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**YEAR ONE:  
TOWARD SAFE COMMUNITIES, GOOD  
SCHOOLS AND A FAIR CHANCE FOR ALL  
AMERICANS**

An NAACP White Paper

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## FOREWORD

One hundred years ago, a small multiracial group of progressive thinkers dared to come together in a tiny New York apartment to share a bold dream: An America free of the racial oppression that sullied the soul of our nation a little over 40 years after slavery. The NAACP was born of that noble vision advanced by such visionary thinkers as Ida B. Wells, Mary White Ovington and W.E.B. Dubois. The new organization, radical for its time, launched a tenacious three decade long struggle to successfully end the horror of lynch mobs. In 1932, we took up the mantle to reverse the destructive, segregating vestiges of Jim Crow, and two decades later, segregation was made illegal. In the 1960's, a determined effort for economic and political inclusion was initiated that triumphed last year in the election of an African-American president and the most black elected officials since Reconstruction

The NAACP has always embraced the impossible, fearlessly marching forward at an unwavering pace. Our triumphs have not been ours alone. Ending lynch mobs against African Americans ended the horror for White Catholics, the second largest group of victims. Our fight against discrimination helped all disenfranchised members of our country open locked doors and break through barriers of inequity.

But the journey is not over. Black unemployment is perennially twice that of white Americans. Several studies found that a majority of employers preferred to hire a white criminal than a black man without a criminal record. African American children disproportionately attend segregated, poor quality schools. Mass incarceration is harming far too many people of color when drug treatment and other approaches would have better outcomes. The health disparities in our communities are well-known.

Now as we face our second centennial, we can begin to see the realization of the vision of a new land where all live in safe communities and law enforcement respects and protects our neighborhoods. A land where all children can blossom in a quality school; their potential nurtured and cherished. Where every worker in America has a fair chance for employment, education and advancement. The journey is born anew this year and just as in the past we had the courage to pursue the impossible dream that doubters insisted was illusory , today we will begin again to be fearless as we resolutely move towards a better tomorrow for us all.

*Year One: Toward Safe Communities, Good Schools and a Fair Chance for All Americans* lays out our civil and human rights agenda for the first year of the next centennial. We invite you to join us as we continue our unyielding fight to realize America's promise for all.

Benjamin Todd Jealous

**YEAR ONE:  
TOWARD SAFE COMMUNITIES, GOOD SCHOOLS,  
AND A FAIR CHANCE FOR ALL AMERICANS**

An NAACP White Paper

**I. Introduction**

For 100 years, the National Association for the Advancement of Colored People (NAACP) has played a pivotal role in shaping a national agenda to ensure the political, educational, social, and economic equality of African Americans and other people who have faced historical discrimination in the United States. This proud legacy of reducing racial prejudice and barriers to equal justice has not eliminated the need for significant and strategic action toward the goal of ensuring equal access and opportunity for all. While the country has allowed individuals to permeate some of the barriers of discrimination, entire groups of people remain marginalized from the American Dream.

Our first centennial is the culmination of a long march for justice. Our birth was launched with a multi-decade struggle to finally end the lynch mobs that killed thousands of African-Americans. In 1932, the organization took up the mantle to reverse Jim Crow, and two decades later, segregation was made illegal. In 1960, a sustained effort for political inclusion was initiated that triumphed last year in the election of an African-American president and the highest number of African American elected officials since Reconstruction.

It is not just African Americans who have benefitted from our unyielding struggle, but the entire country. Indeed, when we abolished lynch mobs that viciously persecuted African Americans, we also abolished lynch mobs that viciously persecuted Hispanics, Native Americans, Asian Americans, Catholics and Italians. We stopped black, red, yellow, brown – and white – children from being haunted by the cruel horrors of lynch mobs.

*Year One: Toward Safe Communities, Good Schools and a Fair Chance for all Americans* explores the priorities necessary for the Obama Administration, the Congress and other key policymakers in the next year toward generating a progressive human and civil rights agenda.

**Policy priorities for Year One:**

- Urging for the creation of policing standards that support a goal of effective law enforcement in all communities.
- Elevating the standards of education to ensure that all children have full access to an opportunity to complete a high quality education.

