

# BLACK WOMEN

IN THE UNITED STATES

2016

POWER OF THE SISTER VOTE

BLACK WOMEN'S ROUNDTABLE



## ACKNOWLEDGEMENTS

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# Executive Summary

Black Women in the United States, 2016, continues the Black Women's Roundtable (BWR) annual tradition of providing a deep inquiry into the needs and condition of Black women across the nation. This year's report is situated around BWR's five pillar areas of focus: Inclusive Democracy; Economic Opportunity and Access; Quality Education and Access; Quality Healthcare and Health Justice; and Systematic Racism within the Criminal Justice System. Included herein are the voices of scholars and practitioners with deep expertise in each issue-area covered throughout the report. As such, this year's analysis is steeped in rigor, while providing an accessible analysis of those issue key to Black women's well-being throughout the nation.

The following are some of the key findings from the report:

## ***Black Women are Critical Actors in the 2016 Election***

- ❖ Black women are leveraging their voting power in the presidential primaries. Just as they did in 2008, in 2016 Black women are making the difference. Their support of Hillary Clinton has been key to her electoral victories as was the case for President Obama. In South Carolina, Clinton won 89% of Black women's votes, a state where 78% of Black women voted for Obama in 2008. She also won 93% of Black women's votes in Alabama, a state where she won just 18% of the Black woman's vote in her first presidential run.
- ❖ Black women vote largely out of a sense of responsibility and are greatly influenced by issues and not optics.
- ❖ Younger Black women are trending away from the Democratic party and identifying more as Independents. This leaves the door open for increasing numbers of Black women to vote for Republican or Independent candidates
- ❖ In the 2016 primary season, we've observed a significant increase in Blacks voting in Republican primaries. In the GA Republican primary, Blacks voting Republican increased 100%, where 7% of Black voters supported the GOP. And in Virginia, Blacks voting Republican jumped to 9%, a 400% increase.

- ❖ It's anticipated that Black women will be pivotal to the 2016 election. All indications suggest that Black women will continue to have strong voter turnout and perhaps lead the nation as they have done in the last two presidential elections.

### ***Black Women are Reliable Voters but Trail Behind in Representation***

- ❖ In both 2008 and 2012, Black women redefined voting history by becoming the largest demographic group to cast ballots in an election. Their vote, in fact, accounts for the gender gap in support of the Democratic party as white women supported Republican candidates in both elections.
- ❖ Despite our voting power, Black women engage in electoral politics with mixed results. On one hand, they are gaining increased access to political offices, often outpacing Black men in winning elections. On the other, they continue to face considerable obstacles to securing high-profile offices at both state and national levels.
- ❖ With no Black woman serving in the Senate since 1999, the 2016 election has the potential to change the course of history. Two Black women are vying for the Democratic nomination from their respective states. This could radically transform Congressional history since there has never been more than one Black woman in the Senate and never more than two Black Senators to serve at the same time.

### ***Investing in Black Women's Leadership and Work in the South Should be a National Imperative***

- ❖ Supporting black women leadership in the South is fertile ground for advancing social inclusion and progress. Many organizations and progressive efforts are being led by black women and women of color. Throughout the South there are strong civic organizations and social justice groups led by brilliant and committed black women. Organizations like the (SRBWI) Southern Rural Black Women's Initiative that organizes rural black women across three "deep south" states; Southerners on New Ground that continues to advocate for the reproductive rights of women and LGBTQ rights; Georgia Stand-Up a labor and community partnership and regional "think and act" tank for working families based in Atlanta; Blueprint North Carolina a statewide network of more than 43 non-profit, nonpartisan organizations working together across issues and racial lines to advance equity and social justice and scores of many others.

- ❖ The South receives the least amount of philanthropic investment of any other region in the country. Additionally, programs that support black women and girls in the South also receive less philanthropic, public and private investment than other communities. According to the Unequal Lives report commissioned by the SRBWI, black women and girls' organizations in the South receive less than 1% of all philanthropic investment in the region.

### ***Black Women Still Lagging Behind in the Economy***

- ❖ Black women make up more than half (52.9%) of the Black workforce, but are still the most likely of any group of women in America to live in poverty (28%) due in large part to low pay.
- ❖ Since the recession officially ended in 2009, the pace of recovery of jobs, household income and wealth has been extremely slow, but even slower for African Americans.
- ❖ Black women made notable employment gains in 2014 and 2015, even as employment growth for whites and Hispanics slowed. The share of Black women with a job has increased 2.4 percentage points since 2013—more than whites (.4 percentage points) and Hispanics (1.4 percentage points). Over half of this increase occurred in 2015.
- ❖ Although more Black women are working, they've seen the largest decline in earnings between 2009-2014 (-3.6%), with most of that decline occurring in 2011. Earnings for whites (-0.2%) and Hispanic women (-0.8%) are down by less over the same period.
- ❖ As a result of the differential rates in earnings recovery, Black women have lost ground in closing the racial pay gap. In 2014, Black women earned 77 cents for every dollar earned by white women (down from 80 cents/dollar in 2009).

### ***Black Women Struggle in Retirement Years***

- ❖ Black women are especially likely to rely on Social Security for a significant amount of their retirement income. In fact, depending on age, anywhere from one-fifth to one-half of Black women are totally reliant on Social Security to fill their income needs.
- ❖ If Social Security were to disappear, the poverty rates of senior Black women would more than double.

## ***Black Women Embrace Entrepreneurship***

- ❖ Black women are the most likely demographic group in America to start their own business. Between 1997 and 2015, the number of companies started by Black women grew by 322% culminating in over 1.3 million businesses nationwide.
- ❖ Although Black women are especially likely to start a business, they tend to fall behind when it comes to revenue generation. Business own by Black women tend to produce just under \$40,000 annually compared to average per-firm revenues of over \$68,000 for Latina-owned firms, more than \$170,000 for Asian American woman-owned firms, and nearly \$190,000 for firms owned by white women.

## ***Black Women Largely Absent from Tech Companies***

- ❖ While major tech company giants like Apple, Facebook, Google, Intel, Microsoft and Twitter are collectively hiring thousands of workers, on average, their employment of Black women comes in at only 3%.
- ❖ It is common perception that a high degree of technical skill and education is required in order to gain employment in the tech industry. In reality, not all jobs in the tech industry require an advanced STEM degree at all. By the time a tech company grows to reach the level of the major companies like Google or Facebook, it has increasing needs for employees with non-technical skills and expertise in areas like accounting and finance, advertising, community outreach, law, project management, public policy and recruiting. There is an abundance of Black women who are graduating from colleges and universities throughout the nation, who have the requisite education, training and skills to fit the bill.

## ***Apprenticeships and Career and Technical Education Offer Untapped Opportunities for Black Women***

- ❖ Apprenticeships and CTE programs provide access to higher wage, higher demand jobs in emerging industry sectors. Almost thirty percent of people with less than an Associate's degree, including licenses and certificates in key areas, earn more than the average Bachelor's degree recipient.
- ❖ Apprenticeships and CTE occupations in STEM such as environmental engineering and science technicians require an Associate's degree and will experience faster than average job growth.

- ❖ Increasing Black women's participation in these high-wage, traditionally male-dominated fields will boost their overall earnings and help to close the wage gap.

