

STRUCTURAL RACISM in AMERICA

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Executive Summary

This research paper delves into the concept of structural racism in America and how over the years it has become the proxy for the explicit racism that characterized our country a generation ago.

Most Americans understand racism to be individual, intentional and overt: “crude, explicit, obvious and motivated by individual bias.”¹ It describes the discriminatory attitudes and behavior of an individual toward others who are different in skin color or ethnicity. But sociologists have described the phenomenon of today’s racism as being more complicated than the methodical, bad-intentioned behavior of individuals. They have identified structural racism as founded in ordinary, day-to-day practices of organizations, such as businesses and government agencies, and resulting from social policies produced by political decisions.²

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Throughout this paper, we look at several components of American society and explore how structural racism focuses not on prejudiced individual behavior but on societal infrastructure. We dig deep into the racial disparities that make up the criminal justice system, which is perhaps the most important—for without our freedom, nothing else matters. We look at how the law is applied unevenly between people of color and whites, and how research contends that the “War on Drugs” is a tactic aimed at restricting minorities’ social mobility.

This research paper also looks at the minorities that follow the rules from an educational attainment perspective, but yet still find themselves stonewalled by the system. What is redistricting and how is it used to limit minorities’ voting power at the polls? And why are African Americans, by and large, not getting their share of a \$69.3 billion industry—an industry that they help subsidize with their \$1 trillion in purchasing power?

These queries and more are explored in the following pages.

¹ Wellman, D.; “Unconscious Racism, Social Cognition Theory, and the Legal Intent Doctrine: The Neuron Fires Next Time,”; *Handbook of the Sociology of Racial and Ethnic Relations*; pg. 40, 2007.

² Knowles, Louis L. & Prewitt, Kenneth; “Institutional Racism in America;” pg. 4, 1969.

Introduction

Gone are the conspicuous ‘WHITES ONLY’ and ‘NO COLOREDS ALLOWED’ signs throughout the American landscape. So too are the laws mandating African Americans sit in the back of the bus. And yes, infamous racist Eugene “Bull” Connor is gone as well, the Commissioner of Public Safety in Birmingham, Alabama during the Civil Rights Era who exerted his state-sanctioned authority on African American people with fire hoses and German Shepherds. Indeed, these explicit and methodical assertions of racial dominance ruled the day.

Today, in place of these outward displays of racial animus are less obvious, yet equally devastating ploys of discrimination and racism—both in corporate America and society at large. Harvard professor Lawrence Bobo called it a “kinder, gentler anti-black ideology,” which he labels “laissez-faire racism.”³ Woven within the structural fabric of America, this discreet, beneath-the-surface “anti-black ideology” gives plausible deniability to those who individually adhere to the system’s unspoken and unwritten decree. No longer is it necessary, for instance, to erect signs to ward off undesirable people; there are now more cunning strategies people can employ to covertly (and legally) convey that message.

But there are those who say the country has eradicated racism; that it is no longer rampant in our society. They look at the progress in our country and scoff at the notion of racism and discrimination in America. They reference the absence of codified law and social acceptance as tangible proof of racism’s extinction, along with the obligatory mention of President Barack Obama’s historic election in 2008 and his re-election in 2012.⁴ It is this mindset that fuels the fallacious claim of a post-racial America.

To be sure, some progress has been made in the fight against discrimination and racism over the past half-century. It would be disingenuous to state otherwise. Laws have been enacted to help promote a more inclusive and diverse society, entitlement programs have been initiated to give a temporary hand to the less fortunate, and generally speaking, some attitudes have changed that reflect a more tolerant and progressive America. The bad news is, in spite of the advancements, problems still exist. Huge problems. Racial disparities persist throughout America in all social domains: employment, education, criminal justice, residential patterns, wealth accumulation and countless others.⁵ In order for minorities to get an opportunity at parity once and for all, we must address this issue with a level of candor and

³ The Sentencing Project; “Race and Punishment: Racial Perceptions of Crime and Support For Punitive Policies;” pg. 30, 2014.

⁴ “The O’Reilly Factor;” June 23, 2015 airing on FOX News with Bill O’Reilly, Kirsten Powers and Monica Crowley.

⁵ Wiececk, William; Hamilton, Judy; *Louisiana Law Review*; “Beyond The Civil Rights Act of 1964: Confronting Structural Racism in the Workplace;” pg. 12, Summer 2014, Vol. 74, No. 4.

dedication formidable enough to overcome structural racism's entrenched place in American culture.

It's easy to get blinded by the shine of how far we have come, but much work remains in our efforts to attain parity. Documents such as this help penetrate the superficial narrative of equality in America, as it focuses on some of the more obscure components of racism and discrimination in our country.

What is Structural Racism?