- Urging uniform federal measures to assure that economic policies (particularly the bailout and stimulus funds) are administered in a manner which does not violate important civil and human rights;
- Establishing a study to explore the development of a uniform federal unemployment insurance benefit, as we do with social security;
- Establishing an immediate moratorium on foreclosure, and judicial loan modifications prior to the occurrence of a foreclosure;
- Adopting policies that provide health care to the uninsured in an effort to begin reducing health care disparities.

These priorities represent a shift toward maximizing the full potential of America's promise of equal opportunity.

## **II. Safe Communities**

All communities seek a fair and just administration and enforcement of the law; however, racial disparities are well documented throughout the justice continuum (from arrest through sentencing), particularly for African American men, women, and children. Data also show that African American children, who are 16 percent of the youth population, experience a cumulative disadvantage as they permeate the criminal justice continuum. Nationwide, African American children are:

- 28% of juvenile arrests.
- 30% of referrals to juvenile court.
- 37% of the detained population.
- 34% of youth formally processed by the juvenile court.
- 30% of adjudicated youth.
- 35% of youth judicially waived to adult criminal court.
- 38% of youth in residential placement.
- 58% of youth admitted to state adult prison.<sup>1</sup>

Over the past decade, the United States has witnessed a dramatic increase in the growth and punitive nature of the criminal and juvenile justice systems. This growth has disparately impacted African American men, women, and children. With more than two million adults in prison and an estimated one in nine African American men and one in 35 African American women likely to be incarcerated,<sup>2</sup> the nation's faith in the fair administration of justice faces a tremendous crisis. Racial and ethnic disparities are well documented throughout the justice continuum, particularly for African Americans, who represent 13.4 percent of the U.S. population, but 30.5 percent of all people arrested and 53.3 percent of all juvenile arrests for violent crimes in the nation's cities.<sup>3</sup>

### **a. Effective Law Enforcement**

African Americans continue to have the highest rate of violent victimization.<sup>4</sup> However, nearly 32 percent of unsolved murders include African American victims, compared to 27.3 percent for white victims.<sup>5</sup> This disparity undermines the trust between communities of color and law enforcement, leading to the suggestion of biased decision making and other questionable practices among law enforcement.

Effective law enforcement includes the development of agency wide policies and practices that support and reflect a commitment to serve with integrity and fairness. This ideal should be visible in training curricula, reporting measures (including the disaggregation of data by race, ethnicity, and gender), community policing, and a commitment to investigate homicide and other cases without judgment or prioritization of the race of the victim or judgment regarding the circumstances surrounding the victimization. Additionally, in matters or circumstances in which there is questionable police conduct, community stakeholders should be empowered to form independent and fully resourced accountability review boards so as to maintain a standard of cultural competency, trust, and excellence in law enforcement.

Toward to the goal of establishing effective law enforcement in all communities, the NAACP calls for the following:

- Establish a task force to examine the low rate at which murder cases involving African American victims are solved; and the perverse incentives used to increase contact and arrests in communities of color. Congress should appropriate funds to provide federal incentives to local law enforcement agencies so as to support the investigation and resolution of these cases.
- Federal agencies should mandate the collection and reporting of consistent, disaggregated data (by race, ethnicity, gender, age, offense, etc.) of deaths while in contact with and in the presence and custody of law enforcement, for incidents involving taser guns and law enforcement officials.
- Policymakers should establish clear guidelines regarding the practices of federal, state, and local law enforcement agencies and systems of accountability developed to respond to incidents of excessive and deadly force through uniform, fair and transparent processes. Additionally, Congress is urged to support and pass the *End Racial Profiling Act of 2007*, provide guidance and legislation to eliminate other questionable policing practices (i.e. excessive force) that lead to unfair treatment and Disproportionate Minority Contact.