### ***Black Women and the HBCU Experience***

- ❖ While it is true that women of all races outnumber men on college campuses throughout the nation, among select HBCUs, Black women make up the overwhelming majority of students enrolled. In fact, according to the National Center for Education Statistics, as of 2013, Black women made up nearly two-thirds (61%) of HBCU enrollment. That represents a stark increase since 1976, when Black women accounted for just over half (53%) of all HBCU students.
- ❖ Recent studies suggest HBCU graduates are more likely to thrive financially, socially, physically, and otherwise than Blacks who did not graduate from HBCUs.

### ***Black Women Face Critical Health Disparities***

- ❖ For the first time ever, Black women were found to be nearly just as likely as white women to be stricken with breast cancer. This is especially concerning because Black women are the more likely to be saddled with an especially aggressive form of the disease and are more likely than all other women to die from the illness.
- ❖ Maternal mortality remains at crisis levels for Black women. Over the past 25 years, the maternal mortality rate in America has doubled and then trend can be almost fully attributed to the skyrocketing rates of maternal mortality among Black women.

### ***Black Women and Girls Suffer Disproportionately in the Criminal Justice System***

- ❖ Black girls are disproportionately impacted by the school-to-prison pipeline. Like their male counterparts, Black girls are impacted by high public school suspension rates. In fact, Black girls are more likely to be suspended from school than all other girls and most other boys.
- ❖ Childhood trauma, and particularly sexual abuse is significantly tied to juvenile justice involvement for girls.
- ❖ Black girls and young Black women comprise just 14% of the general youth population, yet they comprise fully 1/3 of all girls and young women being detained and committed to the juvenile justice system.

- ❖ Black girls are 20% more likely than white girls to be formally charged in the context of juvenile delinquency cases.
- ❖ Black women are often subjected to violence and sexual assault within the criminal justice system. In fact, 440 officers within the criminal justice system have lost their licenses/badges for a number of sexual infractions.

### ***Black Women on the State and Federal Judiciary***

- ❖ Data on racial and gender diversity in the American judiciary reveals that although a Black female judge is not a rare phenomenon, the American judiciary is still overwhelmingly white and male.
- ❖ There are 185 white female and 66 Black male federal judges, compared to a mere 42 Black women serving as judges at the federal level.
- ❖ Over the past five years, there has been a slowdown in the appointment of Black women judges in comparison to Black men judges. For instance, Black male Court of Appeals judges have increased by five while Black women have only seen an increase of two.
- ❖ Since its inception, 112 Justices have served on the Supreme Court. Of the 112, only four have been women and only two have been African American. A Black woman has never been nominated or served on the Supreme Court.

Part I:  
Inclusive Democracy

# **The Power of the Sister Vote**

## ***5 Reasons Why Black Women Are Important in the 2016 Election***

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Black women vote. Period. Every candidate in 2016 running in a district with a significant African American population should recognize the power of the Black women's vote. It is real. Black women have consistently voted and demonstrated the ability to leverage their power and in 2008 and 2012, Black women voted at a higher rate than any other demographic.

In 2015, our Black Women's Roundtable (BWR)/Essence *Power of the Sister Vote* Poll documented what Black women want from the next president. In this report, we document the intersection between our issue agenda and our voting strength as we leverage the Black women's power at the ballot box.

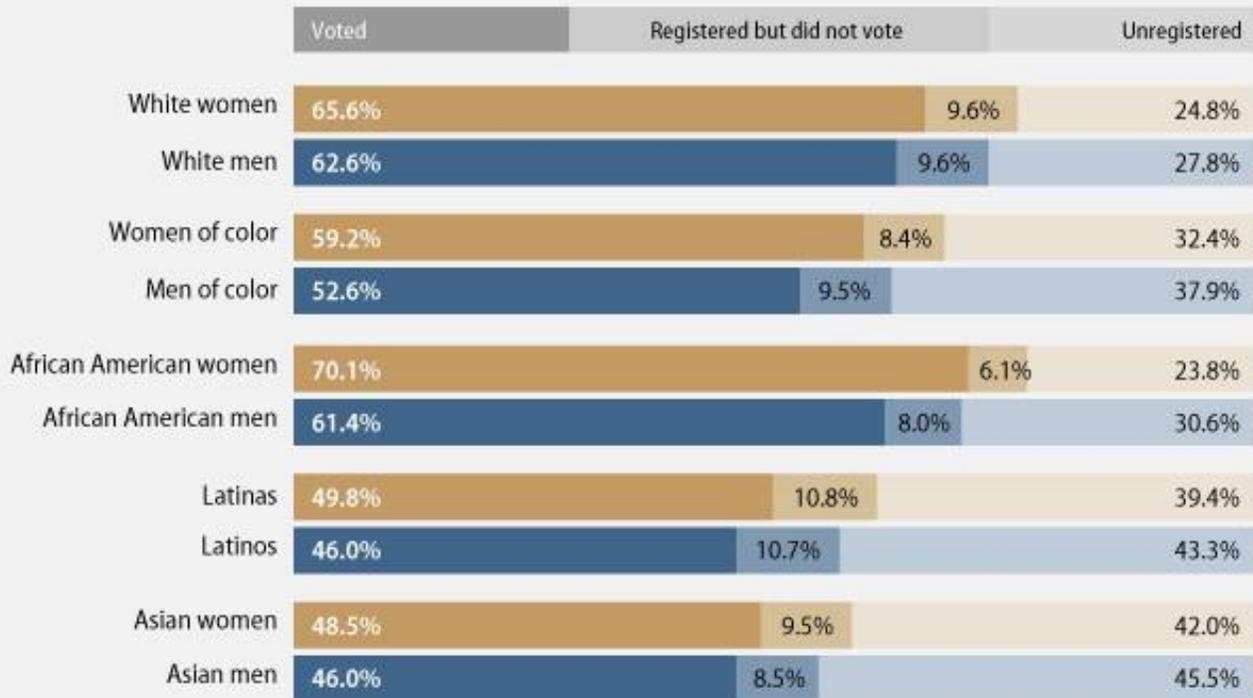
**1. Black Women Vote.** Black women are a pivotal part of the 2016 election. Black women are a strong and reliable voting demographic that are not moved by any particular charismatic candidate. "In 2008, 64.4% of voting age Black women reported voting compared to 61.7% of white women, 56.4% of Black men and 34.3% of Hispanic women. "We anticipate that Black women will continue to have strong voter turnout numbers and perhaps lead the nation as they have done in the last 2 presidential elections." In 2012, black women voted at a higher rate than any other group—across gender, race, and ethnicity—and, along with other women of color, played a key role in President Obama's re-election."<sup>1</sup>

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<sup>1</sup> Women of Color: A Growing Force in the Electorate, Harris, Maya, October 2014,