Structural racism perpetuates the effects of past discrimination because it does its work through organizational procedures and social policies that appear to be race neutral.⁶ It is the normalization and legitimization of an array of dynamics—historical, cultural, institutional and interpersonal—that routinely give whites an advantage while producing cumulative and chronic adverse outcomes for people of color.⁷ The key indicators of structural racism are inequalities in power, access, opportunities, treatment, and policy impacts and outcomes, whether they are intentional or not.⁸

Its objective may appear neutral on the surface, but structural racism's effects are anything but. Just a generation ago, racism was more *explicit*—an intentional, conscious discrimination on the basis of race by which minorities were deliberately excluded from opportunities and benefits that whites enjoyed.⁹ Laws such as the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968 addressed only the problems of clear, unambiguous racism. These legislative marvels were not designed to confront problems created by implicit discrimination because social scientists had not yet identified those phenomena or described their workings.¹⁰

In contrast to the overt racism of yesterday, the new and subtler system of preference and exclusion we see today is maintained by implicit (structural) racism, which assures racially disparate outcomes without the need to rely on overt discrimination.¹¹ Sociologists have been producing an enormous body of published research, both theoretical and empirical, that demonstrates the power of social structures to

⁶ Ibid, pg. 1.

⁷ Lawrence, Keith; Keleher, Terry; "Chronic Disparity: Strong & Pervasive Evidence of Racial Inequalities," pg. 1; 2004.

⁸ Ibid, pg. 1.

⁹ Wiececk, William; Hamilton, Judy; *Louisiana Law Review*, "Beyond The Civil Rights Act of 1964: Confronting Structural Racism in the Workplace," pg. 4, Summer 2014; Vol. 74, No. 4.

¹⁰ Ibid, pg. 5.

¹¹ Ibid, pg. 5.

diminish opportunities for people of color in all spheres of life.¹² Sociologists call this phenomenon “structural racism” and invoke it to explain how and why differential racial outcomes still persist in American society today.¹³

The key element in structural racism is not the *intent* but the *effect* of keeping minority groups in a subordinate position.¹⁴ This is an important distinction, since the U.S. legal standard requires that victims of discrimination prove an “intent to discriminate.”¹⁵ Individual racism, by comparison, is intentional; a bigot means to cause harm to another because of skin color or ethnicity. However, when sociologists analyze structural racism, intent is irrelevant.¹⁶

Structural racism rears its ugly and destructive head through countless societal vehicles. The following pages highlight those areas.

Criminal Justice (“Just Us”) System

Unfair, illegitimate and excessive—these are descriptors that people of color often use to describe their own experiences with the justice system and to characterize the system as a whole.¹⁷ And for good reason. More than 60 percent of people in prison are racial and ethnic minorities.¹⁸ For African American males in their 30s, 1 in every 10 is in prison or jail on any given day. These trends have been intensified by the disproportionate impact of the “war on drugs,” a policy that has exploded the minority prison population, as two-thirds of all people in prison for drug offenses are people of color.¹⁹

Perhaps the most ironic element of the war on drugs vis-à-vis its effect on minorities—specifically African Americans—is white Americans are more likely than African Americans to have used illegal drugs such as cocaine, marijuana and LSD.²⁰

¹² Nelson, Robert L.; “Divergent Paths: Conflicting Conceptions of Employment Discrimination in Law and the Social Sciences;” pg. 116; 2008.

¹³ Wiececk, William; Hamilton, Judy; *Louisiana Law Review*, “Beyond The Civil Rights Act of 1964: Confronting Structural Racism in the Workplace;” pg. 6, Summer 2014; Vol. 74, No. 4.

¹⁴ Pincus, Fred; “From Individual to Structural Discrimination;” *Race and Ethnic Conflict: Contending Views on Prejudice, Discrimination and Ethnoviolence*; pg. 84; 1994.

¹⁵ Menendian, Stephen, et al.; “Structural Racism in the United States: A Report to the U.N. Committee for the Elimination of Racial Discrimination;” Feb. 2008.

¹⁶ Knowles, Louis L. & Prewitt, Kenneth; “Institutional Racism in America;” pg. 5, 1969.

¹⁷ The Sentencing Project; “Race and Punishment: Racial Perceptions of Crime and Support For Punitive Policies;” pg. 33, 2014.

¹⁸ The Sentencing Project; <http://www.sentencingproject.org/template/page.cfm?id=122>

¹⁹ Ibid.

