Language Arts	5	2
Davon	7	18.6	Physical Education	1	Retirement
Denver	2	5	High School English and History	4	10
Eae	0	4.2	High School Art	5	3
Jacques	0	3.12	High School Spanish	7	0
Jay	5	20	Middle School Math	6	Retirement
Jordan	6	28	High School Special Education	10	Retirement
Jules	2	7.5	Middle School Math	7	Unsure
KoKo	0	.5	K-12 Special Education	8	0
Lauren	0	5	High School English	6	0
Layla	1	8.7	Elementary And Middle School Performing Arts	29	Retirement
Louise	3	5.7	Middle School Math	8	Retirement
Lulu	1	33.3	Pre-K	14	Retirement
Makayala	10	22.2	High School Special Education	3	Retirement
May	3	5.71	High School Special Education	14	0
Miah	0	8.33	Elementary School	25	Retirement
Michele	3	36.36	Elementary School	6	0
Monique	0	.5	High School Special Education	3	3-5
Nita	0	5	Elementary School	1	4-5
Paul	10	6.6	High School Social Studies	5	5
Rashana	7	18.18	High School Special Education	2	3-4
Rose	2	2.3	High School Health Education and College & Career Planning	30	Retirement
Samantha	3	7.8	Middle School Math	20	Retirement
Tessa	1	28.57	Elementary School	1	Retirement
Traci	2	12.5	High School English	4	5
Winnie	1	3	RTI Facilitator	17	2
Zora	4	4.2	High School English and Social Studies	10	3-4

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