FIGURE 2

**Registration and voting rates in 2012, by race and gender**

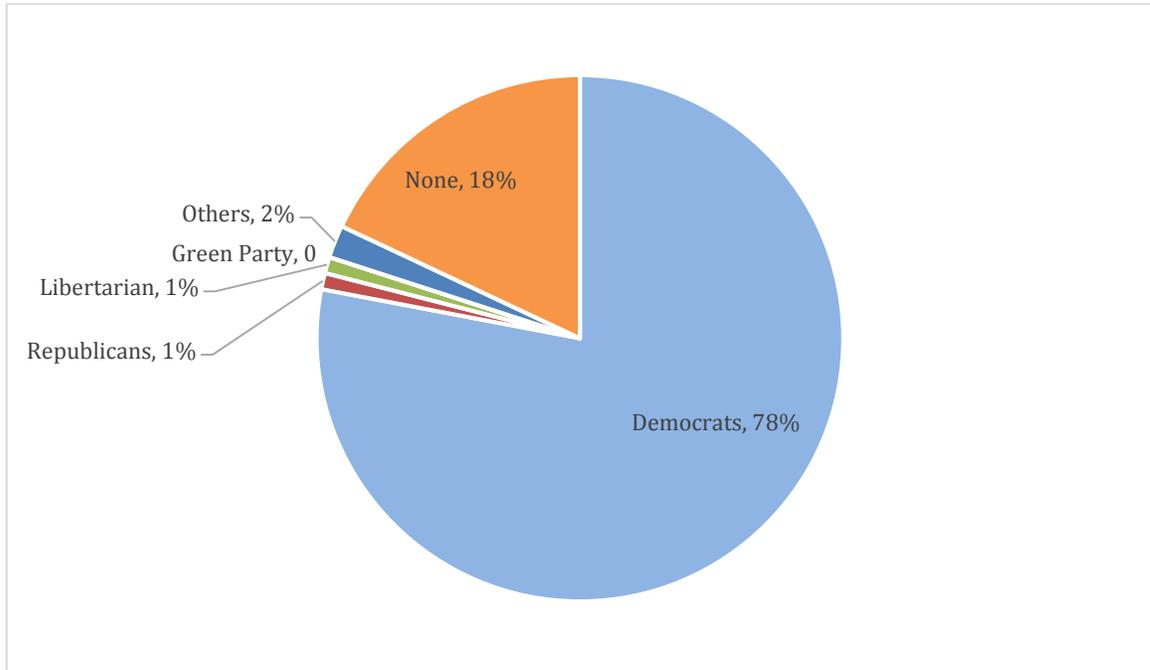


Sources: Bureau of the Census, *Current Population Survey Voting and Registration Supplement* (U.S. Department of Commerce, November 2012); Lake Research Partners analysis of November 2012 Census data.

Black women’s strong voter turnout numbers in both presidential and mid-term elections, even when there is not a charismatic or African American on the ballot, demonstrate our consistent voting power. Our research has consistently shown that Black women vote largely out of sense of responsibility<sup>2</sup>, which will be key to ensuring their turnout in 2016. The latest CNN exit polls confirm that Black women are voting at higher rates than Black men in Democratic primaries.<sup>3</sup>

**2. Black Women Are Voting in Both Parties.** As part of the BWR/Essence Power of the Sister Vote Poll, we found that Black women, particularly Millennials, are trending away from the democratic party and identifying more as independents. This leaves the window open to see an increase in the number of Black Women voting Republican and Independent. As further evidence, we note a couple polls done in late 2015, which show that an increase in Republican support by Black women in a “head to head matchup between Hillary Clinton and Donald Trump.”<sup>4</sup>

## Black Women’s Self-Reported Party Affiliation



As we analyze early 2016 primary results, we observed a significant increase in Black voters in Republican primaries. In the GA Republican primary, Black voters voting Republican increased 100%, where 7% of Black voters supported the GOP. And in Virginia, Blacks voting Republican jumped to 9%, a 400% increase.

African-American Voter Turnout in GOP Primaries <sup>5</sup>	2008	2012	2016
	Virginia	<u>3%</u>	<u>2%</u>
Georgia	<u>2%</u>	<u>3%</u>	<u>7%</u>

<sup>2</sup> Essence/ Black Women’s Roundtable Power of the Sister Vote Poll, 2015

<sup>3</sup> <http://www.cnn.com/election/primaries/polls>

<sup>4</sup> There were two polls taken late in 2015 that showed that in a head-to-head matchup between Hillary Clinton and Trump, the GOP front-runner would get 25 percent (**Survey USA**) and even 40 percent (**Clout Research** [pdf]) of the African-American vote.

<sup>5</sup>[http://www.theroot.com/articles/politics/2016/03/the\\_donald\\_trump\\_effect\\_black\\_voters\\_influence\\_republican\\_primaries\\_with.html](http://www.theroot.com/articles/politics/2016/03/the_donald_trump_effect_black_voters_influence_republican_primaries_with.html)

- 3. Black Women Are Engaged Leaders.** Our stats show that black women are twice as likely as white women to be leaders in their communities — running a school board, leading a youth initiative, heading up a charity or community organization, as 43% report — but their experience outside of work falls off the radar of management *at work*. They're leaning in with all their might: black women are 2.8 times as likely as white women to aspire to a powerful position with a prestigious title. Black women, moreover, are absolutely present in their households (54% of those who are married or living with a partner are primary breadwinners) as well as in the homes of friends and families: 49% care for elderly relatives and 36% help out with child care, according to Kaiser Family Foundation data.<sup>2</sup>
- 4. Black Women are Driven by an Issue Agenda.** In our 2016 BWR/EssencePower of the Sister Vote Poll, we asked Black Women what they wanted from their next presidential candidate. The top three most important issues for Black Women were focused on basic money and basic needs. Specifically, Black women are focused on affordable health care. Living wage jobs and college affordability. For Millennial Black women, economic issues, like reducing taxes and increasing wages, and criminal justice issues, including prison and police reform, are key for earning their vote.



Among Women ages 18 and over, the top priorities were different around money and basic needs.



Issues around law enforcement and social justice were also highly ranked.

<sup>2</sup> <https://kaiserfamilyfoundation.files.wordpress.com/2013/01/8271-t.pdf>

## Issues Important to Black Women Under 35

To win their votes, candidates need to focus on taxes and law enforcement issues.

*To get my vote, a presidential candidate must commit to...*

Issue	Percentage	Higher among those...
Reducing taxes for low and middle income people	74%	Higher among those...
Improving relationships between the Black community and law enforcement	71%	Under 35
Increasing the federal minimum wage to at least \$15/hour	45%	HHI <50k
Eliminating mandatory minimum sentences for nonviolent drug offenses	36%	Under 35, HH w/kids
Expanding voting rights protections	36%	35+, HHI 50k+, no kids
Nominating a Black woman to serve on the U.S. Supreme Court	20%	
Eliminating high infant & maternal mortality rate	9%	
Others (i.e. gun control)	9%	



88% would vote for President Obama in 2016, if they could.

**5. Black Women Leverage Voting Power in the Primaries.** In 2008, Black women voting in the primary helped turn the tide for Democratic Presidential candidate, Barack Obama. In 2016, the support of Black women are making the difference for Hillary Clinton, as they did in 2008 for President Obama. In South Carolina, Clinton won 89 percent of black women's votes in South Carolina, a state where 78 percent of black women voted for Obama in 2008. Clinton won 93 percent of black women's votes in Alabama, the same state where she won just 18 percent of black women's votes in 2008, when Obama won 81 percent of black women. Georgia was no exception, Clinton won 86 percent of black women's votes on Tuesday, compared to just 12 percent in 2008. Clinton won 86 percent and 85 percent of black women's votes in Texas and Virginia respectively on Super Tuesday, states where she won less than 20 percent of black women's support just 8 years ago.<sup>3</sup>

<sup>3</sup> [http://www.huffingtonpost.com/kelly-dittmar/black-women-voters-by-the\\_b\\_9389330.html](http://www.huffingtonpost.com/kelly-dittmar/black-women-voters-by-the_b_9389330.html)

	Clinton	Sanders	2016 Gender Gap	Clinton	Obama	2008 Gender Gap
Alabama	78%	19%		42%	56%	
Black Men	84%	10%	9 pts	10%	89%	8 pts
Black Women	93%	5%		18%	81%	
Georgia	71%	28%		31%	67%	
Black Men	84%	16%	2 pts	8%	92%	5 pts
Black Women	86%	14%		12%	87%	
South Carolina						
Black Men	82%	18%	7 pts	17%	80%	2 pts
Black Women	89%	11%		20%	78%	
Texas	65%	33%		51%	48%	
Black Men	79%	20%	7 pts	14%	86%	3 pts
Black Women	86%	13%		17%	82%	
Virginia	64%	35%		35%	64%	
Black Men	81%	19%	4 pts	6%	94%	8 pts
Black Women	85%	15%		14%	86%	

Black women's influence in the electorate and community is undeniable. We understand that our lives and the lives of our children are at stake. Looking beyond 2016, we will continue to leverage our power to move our agenda forward; strengthen our leadership, and fight for the issues most impactful to our families. Most importantly, we will vote. Black women vote. Period.