²⁰ The Huffington Post; http://www.huffingtonpost.com/2013/09/17/racial-disparity-drug-use_n_3941346.html

Nearly 20 percent of whites have used cocaine, compared to 10 percent of African Americans and Latinos, according to a 2011 survey from the Substance Abuse and Mental Health Services Administration.²¹ Additionally, the African American arrest rate for marijuana in 2010 was 716 per 100,000, while the white arrest rate was 192 per 100,000,²² even though African Americans and whites use marijuana at comparable rates.²³ *(Latinos are not included in these figures because the FBI's Uniform Crime Reports (UCR), the federal government's data source for national crime statistics, does not keep data on ethnicity, and thus it is impossible to determine if an arrest is of a Latino or non-Latino. Without this data, we do not have a full picture of how the selective enforcement of marijuana laws impacts all communities of color.)*²⁴

In states with the worst disparities, African Americans were on average over six times more likely to be arrested for marijuana possession than whites. In the worst offending counties across the country, African Americans were 10, 15, even 30 times more likely to be arrested than white residents in the same county.²⁵

Whites are also more likely than African Americans to sell drugs.²⁶ The irony is, in spite of the information above, African Americans remain 3.6 times more likely than whites to be arrested for selling drugs and 2.5 times more likely for possessing drugs.²⁷ Moreover, African Americans represented 35 percent of those arrested in 2006 for drug offenses,²⁸ were 53 percent of drug convictions,²⁹ and represented 45 percent of drug offenders in prison in 2004.³⁰

These numbers tend to speak more to an increased “police state” in minority communities than it does to any perceived notion of out-of-control, drug-related criminality—especially in light of whites using and selling drugs at a higher rate than African Americans.

Is the “War on Drugs” masked as a “War on Minorities?” One wonders.

²¹ Inter-University Consortium for Political and Social Research; http://www.icpsr.umich.edu/quicktables/quickconfig.do?34481-0001_all

²² American Civil Liberties Union Report; “The War on Marijuana in Black and White: Billions of Dollars Wasted on Racially Biased Arrests;” pg. 9; June 2013.

²³ The Sentencing Project; “Race and Punishment: Racial Perceptions of Crime and Support For Punitive Policies;” Figure 10; pg. 25, 2014.

²⁴ American Civil Liberties Union Blog; <https://www.aclu.org/blog/war-marijuana-has-latino-data-problem>

²⁵ American Civil Liberties Union Report; “The War on Marijuana in Black and White: Billions of Dollars Wasted on Racially Biased Arrests;” pg. 9; June 2013.

²⁶ Brookings Institute; <http://www.brookings.edu/blogs/social-mobility-memos/posts/2014/09/30-war-on-drugs-black-social-mobility-rothwell>

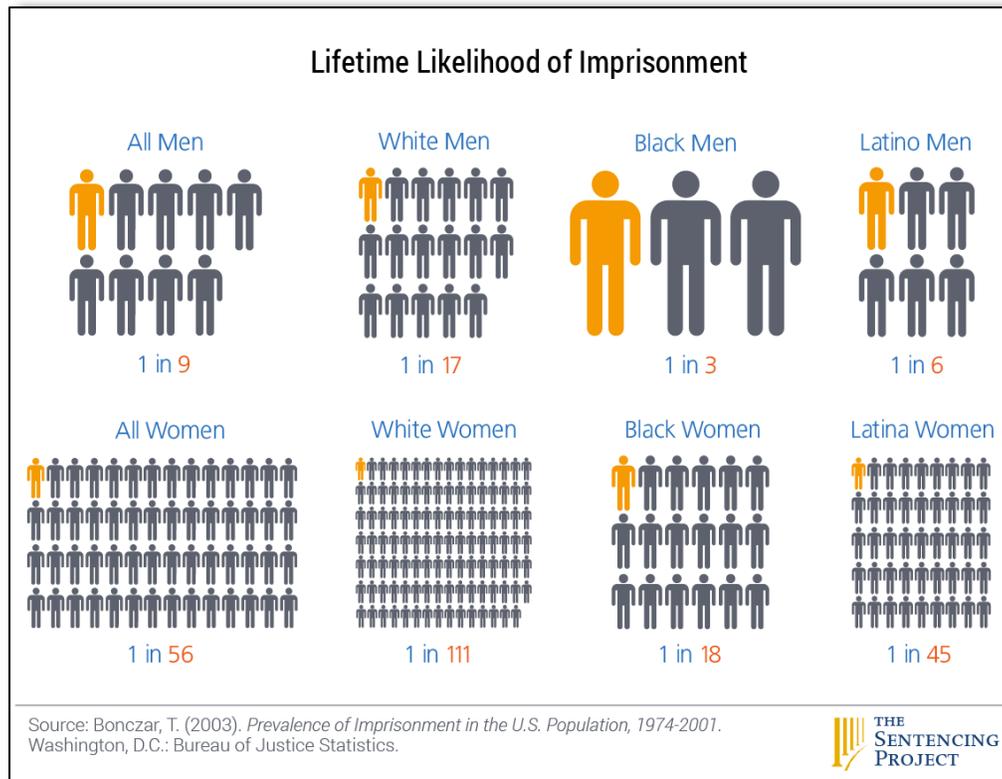
²⁷ Ibid.