#### **b. Alternatives to Incarceration**

Research<sup>6</sup> has shown that imprisonment—the most severe sanction along the justice continuum—is an expensive and ineffective strategy to address nonviolent drug offenders. A number of states have saved resources after developing alternative sentencing options for this population. For example, after California passed its Substance Abuse & Crime Prevention Act of

2000, which diverts people convicted of simple, nonviolent drug offenses from incarceration to probation with drug treatment, the state saved over \$1.5 billion—\$173.3 million in the first year, over \$800 million in five years, and over \$500 million by avoiding new prison construction.<sup>7</sup>

Toward the goal of developing alternatives to incarceration, the NAACP calls for the following:

- Policymakers should take immediate action to eliminate crack-cocaine sentencing disparities, which have resulted in costly overpopulated prisons and contributed to unfair racial and ethnic disparities in the criminal justice system. African Americans comprise only 13.4 percent of the population and 13 percent of drug users, but they make up 38 percent of those arrested for drug offenses and 59 percent of those convicted of drug offenses.<sup>8</sup> Additionally, lawmakers should invest in the development of evidence-based, culturally-competent, gender-responsive community-based alternatives for men, women, and children convicted of nonviolent offenses.

### **c. Fiscal Benefits of Alternatives to Incarceration**

The U.S. currently spends more than \$44 billion to incarcerate more than two million adults in prison—mostly for nonviolent offenses.<sup>9</sup> Across the nation, the use of incarceration as a means to sanction nonviolent offenses (which comprise approximately half of the nation’s prison population) has proven to be costly and ineffective:

- In New Jersey, the cost to incarcerate nearly 15,000 individuals entering prison in 2003 was \$1.26 billion, with an additional loss of \$1.5 billion over the source of their lifetime in taxable wages and salary, due to the barriers to employment for people living with a criminal record.<sup>10</sup>
- California spends approximately \$47,000 to incarcerate one individual, a cost that has increased by nearly \$20,000 per inmate since 2000-2001.<sup>11</sup>
- Mississippi spends \$292 million to incarcerate approximately 22,000 inmates, of which only 3,022 are violent offenders. The Mississippi Department of Corrections boasted \$25,915 in “free labor” from inmates in 2004, a figure that was estimated to reach \$6.7 billion in annual labor contributions.<sup>12</sup> Meanwhile, inmates experience a significant loss in wages as a result of their incarceration.
- Researchers, policy analysts, and service providers agree that community based alternatives, such as community supervision, counseling, treatment, job training and job placement are less costly programs and services than incarceration.<sup>13</sup> One cost-benefit analysis comparing trends in three states found that incarcerating “drug-only offenders” is not only an ineffective use of public resources, it has also had no impact on the sale or usage of illicit drugs.<sup>14</sup>

Polices that support diversion of nonviolent offenders to drug and mental health treatment and employ other best practices are more fiscally responsible, and socially advantageous for communities than widespread incarceration.

Toward the goal of implementing cost-effective alternatives to incarceration:

- Federal, state, and local policies and practices should be amended to allow planning for the release of nonviolent offenders from prison and into community-based alternatives and other graduated sanctions. Alternative responses such as community-based monitoring, mental health treatment, multidimensional therapy and other interventions for those convicted of nonviolent offenses should be evidence-based, culturally-competent and gender responsive.

### **III. Elevating Education Standards**

The promise of a decent education is an important civil and human right that has yet to be fully realized in Americans public education system:

- Eighty percent of African Americans have at least a high school diploma, compared to 89.4 percent of non-Hispanic whites, 85.8 percent of Asians, and only 60.6 percent of Latinos. Approximately 17 percent of African Americans have a bachelor's degree or more, compared to 30.5 percent of non-Hispanic whites, 49.5 percent of Asians, and only 12.5 percent of Latinos.<sup>15</sup>
- African Americans represented 27 percent of those who those who dropped out of school in 2004, leaving school at a rate of six percent. In Alaska and Colorado, the African American dropout rates exceed 10 percent, at 12.7 and 11.1 percent, respectively.<sup>16</sup>
- Studies show a correlation between high stakes barrier testing and decreased rates of high school completion, particularly in schools with students from low socio-economic backgrounds.<sup>17</sup>

The implementation of high stakes barrier testing has proven to be an ineffective predictor of future educational success and to have other negative effects on education that disproportionately affect poor children. However, despite their artificial measurement of ability, high stakes tests continue to be implemented throughout the nation. The reauthorization of the No Child Left Behind (NCLB) legislation has been noted as one of President Obama's top priorities. However, the legislation has never enjoyed the appropriations needed to fully implement the range of support needed to promote educational excellence. Research has also suggested that the legislation, which was intended to bridge educational gaps and resolve ongoing and problematic educational factors, failed to adequately address high rates of academic failure and dropouts among children of color in urban communities; or appropriate measures to improve the standards of education so that all children benefit from a quality education.<sup>18</sup> Given that significant dollars were removed from the stimulus package that would have supported elementary and secondary education, adequate appropriations should be applied to NCLB.