# Black Women in Politics: From Reliable Voters to Successful Political Candidates

*Wendy G. Smooth, PhD  
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Black women created the Obama presidency. Indeed, the numbers support this provocative statement. In both 2008 and in 2012, black women redefined voting history by becoming the largest demographic group to cast ballots in an election. In 2008, 68.8 percent of eligible black women voters turned out to the polls. Surpassing those numbers in 2012, 70.1 percent of eligible black women voters cast their ballots. President Obama was by far the distinct beneficiary of black women's voter turnout with 96 percent of black women supporting the president in both 2008 and 2012. Black women supported the president above and beyond any other group. As well, Black women's voting accounts for the gender gap in support for the Democratic Party in these elections, as black women along with other women of color supported the Democratic Party while white women more heavily supported the Republican candidate in both elections.<sup>1</sup> This account of the last two presidential cycles is significant because it centers black women as the core supporters of progressive politics and affirms their place as the key constituency of the Democratic Party. The centrality of black women to progressive politics is also evident in elective offices at the national, state and local levels. In elective office, black women continue to grow their numbers, but much more can be done to convert black women's strength as voters into a greater presence in elective office across the nation. Now more than ever, black women's presence is not only necessary but essential to the future of progressive politics.

## From Empowering Voters to Empowering Candidates

Black women are the center of the Democratic Party's electoral coalition as voters. In fact, traditional measures and indicators of political participation such as level of education and income suggest that African American women would be among the least likely to participate in politics. Yet, black women are heavily engaged in a range of political activities and outpace other groups in their participation both in terms of formal politics (voting and holding office) and informal participation (joining organizations and protests). As shown above, black women are highly engaged in voting. Though they are politically active as voters, there is still a gap between their voting participation and their participation as candidates. We still have far to go to achieve racial and gender parity in American politics. Black women are still experiencing a number of firsts in electoral politics, which signifies that their journey from the shadows to the spotlight in American politics is not yet complete.

Women and politics scholars and activists discuss increasing the numbers of women elected to public office at lower levels as the first step toward moving women into higher offices.<sup>2</sup> Cultivating the political pipeline is a critical strategy in preparing women to successfully seek

the highest offices, including the presidency. Is there a developed black women's pipeline? Where are black women getting stuck in the pipe? Is it possible to propel black women forward in the pipeline by bringing more black women into lower level office with the intent of continuously moving them forward? Securing offices at the local, state, and national levels in preparation for the highest political offices is key to moving black women from reliable voters to successful candidates for political office.

To date, black women's engagement in electoral politics has produced mixed results. On the one hand, they are gaining increased access to political offices, often outpacing black men in winning elections<sup>3</sup>. On the other hand, they continue to face considerable obstacles to securing high-profile offices at both the state and the national levels in particular.

#### Black Women in Congress<sup>4</sup>

Of the 535 members of the US Congress, there are currently 18 black women representatives and two non-voting delegates from Washington D.C. and the U.S. Virgin Islands serving in the 114<sup>th</sup> Congress (3.4% of Congress). All 18 black congresswomen are serving in the House of Representatives. In fact, there are no black women serving in the U.S. Senate, a consistent void in representation since 1999 when Senator Carol Mosely Braun (D-IL) departed the senate. Of the 18 black women serving in the House, 17 are Democrats and Representative Mia Love (R-UT) is serving her first term as the first and sole black Republican woman to serve in Congress.

With no black women serving in the senate since 1999, the 2016 election has the potential to change the course of history. Two black women are vying for the Democratic nomination from their respective states. U.S. House of Representative Donna Edwards (D-MD) and California Attorney General Kamala Harris are both competing for open senate seats in 2016. This could radically transform congressional history since there has never been more than one black woman in the senate and never more than two black senators to serve at the same time. These races are further noteworthy because open seats are the most reliable path to success for women candidates. In open seat races, candidates are not challenging a well-established incumbent. This strategy is a proven road to success for black women seeking congressional seats. From 2000-2014, 76.2% of black women Democratic House nominees won in open seat contests.<sup>5</sup> In 2014,

U.S. House Representative Mia Love's (R-UT) success in becoming the first black woman Republican elected is attributable to her success in an open seat race. By running in open seat contests, both Edwards and Harris have bypassed one of the most formidable obstacles to candidate success, which makes these two black women well-positioned contenders for the U.S. Senate in 2016.

#### Statewide Executive Office

Statewide executive office has proven the most elusive for black women, and is a critical juncture in building the pipeline to high profile national office. Statewide office remains difficult for black

candidates in general since in these elections, they do not have the benefit of black majority electorates, as they often do when they run in smaller districts. As a result, they must depend on the support of white majorities for election. Despite the success of President Obama in attracting some white voters, black candidates remain challenged to attract white voters. Black candidates, who must depend on racially tolerant whites to win, face the dual challenge of offering strong crossover appeal for white voters while maintaining a connection to communities of color to ensure their high voter turnout.<sup>6</sup>

Of the 317 statewide elective offices in the country, only 3 are held by black women currently and only 9 black women have ever held a position at this level. The three women currently serving are the first black women to hold their respective posts in their states—State Attorney General Kamala Harris (D) of California, State Treasurer Denise Nappier (D) of Connecticut, and the newly elected lieutenant governor of Kentucky, Jenean Hampton (R). Statewide elective office is traditionally a pathway to the governor’s office at the state level or to other national offices. Limited numbers of black women in statewide offices curtails the potential for a black woman to lead a state as governor and blocks their pathways to other national offices.

### State Legislatures

Some of the most exciting gains for black women are occurring in state legislatures. The numbers of black women in state legislatures continue to grow, even as the numbers of women overall have largely plateaued since 1992. While black women’s numbers are growing, the numbers appear minuscule, especially relative to the number of available legislative seats. As of 2016, there were 7,382 state legislators, of whom only 260 are black women (3.4%). Black women comprise 14.4% of women legislators and 65% of women of color legislators. Black women’s success in state legislatures is highest in the southern state of Georgia, followed by Maryland, New York and Mississippi. Ten states have no black women serving in the legislature and these are states with relatively lower black populations.<sup>7</sup>

Black women’s power as lawmakers in states and their abilities to move a progressive agenda is tied to the strength of the Democratic Party in their states since most black women legislators are Democrats. The massive turnover of state legislatures from Democratic Party control to Republican control following the 2010 redistricting process is impacting the power of black women in these legislatures and limits their prospects for moving into powerful legislative leadership positions. We also note that state legislative leadership positions catapult black women into higher offices. Two women currently in the congress exemplify the power of state legislative leadership. Congresswoman Karen Bass (D-CA) served as the first black woman Speaker of the California Assembly and Rep. Joyce Beatty (D-OH) served as minority leader prior to their elections to the U.S. Congress.