²⁸ The Sentencing Project; “Reducing Racial Disparity in the Criminal Justice System: A Manual for Practitioners and Policymakers;” pg. 5; 2000.

²⁹ Sabol, W.J.; Couture, H., and Harrison, P.; “Prisoners in 2006;” Bureau of Justice Statistics; 2007.

³⁰ Ibid.

But why the racial disparity in drug arrests?



Why The Disparity?

Whites are more likely than African Americans to use and sell illegal drugs, but African Americans are arrested at much higher rates. Why is that? A 2013 report from the American Civil Liberties Union suggests it is about government subsidization. The report says law enforcement agencies adhere to COMPSTAT—a data-driven police management and performance assessment tool—and the Byrne Justice Assistance Grant Program, a federal funding mechanism used by state and local police to enforce drug laws.³¹ These programs appear to create incentives for police departments to generate high numbers of drug arrests...to meet or exceed internal and external performance measures.³²

In essence, law enforcement is incentivized to arrest as many people as it can—not, it seems, for public safety concerns, but rather to buttress their department funding. But why are African Americans arrested far more than whites as it relates to drug offenses? The ACLU report quotes Phillip Atiba Goff, a psychology professor at UCLA, who says when police departments are driven by a desire to increase drug arrest

³¹ American Civil Liberties Union Report; “The War on Marijuana in Black and White: Billions of Dollars Wasted on Racially Biased Arrests;” pg. 11; June 2013.

³² Ibid.

statistics, they concentrate on minority or poorer neighborhoods to meet those numerical goals, focusing on low-level offenses that are easier, quicker and cheaper than investigating serious felony crimes.³³

“Whenever federal funding agencies encourage law enforcement to meet numerical arrest goals instead of public safety goals,” Goff says, “it will likely promote stereotype-based policing, and we can expect these sorts of racial gaps (as a result).”³⁴

Policing In Minority Communities

Policing, of course, is a major component of the criminal justice system. Police officers serve as its gatekeepers, and they are the first and most visible agents of the system. Recently, there have been numerous high profile stories of police officers’ encounters with African Americans going awry. Protests ensued in various cities around the country as a result, with many people voicing their concerns about the apparent heavy-handed tactics of law enforcement against minorities.

Implicit bias tests have been documented among police officers and judges, and biases are believed to reach all corners of the criminal justice system.

Some may argue that police officers are simply doing their job; that arrests are partly a function of location. Areas that experience more crime and a greater police presence also have more arrests, so these are the areas—predominantly minority neighborhoods—that experience higher rates of incarceration.³⁵

But what drives these vast arrest and subsequent incarceration numbers, beyond receiving government subsidies for doing so? Research suggests it is often about something that is much more intangible than crime in a given area. That intangible is *implicit bias*, which refers to the attitudes or stereotypes that affect our understanding, actions and decisions in an unconscious manner. They are activated involuntarily and without an individual’s awareness or intentional control.³⁶

³³ Urbina, Ian; “Blacks Are Singled Out For Marijuana Arrests, Federal Data Suggests;” *The New York Times*; June 3, 2013. <http://www.nytimes.com/2013/06/04/us/marijuana-arrests-four-times-as-likely-for-blacks.html>

³⁴ Ibid.

³⁵ The Sentencing Project; “Reducing Racial Disparity in the Criminal Justice System: A Manual for Practitioners and Policymakers;” pg. 5; 2000.

³⁶ Kirwan Institute: The Study of Race and Ethnicity; “Understanding Implicit Bias;” <http://kirwaninstitute.osu.edu/research/understanding-implicit-bias/>.

Implicit bias tests have been documented among police officers and judges, and biases are believed to reach all corners of the criminal justice system.³⁷ Implicit racial biases also permeate the work of criminal justice professionals and influence the deliberation of jurors,³⁸ as studies of mock jurors have found that a defendant's race has some impact on verdicts and sentencing.³⁹ What's more, federal prosecutors are twice as likely to charge African American defendants with offenses that carry mandatory minimum sentences than otherwise-similar whites.⁴⁰ State prosecutors are more likely to charge African Americans rather than comparable white defendants under habitual offender laws.⁴¹

Judges are also more likely to sentence people of color than whites to prison or jail and to impose longer sentences, even after accounting for differences in crime severity, criminal history and educational level.⁴² The resulting overrepresentation of people of color in prisons and jails helps reinforce the public's racial perceptions of crime.⁴³

In setting bail terms, sentences or departing from sentencing guidelines, judges often favor whites over racial minorities, and wealthier defendants over the disadvantaged.⁴⁴

According to a 2013 report by the ACLU titled "*A Living Death: Life Without Parole for Nonviolent Offenders*," there are approximately 3,278 prisoners serving life sentences without parole for nonviolent drug crimes. Sixty-five percent are African American. Louisiana has 429 prisoners serving life sentences for nonviolent crimes, the highest number of any state; 91 percent of them are African American.⁴⁵

FBI Director James B. Comey chimed in about racial bias in law enforcement during a speech in early 2015. A police officer has a different reaction to two young black men on the side of a street than he does to two young white men, Comey said, because the

³⁷ The Sentencing Project; "Race and Punishment: Racial Perceptions of Crime and Support For Punitive Policies;" pg. 14, 2014.