Toward the goal of supporting equal access to a quality education, the NAACP calls for the following:

➤ **Improve Assessments to Prepare Students for the 21<sup>st</sup> Century.**

High stakes and other standardized tests do not adequately measure the full spectrum of competencies needed for students to compete in the global market. Toward the goal of preparing our future generations of leaders, education tools must include testing, administrative and teacher assessments, increased availability of technology, capital improvements for schools in need of repair, reduction of class size, improvement in the quality of curricula, among other strategies. In this time of fiscal crisis, we all seek to yield higher returns on public education. To further support this goal of adequately preparing students for global competition, policymakers should seek to yield higher returns on public investments in education not only as they are measured by performance outcomes. Policymakers should institutionalize a **Resource Accountability Metric** designed to measure access for students to the core resources that they need to learn and become high performers, such as effective teachers, early childhood education, secondary language skills and college preparatory curricula.

➤ **Increase Access and Affordability to Post Secondary Education**

There is a need to increase the capacity of colleges and universities, including Historically Black Colleges, other ethnic and community colleges that serve as opportunity centers and gateways for African American and other children of color to post-secondary education credentials, training, licenses, certification and degrees. According to the Organization of Economic Cooperation and Development, the U.S. will need at least 60 percent of its population to possess a postsecondary degree or credential by 2025 to remain globally competitive. Roughly 39 percent of Americans currently hold a two-year or four-year degree. That attainment rate has held steady for the past four decades. To achieve the OECD goal, the U.S. will need to produce 16 million more graduates than the current rate of production. The country's changing demographics mandates a change in the educational trajectory for a significant number of African American and Latino children. Toward increasing access for these populations, policymakers should increase Pell and non-merit based grants, and ensures that these funds are available to all potential applicants who qualify, regardless of prior criminal conviction history.

#### **IV. A Fair Chance for all Americans**

**a. The Stimulus Package and Protecting against Discrimination**

The financial crisis defines our most immediate agenda. As taxpayers spend to revive the nation's ailing economy, the cities and schools must not be overlooked. Recent modifications to the stimulus package suggest a departure from the original intent of a package that would have provided important support for education and other programs and incentives that support America's working mainstream. Given the legacy of failed "trickle-down" policies of the Reagan era, the fair implementation of the stimulus package is paramount, particularly with regard to its employment processes and outcomes.

Toward the goal of a fair employment strategy:

- Ensure transparency in the hiring process by posting jobs created through the federal stimulus package through the Federal Employment Service and create a mechanism or neutral body to monitor and enforce fairness.
- Congress should pass the Unemployment Insurance Modification Act and initiate a study to investigate the use of this as a blueprint for a federal benefit to support eligible job-seekers in every state. This study should explore the potential impact of a federal benefit to reduce the incidence of discrimination and money spent in discrimination claims across the nation.

**b. The Financial Crisis and Protecting against Discrimination**

Developing a stimulus package to address the nation’s economic woes is just the beginning. Research has found that the economic gains achieved by middle class African Americans have not translated to intergenerational sustainability. There has been a relative stagnation of the African American middle class<sup>19</sup> and, in many communities, more than 60 percent of African America men and women worked in low-wage jobs in 2000, up from approximately 40 percent 30 years prior.<sup>20</sup> The crisis of low-wage employment is exacerbated by increasing rates of incarceration and discriminatory barriers that prevent African Americans from obtaining jobs that compensate with livable wages.<sup>21</sup>

**i. Employment Disparities and Discrimination: The Facts**

- In 2008, employment for African Americans and for Latinos declined by 1.9 percent, while it dropped by 1.6 percent for whites.<sup>22</sup>
- In January 2009, more than 598,000 jobs were lost; representing the largest monthly cut since the recession officially began in December 2007.<sup>23</sup>
- The nation’s unemployment rate is 7.6 percent, and African Americans are unemployed at the shocking rate of 12.6 percent.<sup>24</sup> The African American unemployment rate exceeds the highest rate of unemployment for whites *on record*.