## Mayors

Black women's leadership as mayors is more difficult to identify in smaller cities and municipalities given the limited availability of reliable data. Of those cities with populations of 30,000 or more 27 or 1.9% have black women at the helm. Their numbers are small in comparison to the overall number of mayors. As of 2016, 4 black women lead cities with populations over 100,000 including Ivy Taylor (D) of San Antonio, TX; Muriel Bowser (D) of Washington, D.C., Stephanie Rawlings-Blake (D) of Baltimore, MD and Paula Hicks-Hudson (D) of Toledo, OH. Stephanie Rawlings-Blake is now president of U.S. Conference of Mayors, and is the first black woman to lead the organization.

## Black Women and the Road Ahead-From Voters to Elected Officials

The upcoming 2016 election cycle will mark the first presidential election cycle since the gutting of several of the most significant sections of the landmark Voting Rights Act of 1965 following the Supreme Court's decision in *Shelby v. Holder*. This could have an unprecedented impact in curtailing black voter registration and turnout, particularly in those states previously covered by Sections 2 and 5 of the VRA. The evisceration of the VRA is coupled with the enactment of a series of voter identification laws in states like Wisconsin, North Carolina and Texas each with significant black voting populations. Finally, the limitations and curtailment of early voting can serve as another factor negatively impacting black voter turnout.<sup>8</sup> These factors together have the potential to decrease the high turnout and voting participation rates we saw in 2008 and 2012 among black women. The outcomes of the 2016 election cycle both in terms of the presidential election and down ticket races for state and local offices will depend heavily on voter turnout. Black women are critical to the outcomes of the 2016 election as they proved to be in previous presidential election cycles.

The most critical question we must ask in 2016 is whether black women are poised to capitalize on their political heft as voters. Black women have the potential to press for more inclusion in setting the political agenda and demanding policies that speak to their unique interests at the intersection of race and gender. The usefulness of black women's decisive voting bloc is the ability to demand that the parties become more responsive to their policy needs given their support as voters. This is especially critical for black women Democrats, the party of the majority of black women. Equally critical is demanding that the political parties support and mentor black women candidates. Research illustrates that political parties fail to support black women candidates in the critical early primary phase of their candidacies. In addition, neither the Democratic nor Republican Party has a strong track record of recruiting and promoting black women as potential candidates. This is particularly ironic given the centrality of black women voters to the success of Democratic Party races.<sup>9</sup> In the face of such neglect on the part of both major political parties, black women are doing this work on their own. They are recruiting,

training and mentoring black women candidates. However, there is so much more required and the political parties must be held accountable. As the old adage states, 'to whom much is given much is expected,' since black women have done their part of the giving, its time they expect, even demand more.

# Fertile Ground: Why We Must Invest in Black Women's Work & Leadership in The South

*LaTosha Brown*  
*Grantmakers for Southern Progress*

"Never underestimate the power of dreams and the influence of the human spirit. We are all the same in this notion: The potential for greatness lives within each of us." ~ Wilma Rudolph

"We who believe in freedom cannot rest until it comes." ~ Ella Baker

Black women in the American South have a long rich history of being on the frontlines of social change efforts, fighting for fairness and justice, and greatly impacting civic participation and social inclusion within the context of American democracy.

Through our various roles as mothers, caretakers, teachers, entrepreneurs, ministers, activists, just to name a few, we have been on the forefront of leading the conversation and the work around social change and equality. Through the pain and experiences of Southern black women we witnessed the birth of social movements like the Montgomery Bus Boycott inspired and led by Rosa Parks, Jo Ann Robinson, Johnnie Carr and the Women's Political Council. It was through the song and courageous leadership of a southern black woman like Fannie Lou Hamer that Mississippi black citizens organized themselves and formed the Freedom Democratic Party to demand the inclusion of black voters in political party leadership. It was also the tenacity and more than a decade of community organizing led by southern rural black women like Amelia Boynton and Mother Marie Foster that led to the 1965 Voting Rights Act.

In spite of the structural barriers and challenges of living in a region plagued with racism, gender bias, inequality and injustice; Black women in the South have continued to contribute to and lead the conversation around advancing American democracy. While the recorded history of both the civil and voting rights movements highlight the contributions of male dominated leadership, much of the actual organizing and movement building strategies were developed and led by Southern black women.

How has the work of Southern black women impacted the nation? How have southern black women participated and/or provided leadership for advancing democracy? How do southern black women show up and contribute economically, socially and politically as leaders in our families and our communities? *We participate and contribute in all areas of society. We show up.*

***We vote.*** According to the *Status of Black Women in America* report published by Rutgers as well as the *State of Black Women in the US, 2015*, black women voters now lead the nation in voter

registration and turnout. (Institute for Women's Policy Research 2015, Black Women's Roundtable, 2015). In Mississippi, black women voters have the highest turnout in the country. This not only serves as evidence of the work led in the South, but is also indicative of how black women continue to rise to the occasion, show up at the polls and lead in spite of great barriers and challenges. (Center for American Progress 2013). *We show up.*

***We build.*** According to the June 2015 issue of Forbes Magazine, black women in southern states like Georgia and Maryland are now the fastest growing group of entrepreneurs in the nation. (Amy Haimeri 2015) We know that black women across the nation also graduate from high school and attend college at higher rates than other groups. *We show up.*

***We work.*** Black women in the South have the highest workforce participation rate in the region at 62.4%. (Institute for Women's Policy Research 2015) We have continued to show up to the available jobs in order to provide for our families, yet we continue to earn less than other groups. Many black women work within the service industry, barely making more than minimum wage, and therefore making up the largest group of the working poor. *Yet we continue to show up.*

***We fight.*** As southern black women, we have stood up for women's suffrage, civil rights, voting rights, immigrant rights, and economic rights for ourselves and with other communities. We have demonstrated that we are capable of leading and organizing for social change while simultaneously taking care of our families and communities. *We show up.*

The South is the fastest growing region in the country. (Grantmakers for Southern Progress 2010) The rapidly growing population and shifting demographics creates a unique opportunity to build and support progressive leadership in the South. The South is changing. We see new employment opportunities created by the return of the manufacturing industry, the expansion of technology and banking firms and an increased number of corporate headquarters relocating to the South. However, black women continue to experience major disparities in wages and access to high wage employment opportunities. (Leaphart 2014)

## Best and Worst States in the South for Women

State	Average GPA	Rank based on the Average GPA	Overall Grade
District of Columbia	3.00	1	B
Virginia	1.78	2	C-
North Carolina	1.67	3	C-
Georgia	1.56	4	C-
Florida	1.28	5	D+
Texas	1.28	5	D+
Kentucky	1.17	7	D+
South Carolina	1.17	7	D+
Tennessee	1.00	9	D
West Virginia	1.00	11	D
Louisiana	0.84	12	D
Arkansas	0.61	12	D-
Mississippi	0.61	12	D-
Alabama	0.50	14	D-

*Source: Institute for Women's Policy Research 2015; The Institute for Women Policy Research developed the chart above that shows the status of women in the South varies across states. To determine the best and worst states for women in this region, IWPR calculated a GPA for every state by assigning converting the letter grades for each of the six topical areas to a point value and then computing the average of these values to arrive at an overall GPA and letter grade.*

*Black women have consistently showed up when it matters. For decades, black women have worked, planted and nurtured the seeds of social inclusion, justice and equity throughout the region. While black women have a legacy of leading progressive work in the South we have not seen philanthropic, public and private investment in organizations and programs that support black women and girls. According to the Unequal Lives report commissioned by the SRBWI, black women and girls programs in the South receive less than 1% of all philanthropic investment in the region. (Mason 2015)*

*Supporting black women leadership in the South is fertile ground for advancing social inclusion and progress. Many organizations and progressive efforts are being led by black women and women of color. Throughout the South there are strong civic organizations and social justice groups led by brilliant and committed black women. Organizations like the (SRBWI) Southern Rural Black Women's Initiative that organizes rural black women across three "deep south"*

states; Southerners on New Ground that continues to advocate for the reproductive rights of women and LGBTQ rights; Georgia Stand-Up a labor and community partnership and regional “think and act” tank for working families based in Atlanta; Blueprint North Carolina a statewide network of more than 43 non-profit, non-partisan organizations working together across issues and racial lines to advance equity and social justice and scores of many others.