³⁸ The Sentencing Project; "Race and Punishment: Racial Perceptions of Crime and Support For Punitive Policies;" pg. 14, 2014.

³⁹ "How Much Do We Really Know About Race and Juries?" A Review of Social Science Theory and Research, *Chicago-Kent Law Review*; pg. 997-1031; 2003.

⁴⁰ Starr, S.B. & Rehavi, M.; "Mandatory Sentencing and Racial Disparity: Assessing the Role of Prosecutors and the Effects of." *The Yale Law Journal*, pg. 123; 2013.

⁴¹ Crawford, C.; Chiricos, T; Kleck, G. "Race, Racial Threat, and Sentencing of Habitual Offenders;" *Criminology*; pg. 481-512; 1998.

⁴² Steffensmeier, D.; Demuth, S.; "Ethnicity and Sentencing Outcomes in U.S. Federal Courts: Who is Punished More Harshly?" *American Sociological Review*; pg. 705-729; 2000.

⁴³ The Sentencing Project; "Race and Punishment: Racial Perceptions of Crime and Support For Punitive Policies;" pg. 26, 2014.

⁴⁴ Ibid.

⁴⁵ American Civil Liberties Union Report; "A Living Death: Life Without Parole For Nonviolent Offenses;" pg. 2; Nov. 2013.

black men “look like so many others the officer has locked up. Many people in our white-majority culture have unconscious racial biases and react differently to a white face than a black face.”⁴⁶ He went on to say: “At many points in American history, law enforcement enforced the status quo—a status quo that was often brutally unfair to disfavored groups.”⁴⁷

Education & Employment

Education is the gateway to a better, more prosperous life. We have been told that since our first days in a learning institution. Those first days of learning, though, are routinely filled with untold systemic imbalance. As early as preschool, there are empirical signs of structural racism. African American preschoolers are far more likely to be suspended than white preschoolers. African American children make up 18 percent of the preschool population but represent almost half of all out-of-school suspensions.⁴⁸ Perhaps the overarching question here is, why are preschoolers—regardless of race or ethnicity—suspended at all?

The numbers don’t change much as black students get older and matriculate through K-12. Consider these facts:

- *African American students are suspended and expelled at a rate three times greater than white students*
- *African American students represent 16 percent of the student population, but 32-42 percent of students suspended or expelled. White students represent a similar range between 31-40 percent of students suspended or expelled, but they are 51 percent of the student population*
- *African American girls are suspended at higher rates (12 percent) than American Indian girls (7 percent), Native Alaskan girls (7 percent) and white girls (2 percent)⁴⁹*

⁴⁶ Horwitz, Sari; “FBI Director Acknowledges ‘Hard Truths’ About Racial Bias In Policing;” Washington Post; February 12, 2015; https://www.washingtonpost.com/world/national-security/fbi-director-acknowledges-hard-truths-about-racial-bias-in-policing/2015/02/12/023c6c6e-b2c6-11e4-854b-a38d13486ba1_story.html.

⁴⁷ Ibid.

⁴⁸ U.S. Department of Education Office for Civil Rights; Data Snapshot: School Discipline; March 21, 2014.

⁴⁹ Ibid.

Underinvesting In Students of Color

In the 61 years since the landmark court case of *Brown v. Board of Education*, in which the U.S. Supreme Court ruled that separate educational facilities for whites and African Americans are inherently unequal, it seems we have made little progress—as our schools remain separate and unequal.

Today, 40 percent of African American and Hispanic students attend schools where more than 90 percent of students are nonwhite.⁵⁰ The average white student attends a school where 77 percent of his or her peers are also white.⁵¹ Schools today are as segregated as they were in the 1960s before busing began.⁵²

The funding variance between the two school types (mostly minority and mostly white) is alarming. To ensure our comparison is apples-to-apples, we looked at the most racially isolated schools. We analyzed schools that are either more than 90 percent white or more than 90 percent minority. The mostly white schools spent \$733 more per student than the mostly minority schools.⁵³ How big a problem is this for students in the high-minority schools? The average-sized, mostly minority school has 605 students. This means that the average school serving 90 percent or more students of color would see an annual increase of more than \$443,000 if it were brought up to the same spending level as its almost-entirely-white sister schools.⁵⁴

The current funding structure of the U.S. educational system—relying heavily on property taxes within a given district, as well as the unequal allocation of education dollars at both the state and federal level—helped create the disparities we see.⁵⁵ As a result, the current system fosters the growth and intellectual development of students from affluent backgrounds, but limits the educational prospects of students from humble backgrounds.⁵⁶

⁵⁰ Orfield, Gary; “Reviving the Goal of an Integrated Society: A 21st Century Challenge;” *Los Angeles: The Civil Rights Project*; 2009.