**ii. Strengthen Enforcement against Discrimination**

Job discrimination is historically exacerbated in times of fiscal strain. There is a pattern of increase in the number of discrimination claims filed with the EEOC, Department of Labor Office of Federal Contract Compliance, and the Solicitor’s Office, among others. In 2002, when the nation’s economy experienced a downturn, the EEOC reported an increase in claims by 4.5 percent. According to the EEOC’s FY2007 figures, overall charges increased by nine percent over the previous year, and in 2008, the EEOC reported the largest annual increase, up 15.2 percent in 2008 from 2007.<sup>25</sup>

The NAACP calls for the following:

- Expand the EEOC, Office of Federal Contract Compliance, Solicitor’s Office, and others in order to protect and monitor the civil rights of all potential applicants and

to adequately respond to the increase in volume of cases that occurs during fiscal downturns.

**iii. Protection against Discrimination in Lending**

Borrowers who are people of color pay higher annual percentage rates than their white counterparts with equal income and credit risk.<sup>26</sup>

- According to a 2007 report by Freddie Mac (Federal Home Loan Mortgage Corporation), African Americans paid an average of **128 basis points more** for loans than their white counterparts; and in the subprime market, the difference was **275 basis points more** than their white counterparts.<sup>27</sup>
- Data cited in a class action lawsuit filed by the NAACP against 15 major U.S. banks alleging racial discrimination in lending show that even when income and credit risk are equal, African Americans are 31 percent to 34 percent more likely to receive higher rate and subprime loans than their white counterparts.
- These practices have placed at least one million African Americans and other people of color at great risk of loss of wealth, an estimated loss of at least \$164 billion.<sup>28</sup>

The NAACP calls for the following:

- Office of Contract Compliance, and other federal enforcement bodies should investigate and enforce the policies regarding the use of public funds not being used to support companies that engage in discriminatory actions.

**iv. Protection against Discrimination in Housing**

Housing is an important civil and human right. However, equal and fair access to housing has been impacted by natural and economic disasters that exacerbate the effects of inequality. For example, alleged discrimination against African Americans in the administration of the \$11 billion Road Home program has comprised the integrity of public disaster relief and other major public housing resources.

Toward the goal of protecting citizens from discrimination, the NAACP calls for the following:

- Modify housing policies so as not to exclude or discriminate against people with a criminal record from public housing, participation in Section 8 housing, participation in first-time home owner program, or any other housing assistance designed to benefit individuals with low and moderate incomes.

**v. Foreclosure Moratorium**

Over half of African American borrowers received subprime mortgages, and approximately 10 percent of African Americans and eight percent of Latino borrowers are expected to be affected by foreclosures, compared to only four percent of white borrowers.<sup>29</sup> Among mortgage holders age 50 and over, African American and Latino borrowers both have foreclosure rates of 0.51 percent, compared to a rate of 0.19 percent for Caucasians.<sup>30</sup>

Toward the goal of preventing unnecessary foreclosures, the NAACP is calling for the following:

- Enact pending legislation to protect Americans from predatory lending such as Senate bill 2452, the *Home Ownership Bill*, which is designed to prevent financial institutions from preying on uninformed populations and disproportionately exploiting people of color.
- Support for the *Foreclosure Prevention and Sound Mortgage Servicing Act of 2008* (H.R. 5679), which requires a homeowner or servicer to pursue specified priority loss mitigation activities such as waiving late fees and other charges, establishing an affordable repayment plan or loan modification, forbearance, or a short refinancing before a home may be foreclosed.
- Establish at least a nine-month moratorium on foreclosure, and judicial loan modifications prior to the occurrence of a foreclosure. Financial institutions receiving aid through TARP should adhere to federal laws which prohibit discrimination and legislation which mandates their investment in economically distressed areas.
- There should be a public admission that renters are also impacted by foreclosures. Specific legal protections and other benefits (e.g. right to ample notice, moving assistance, severance packages, etc.) should be developed to help renters who are impacted (i.e. evicted) by home foreclosures.
- Increase low and moderate income housing stock, both single family and multi-unit to replace those destroyed by natural disasters and to meet the increasing demands of a struggling economy by fully appropriating funds for the *National Housing Trust Fund*.