Organizational support and investment in the leadership of black women in the South will advance the work, the Southern Region and ultimately the nation. Black women leaders are fertile ground. The seeds of change live in this ground. What is required of all of us to maximize the many contributions of black women leaders?

*We must listen.* It is important that we not allow the leadership and voices of black women in the South to be marginalized within progressive political and policy circles based on a blue state vs. red state political framework. If it holds true that all politics are local then our best strategy for advancing a progressive movement in the South is through the empowerment of black women and women of color.

*We must invest in organizations and work led by black women.* The South receives the least amount of philanthropic investment of any other region in the country. Additionally, programs that support black women and girls in the South also receive less philanthropic, public and private investment than other communities. According to the Unequal Lives report commissioned by the SRBWI, black women and girls’ organizations in the South receive less than 1% of all philanthropic investment in the region. (Mason 2015) *We show up. Will philanthropy show up with and for us?*

*We must encourage and support black women to seek and run for political office.* Over the past decade the South has had the largest representation of black women in public office; however black women still represent less than 3.4% in Congress, 1% in statewide offices and 1.9% as Mayors of cities with population of 30,000 or more. We continue to be under-represented among political leadership in both the South and the nation. We continue to receive less party support, campaign contributions and political PAC support than other candidates. (Institute for Women's Policy Research 2015) Therefore, we must fund candidate trainings; leadership development programs, policy briefings, political action committees and base building efforts that will support progressive black women candidates.

*We must demand policies and support campaigns that lead to better health outcomes, safety and economic security for black women in the South.* Black women are key constituents within the workforce; head of households, caretakers of community and leaders of social movement; therefore the health and well being of black woman is critical in moving a progressive agenda forward in the South. We need investments to build our capacity and expand our networks in the South.

In the midst of great challenges and opportunities Black women *in the South continue to show up.*

*Who will show up with and for black southern Women? Will it be you?*

Part II:  
Economic Opportunity & Access

# State of Black Women in the American Economy

*Valerie Wilson, Ph.D.*  
*Economic Policy Institute*

Economic inequality has become a major political issue in the United States. Over the last 35 years, a growing share of our nation's income and wealth has been accruing to the wealthiest Americans – the top 1 percent – leaving less to be shared among the other 99 percent. This disparity has only been amplified since the Great Recession drained historic amounts of jobs, income and wealth from the U.S. economy, having a disproportionate impact on communities of color. Since the recession “officially” ended in 2009, the pace of recovery of jobs, household income and wealth has been extremely slow, but even slower for African Americans.

These issues are especially critical to the economic security of African American women. While all women make up nearly half of the U.S. labor force (46.8 percent), black women are more than half (52.9 percent) of the black workforce<sup>10</sup>. Despite the fact that black women have stronger labor force attachment than any other group of women, they are also more likely to be in poverty (28 percent) due in large part to lower pay<sup>11</sup>.

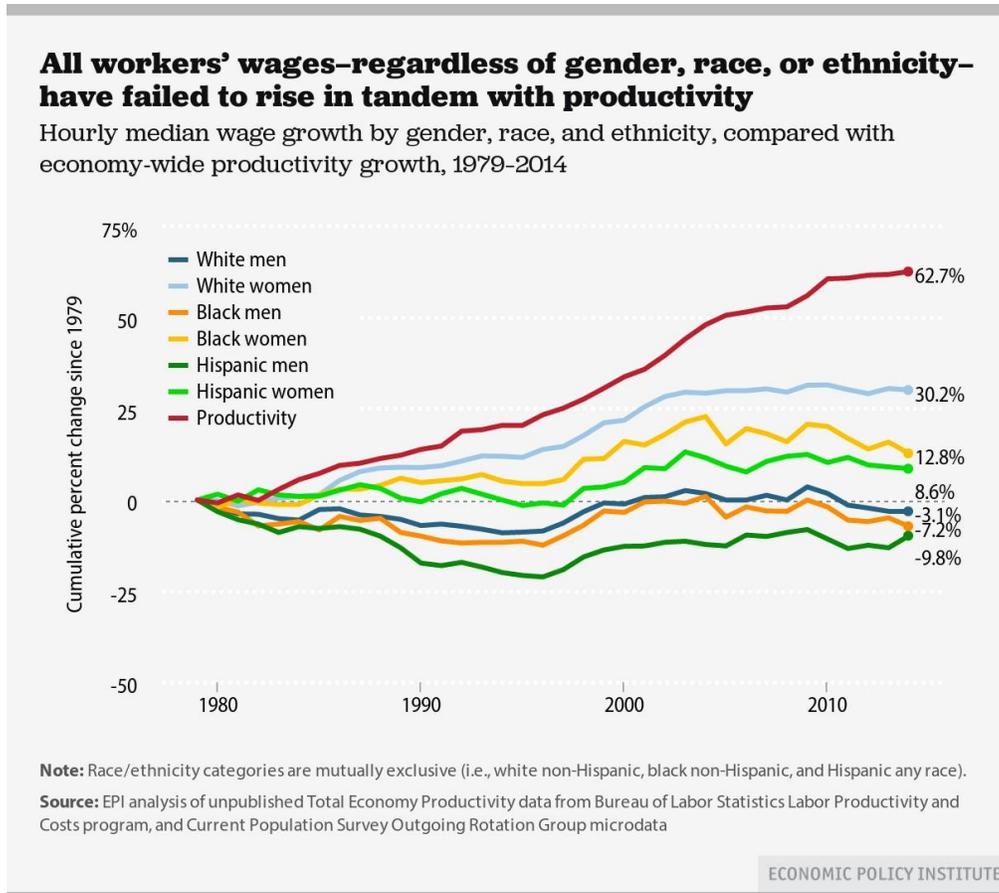
It's important to understand the economic position of African American women within the broader context of growing wage and income inequality rather than separate and apart from it. In fact, economic inequality directly touches the lives of black women in at least three distinct ways. Since few black women are among the top 5 percent of earners in this country, they have experienced the stagnation or decline of incomes that characterizes growing class inequality along with the vast majority of other Americans. But in addition to this, they also experience lower pay due to gender and race bias that exists within class. This report begins with an examination of black women's wage growth relative to that of other workers and the growth of the economy. We then explore the state of economic recovery for African American women, with an emphasis on employment and earnings.

## **Black Women's Wage Growth**

- The research makes it clear that over the last 35 years, wages for the vast majority of workers – regardless of gender, race or ethnicity – have not kept pace with productivity growth (62.7 percent). There is a growing wedge between productivity (or potential wage growth) and actual wage growth of all workers<sup>12</sup>.
- Within this environment of wage stagnation and increasing inequality, much of the progress toward women's pay equity has come as a result of falling men's wages rather

than absolute improvements in the economic prospects of women and men. In other words, gender pay gaps are getting smaller, but at a much lower level of pay than could have been possible if all wages had grown with productivity.