⁵¹ Ibid.

⁵² Jenkins Robinson, Kimberly; “Resurrecting the Promise of Brown: Understanding and Remediating How the Supreme Court Reconstitutionalized Segregated Schools;” *North Carolina Law Review*; pg. 88; 2010.

⁵³ Spatig-Amerikaner, Ary; *Center for American Progress*; “Unequal Education: Federal Loophole Enables Lower Spending on Students of Color;” pg. 7; Aug 2012.

⁵⁴ Ibid.

⁵⁵ Hobson, Ira; “The Public Education Funding Dilemma;” <https://www.neumann.edu/academics/divisions/business/journal/Review2013/Hobson.pdf>.

⁵⁶ Ibid.

Tough Road For College-Educated African Americans

Those African American students that go on and graduate from college historically find a difficult job market awaiting them. In 2013, 12.4 percent of African American college graduates between the ages of 22 and 27 were unemployed. For all college graduates in the same age range, the unemployment rate was 5.6 percent.⁵⁷ Also in 2013, the unemployment rate was LOWER among whites who never finished high school (9.7 percent) than it was for African Americans with some college education (10.5 percent).⁵⁸

It is indeed disheartening that we implore our youth to attend and complete college, only to have them turned away with the implied message that they are not good enough. Even by doing all the things society tells them to do in order to make it in America—earn good grades; attend college; graduate from college—they still face a daunting uphill battle.

As one may imagine, job prospects and unemployment for all African Americans, regardless of educational attainment, are bleak relative to whites. In fact, in the 43-year period during which the Bureau of Labor Statistics has separated out unemployment data into different races, African American unemployment has *always* been higher than white unemployment.⁵⁹ Not only that, it has *always* been at least two-thirds higher.⁶⁰ Relatedly, Hispanics' unemployment rates have historically been 1.5 times that of whites.⁶¹

One recent study by the National Bureau of Economic Research (NBER) may have found a contributing factor behind the disparity mentioned above. NBER found that job applicants with “black sounding” names (researchers gave **Lakisha Washington** and **Jamal Jones** as examples) were 50 percent less likely to get called back for an interview than their counterparts with the same qualifications who had “white sounding” names (**Emily Walsh** and **Greg Baker**).⁶²

⁵⁷ Cohen, Patricia; “For Recent Black College Graduates, a Tougher Road to Employment;” *The New York Times*; Dec. 24, 2014. http://www.nytimes.com/2014/12/25/business/for-recent-black-college-graduates-a-tougher-road-to-employment.html?_r=0.

⁵⁸ Bureau of Labor Statistics; “Labor Force Statistics From The Current Population Survey;” <http://www.bls.gov/cps/cpsaat07.htm>.

⁵⁹ Bump, Philip; “Black Unemployment is Always Much Worse Than White Unemployment;” *The Washington Post*; Sept. 6, 2014. <http://www.washingtonpost.com/news/the-fix/wp/2014/09/06/black-unemployment-is-always-much-worse-than-white-unemployment-but-the-gap-depends-on-where-you-live/>.

⁶⁰ Ibid.

⁶¹ White, Gillian B.; “The Racial Gaps in America’s Recovery;” *The Atlantic*; Aug. 7, 2015. <http://www.theatlantic.com/business/archive/2015/08/jobs-numbers-racial-gap-recovery/400685/>.

⁶² National Bureau of Economic Research report; “Employers’ Replies to Racial Names;” <http://www.nber.org/digest/sep03/w9873.html>.

The C-Suite Blues

The data and figures above bring into focus the dilemma of ‘rank and file’ minorities in corporate America. Unfortunately, opportunities are limited the higher up minorities—specifically African Americans—ascend the corporate ladder. There are currently only six African American CEOs of Fortune 500 companies, or 1.2 percent. They are:

URSULA BURNS - Xerox

KENNETH CHENAULT – American Express

ARNOLD DONALD – Carnival Corporation

MARVIN ELLISON – J.C. Penney

ROGER FERGUSON JR. – TIAA-CREF

KENNETH FRAZIER – Merck & Co.