**c. Reducing Disparities in Health**

Disparities in access to affordable health insurance and quality health care, lack of diversity among health care professionals, and barriers to preventive care continue to challenge the ability of African Americans and other people of color from achieving positive health outcomes. Of the nine million children in our nation who remain uninsured today, more than five million

are people of color. Forty percent of Latino adults with incomes over 200 percent of poverty were uninsured in 2005, compared to nearly one-quarter (23%) of African American adults and 12 percent of white adults in that income group.<sup>31</sup> Largely attributable to this basic inequality, African Americans continue to carry a disproportionate burden of disease, injury, death, and disability.<sup>32</sup> From a lack of access to affordable preventive care to deficiencies in the quality and cultural competency of the care administered, African Americans also continue to face significant obstacles to receiving quality health and human services.

In February 2009, President Obama signed into the law a children's health insurance bill (SCHIP) that the NAACP supported as a step toward dismantling the barriers to health care; however, there remain a host of important calls to action in this arena. Toward the goal of providing universal access and insurance to health care, the NAACP calls for the following:

- Support education and prevention of obesity, gun violence, high infant mortality, sexually transmitted diseases and other behavioral health problems rather than ignore the root cause of these problems.
- Draft legislation that would improve and standardize measures of health care quality for use in health programs sponsored by federal, state, and local government entities, as well private health care providers.
- Mandate and standardize public reporting on the quality of services based on race and ethnicity in federally funded programs.
- Address disparities and challenges regarding mental health services among people of color.

#### **d. International Priorities**

The economic and social destabilization of African nations (including the Sudan, Congo, and Zimbabwe) and segments of the Caribbean have generated a humanitarian and moral crisis. While the United States has supported legislation to provide aid to African and Caribbean nations to foster education and treatment to prevent the spread of HIV/AIDS and other diseases, little has been done to address ongoing destabilization in these areas. The United States found that the situation in Darfur, Sudan, constitutes genocide; therefore, we now have a legal (under the Geneva conventions) as well as a moral obligation to take aggressive action to stop the killings. Likewise, the human rights abuses in Haiti have been well documented; however, the U.S. has provided little intervention and protection support to this nation.

Toward the goal of generating normal and stabilized relations with African and Caribbean nations, the NAACP calls for the following:

- Enhance the aid, trade, economic development, and human rights in these areas of the world and apply decisive action in Darfur, Sudan. This includes U.S. policymakers working with the United Nations and other partners to assist communities destabilized by war and

famine. The U.S. should fashion policies that provide resources to end genocide in Darfur; to provide assistance to other African nations suffering from famine; and to improve the Africa Growth and Development Act so as to increase opportunities for trade with Africa and the Caribbean. Additionally, the U.S. should develop strategies toward debt reduction and support educational and health aid to developing countries.

- Enact legislation that improves U.S. and European immigration policy toward people of color seeking to enter these nations from Africa, the Caribbean and other nations. This should include Immigration and Refugee reform that are humane and protect the family structure and preserve equal opportunities for all.
- Enact legislation to normalize relations and repeal restrictions that prevent U.S. trade (cultural, educational, etc.) with and travel to Cuba. Opening up the Cuban market or U.S. goods and services will generate employment and expand business opportunities for companies in the United States.

## **V. Conclusion**

The victories of the past 100 years imbue us with the knowledge that with dedication and vigilance in our mission, we will succeed in realizing America's promise for all. The NAACP is committed to working in partnership with the federal government to preserve and implement a progressive agenda that supports civil and human rights. To that end, we will enlist all of our strengths—from our grassroots members and partners to our youth and college chapters, as well as our branches, state conferences, regional offices, national staff, and national Board of Directors—to partner with the Obama Administration and Congress toward completing this unfinished journey.

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