- Due to the compounding effects of race, the size of that wedge between productivity growth and wage growth is much larger for black women whose median hourly wages have grown more than 2 times slower than those of white women (12.8 and 30.2 percent, respectively).

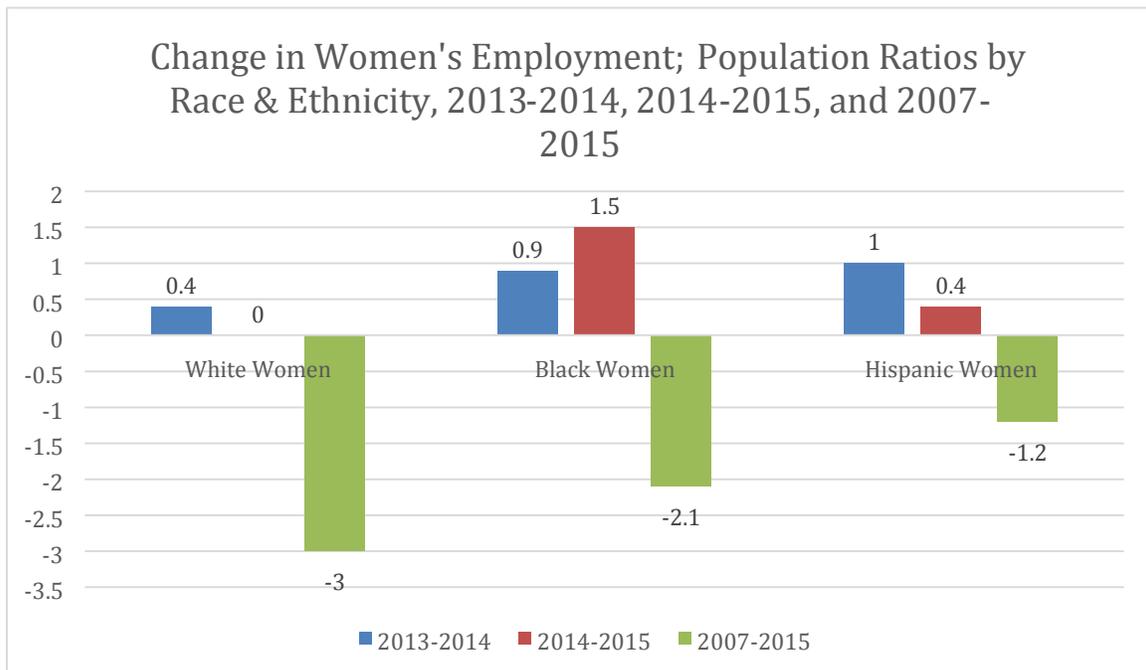


### Black Women's Job Recovery

- African-American women made notable employment gains in 2014 and 2015, even as employment growth for whites and Hispanics slowed. The share of African-American women with a job (i.e., the black employment-to-population ratio, or EPOP) has increased 2.4 percentage points since 2013—more than whites (0.4 percentage points) and Hispanics (1.4 percentage points).
- Over half of the increase in the African-American female EPOP (1.5 percentage points) occurred in 2015, an acceleration from the previous year (in which the black female EPOP increased by 0.9 percentage points). Meanwhile, employment gains for white and Hispanic women slowed from 2014 to 2015: the increase in the share of white women

with a job fell from 0.4 to 0 percentage points and the increase in the share of Hispanic women with a job fell from 1.0 to 0.4 percentage points.

- Employment rates for all groups remain well below pre-Great Recession levels: -2.1 percentage points for African American women, -3.0 percentage points for white women and -1.2 percentage points for Hispanic women.
- African American women have not only benefited most from solid job growth over the last couple years, due to their stronger labor force attachment, black women’s employment rate (54.4 percent) is higher than that of white (53.7 percent) and Hispanic women (51.8 percent). This is distinct from the experience of black men who have lower employment rates than white or Hispanic men.



**Source:** Author’s analysis of Current Population Survey public data series

### **Black Women’s Earnings Recovery**

- Among full-time, full-year female workers, African-American women have seen the largest decline in earnings between 2009 and 2014 (-3.6 percent), with most of that decline occurring after 2011<sup>13</sup>.
- Earnings for white (-0.2 percent) and Hispanic women (-0.8 percent) are down by less over the same period.

- As a result of these different rates of earnings recovery, we have lost ground in closing racial pay gaps. In 2014, black women earned 77 cents for every dollar earned by white women (down from 80 cents/dollar in 2009).

# Black Women and Entrepreneurship

*Avis A. Jones-DeWeever, Ph.D.*

*Incite Unlimited, LLC*

Black women are the most likely demographic group in America to start their own businesses. Between 1997 and 2015, the number of companies started by Black women grew by 322%, culminating in over 1.3 million businesses nationwide.<sup>14</sup> Together, we generate combined revenues of more than \$52 billion.<sup>15</sup> But that doesn't mean that we've escaped the challenges associated with race and gender in the process. If anything, even more intractable barriers begin to come into view.

Though we lead the nation and far outpace other women regarding our tendency to start a business, comparatively speaking, we fall woefully behind when it comes to revenue generation. Our firms, on average, produce just under \$40,000 annually, compared to average per-firm revenues of over \$68,000 for Latina-owned firms, more than \$170,000 for Asian American woman-owned firms, and nearly \$190,000 earned by firms owned by White woman.<sup>16</sup> So clearly, merely *owning* a business is not enough. We still have a significant mountain to climb when it comes to maximizing our ability to generate revenue.

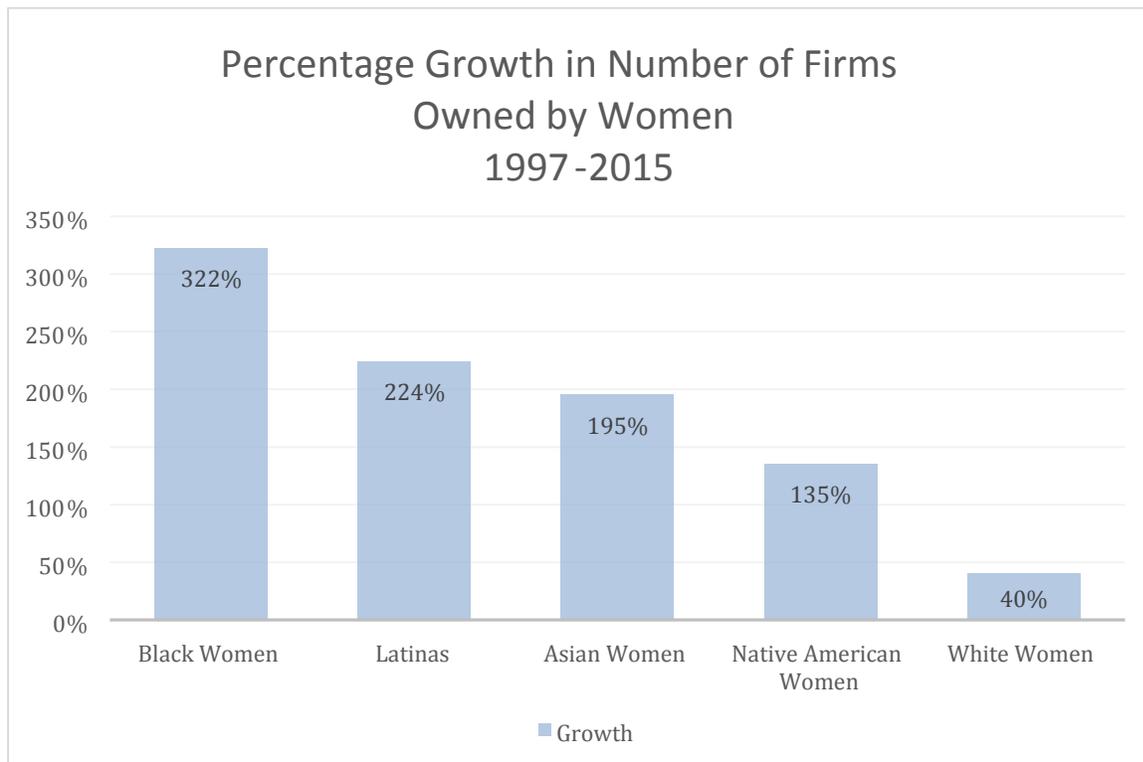
Ask any business owner and they'll tell you, in many respects, revenue generation is closely associated with the ability to access capital. It can provide a much-needed bridge during lean times, or be a gateway to growth and even greater levels of profitability. In certain circumstances it can be that one factor that is the difference between making the dream of entrepreneurship a reality at all, or simply having that goal become a tragically unfulfilled aspiration. No doubt, capital is key. But like many things in life, access to capital is often not acquired via an even playing field. There are many gatekeepers along the way. And within this environment, we face increased odds of being left behind.