Why such a dearth of African American representation when black consumers wield considerable buying power, to the tune of more than \$1 trillion? In part, perhaps it can be attributed to the implicit bias mentioned previously—the kind of bias against people who don’t look like a “typical” (read: white male) leader, which can make it harder for top minority leaders to climb the corporate ladder.⁶³ Though studies show that diversity is good for business,⁶⁴ leaders are often subconsciously more comfortable working with people like themselves.⁶⁵ In addition, some companies committed to diversity haven’t quite figured out how to effectively recruit, cultivate and retain minority talent.⁶⁶

Redistricting

Redistricting is a discriminatory concept that often doesn’t get the attention it deserves, especially in light of the ripple effects it can cause. Redistricting is the process by which census data is used to redraw the lines and boundaries of electoral districts within a state.⁶⁷ It takes place every 10 years, soon after data from the census is received.

⁶³ Berman, Jillian; “Soon, Not Even 1 Percent of Fortune 500 Companies Will Have Black CEOs;” *The Huffington Post*; Feb. 2, 2015; http://www.huffingtonpost.com/2015/01/29/black-ceos-fortune-500_n_6572074.html.

⁶⁴ Hewlett, Sylvia Ann; “How Diversity Can Drive Innovation;” *Harvard Business Review*; Dec. 2013; <https://hbr.org/2013/12/how-diversity-can-drive-innovation>.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Mexican America Legal Defense and Educational Fund; “The Impact of Redistricting in YOUR Community: A Guide To Redistricting;” pg. 2; 2010.

Minority voters have frequently faced discrimination in voting during the redistricting process. The U.S. Supreme Court in early 2015 dealt a huge blow to a Republican redistricting plan in Alabama that packed African American voters into urban districts to dilute their impact elsewhere.⁶⁸

Additionally, the U.S. Justice Department concluded in mid-2014 that Texas lawmakers carefully crafted electoral maps marginalizing minority voters despite the state's exploding Hispanic population in a deliberate effort to racially discriminate and protect conservative incumbents.⁶⁹

The following examples summarize some of the more egregious acts that denied opportunities for minority voters to elect a candidate of choice in recent redistricting cycles:

African Americans

In January of 2001, the Louisiana legislature created a redistricting plan that completely eliminated a majority-minority district in the New Orleans area where there was no African American population loss, according to the 2000 Census. The proposed redistricting plan also reduced the percentage of African American voters in several other districts where African Americans had a reasonable opportunity to elect their candidate of choice.

With regard to the proposed elimination of the New Orleans district, the state admitted that it eliminated the district in a conscious effort to limit African American voting strength in the New Orleans area and to increase electoral opportunities for white voters. In the state's view, white voters were entitled to proportional representation in Orleans Parish, though proportionality did not exist for African Americans elsewhere in the state or under the Voting Rights Act.⁷⁰

Asian Americans

The Los Angeles riots in 1992 took a heavy toll on many neighborhoods, including the area known as Koreatown. The city sustained damages of more than \$1 billion, much of it concentrated on businesses operated by Koreans and other Asian immigrants. When residents of those neighborhoods appealed to their local officials for assistance with the cleanup and recovery effort, each of their purported representatives—members of the City Council and

⁶⁸ Wolf, Richard; "Court Faults Redistricting Plan That 'Packed' Black Voters;" USA Today; March 25, 2015. <http://www.usatoday.com/story/news/nation/2015/03/25/supreme-court-political-redistricting/21698137/>.

⁶⁹ Weissert, Will; "Texas Accused of Purposely Excluding Minorities in Redistricting;" The Dallas Morning News; July 14, 2014; <http://www.dallasnews.com/news/politics/state-politics/20140714-feds-texas-lawmakers-drew-electoral-maps-with-intent-to-discriminate.ece>

⁷⁰ Mexican America Legal Defense and Educational Fund; "The Impact of Redistricting in YOUR Community: A Guide To Redistricting;" pg. 2; 2010.

the State Assembly—passed the buck, claiming that the area was a part of another official’s district.

This was because new district lines drawn after the 1990 Census fractured Koreatown. Koreatown, barely over one square mile, was split into four City Council districts and five State Assembly districts, and because Asian Americans did not make up a significant portion of any official’s constituency, officials were left with little incentive to respond to the Asian American community.⁷¹

Latinos

In 2003, Texas redrew its congressional district boundaries and dismantled the Latino-majority 23rd Congressional District along the U.S.-Mexico border. The incumbent in that district, who was not the preferred candidate of Latinos, faced an increasing threat of removal by the growing Latino electorate in the district.

In order to shore up the re-election chances of the incumbent, Texas moved over 100,000 Latinos out of the 23rd Congressional District and reduced the Latino citizen voting age population of the district from 57 percent to 45 percent. This move was challenged in court, and the U.S. Supreme Court ruled in 2006 that Texas had discriminated against Latinos in violation of Section 2 of the federal Voting Rights Act.⁷²

Minority Marketing Spend (or lack thereof)

By 2020, African Americans, Hispanics and Asian Americans will number nearly 130 million,⁷³ and bring with them a collective buying power approaching \$2.4 trillion.⁷⁴ Suffice it to say, these demographics wield considerable power and influence in the marketplace.

Marketers are aware of these numbers. Marketers are also well aware of the pending change in the American populace. That knowledge should incline them—one would think—to engage more specifically with minority consumers through minority media

54%

of 150 senior marketing leaders surveyed said their company’s total budget allocation for multicultural efforts range from 0-10 percent

⁷¹ Mexican America Legal Defense and Educational Fund; “The Impact of Redistricting in YOUR Community: A Guide To Redistricting;” pg. 3; 2010.

⁷² Ibid.

⁷³ “Activating The New American Mainstream: Defining, Reaching and Engaging The Multicultural Market;” White Paper; *Geoscape*; pg. 3; September 2015.

⁷⁴ University of Georgia; Selig Center for Economic Growth; *The Multicultural Economy*; 2009.

channels. Instead, marketers' lack of reciprocity regarding minority consumers—African American consumers in particular—is evidenced by the “paltry” \$2.6 billion they spent in 2013 with media (*cable TV, network TV, syndicated TV, national magazines, and spot radio*) focused on African Americans.⁷⁵ That \$2.6 billion is but a fraction of the \$69.3 billion spent on general market media using those same platforms.⁷⁶

That \$2.6 billion is a curiously low number, relatively speaking. It's predictable, though, when we examine a few reasons why. Researchers believe that ad spending on African American audiences is lagging because companies mistakenly believe that since there are no language barriers, that a general market 'one-size-fits-all' strategy is an effective way to reach African Americans.⁷⁷ They have that mindset in spite of African Americans being 30 percent more likely to believe diversity in advertising is important, and how ethnic identity in advertising is closely linked to African Americans' affinity for products.⁷⁸

Another predictable factor of the \$2.6 billion comes from reviewing the findings from a 2015 survey of 150 senior marketing leaders across both B2B and B2C organizations. First, when it comes to budget, more than half of the marketers surveyed (54 percent) indicated that total budget allocation for multicultural efforts range from 0-10 percent of their overall marketing budgets.⁷⁹ Secondly, 54 percent of the marketers surveyed said their multicultural advertising efforts were part of their total market approach, where ALL cultures are integrated.⁸⁰ Such an approach diminishes the ability to truly engage with ethnic markets and ultimately marginalizes minority media outlets.

⁷⁵ Nielsen; “Powerful. Growing. Influential. The African American Consumer: 2014 Report;” pg. 9.

⁷⁶ Ibid.

⁷⁷ Nielsen; “Resilient, Receptive and Relevant; The African American Consumer: 2013 Report;” pg. 27.

⁷⁸ Nielsen; “Powerful. Growing. Influential. The African American Consumer: 2014 Report;” pg. 9.

⁷⁹ “Activating The New American Mainstream: Defining, Reaching and Engaging The Multicultural Market” White Paper; *Geoscape*; pg. 5; September 2015

⁸⁰ Ibid. pg. 7.

Concluding Summary

The toxic effects of structural racism go a long way toward limiting minorities' upward mobility. From its presence in the criminal justice system, to education; from employment to politics—structural racism has extremely unfavorable consequences on communities of color. Perhaps the most troubling aspect of structural racism, besides its damning repercussions on minorities, is its surreptitious nature—the way it moves about the American social infrastructure in a mysterious, covert and implicit manner. This provides cover to those who wish to engage in and adhere to structural racism's deliberate objective. It is easy, as a result of its tacit existence, for some to deny structural racism's reality. But it is real—far too real for some.

America's racial hierarchy seems to place the white majority culture as society's *default setting*; as if the white majority culture is our “norm” and everything else starts from there. Perhaps that is a SUBCONSCIOUS conviction based on generations of privilege—a familiarity with how things have always been. Then again, maybe it's not. Maybe it is a CONSCIOUS choice. Maybe it is a MINDFUL sentiment—one we referenced earlier—that feeds into what FBI Director James B. Comey called “maintaining a status quo that (is) brutally unfair to disfavored groups.”

In spite of the opinions of many, racism in all its various forms is not a relic of the past. It is here and now, confronting us from numerous angles. It is as relevant and as damaging today as it has ever been, and unfortunately, it endures even as some well-intentioned people—clergy, activists, politicians, everyday citizens—fight for its eradication.

Structural racism impacts us all, both its beneficiaries and its victims. It's not enough to say that we have made progress. Indeed, we have. But just because we face a different kind of racism doesn't mean we have found the solution. Because we haven't.



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