A 2013 study commissioned by the Small Business Association found that entrepreneurs of color are more likely to rely on their personal wealth rather than outside lenders or investors to start their businesses. If they do attempt to receive a loan, they are more likely to be turned down, even with credit scores and businesses that are similar to Whites. Among those who are successful, they're more likely to pay elevated interest rates. What's worse, these differences in both access to and the overall cost associated with capital acquisition persist years down the line.<sup>17</sup>

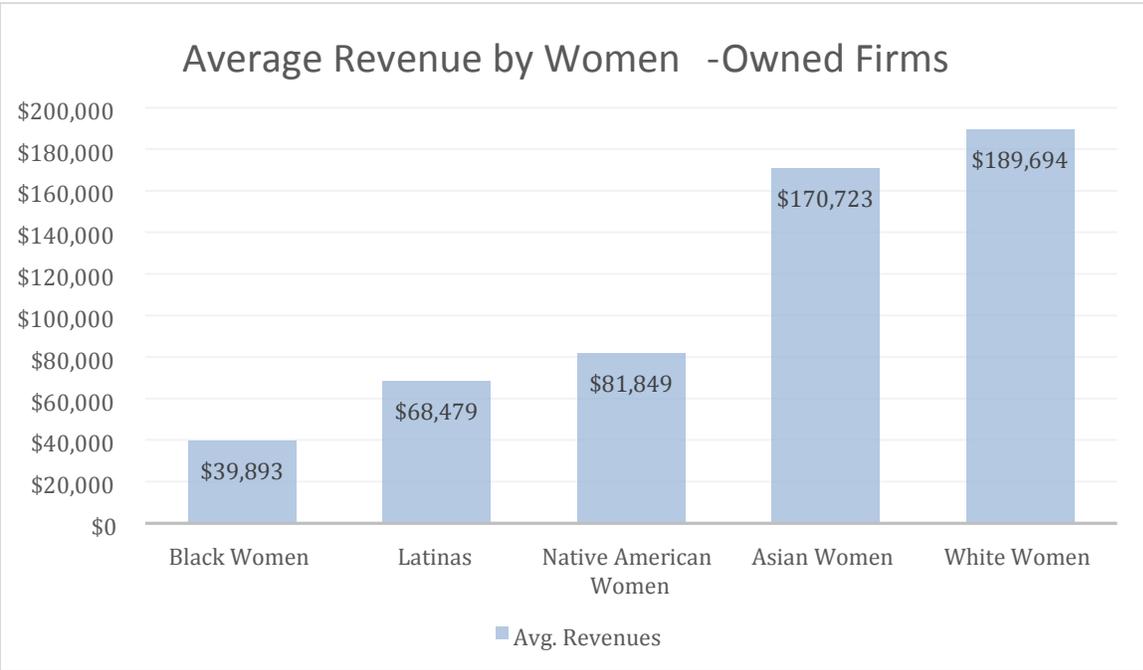
So what does this all say about the fate of Black women entrepreneurs? All told, the need to rely on our personal wealth, or be locked into elevated interest rates in finance start-up costs or meet business needs, puts us at a distinct disadvantage. We start off on the wrong side of a wealth gap

influenced by not only race but also gender. As a result, the option to tap into personal holdings, for many, is extremely limited, if not virtually nonexistent.

Many do, however, find a way to make their entrepreneurial dreams come true. Perhaps through the use of credit cards, or by borrowing from family and friends, we make it happen. Although these small-scale solutions may address an immediate need, in the long run, they result in businesses that start small and typically, stay small over time. As compared to other women business owners, Black women are the most likely to be merely self-employed as opposed to having the capability to also provide employment to others.<sup>18</sup> And it's this capability that is intimately connected to any business' capacity for growth. There is only so much any one person can do. To maximize revenue potential, it's essential that businesses eventually gain the capacity to support additional staff, resulting in a greater productivity and potential for revenue growth. Still, over a million Black women have at least made the leap into entrepreneurship. With the proper support, the potential of these businesses to make a difference not only in the lives of each specific business owner, but for entire communities, is nothing short of astounding.



Source: The State of Women-Owned Businesses, 2015; American Express OPEN



Source: The State of Women-Owned Businesses, 2015; American Express OPEN

- Black Women are the fastest growing group of entrepreneurs in the U.S., yet the revenues their businesses bring in remain at the bottom.

# Black Women in the High Tech Industry: Employment and Entrepreneurship

*Joycelyn Tate, J.D.*

*Technology Policy Advisor and Strategist, Tate Strategies*

## **Black Women in Technology Employment**

The technology (tech) industry is booming at an exponential rate. The Labor Department predicts that tech jobs will grow faster than the average for all jobs at a rate of 12 percent this decade.<sup>19</sup> While major tech company giants like Apple, Facebook, Google, Intel, Microsoft and Twitter are collectively hiring thousands of workers, these companies' average employment of Black women is only three percent; with Twitter averaging zero percent hiring of Black women.<sup>20</sup> Black women working at the executive and management levels of major tech companies are almost negligible at only one percent. According to recent reports, Amazon hires more Black women than other major tech companies, at a rate of seven percent.<sup>21</sup> But the majority of Amazon's Black women employees work as laborers in the company's warehouse as opposed to professional technical, sales or management jobs.<sup>22</sup>

There are several reasons for the tech industry's acute underrepresentation of Black women within their employment ranks. For years, tech industry executives have painted the picture of a lack of talent and supply as the reason for their dearth of Black women hires. They claim that there are not enough Black women getting advanced degrees in science, technology, engineering and mathematics (STEM)<sup>23</sup> as the reason for their dismal record of hiring Black women.

While it is true that, for a variety of reasons, Black women have a lower college graduation rate in the STEM disciplines than other groups<sup>24</sup>, Black women with STEM degrees do exist. In 2012, Black women earned a total of 684 STEM degrees.<sup>25</sup> But based on the tech industry's poor track record of hiring Black women, these college graduates are looking at employment options in sectors that have been more welcoming like the oil, gas and automotive industries.<sup>26</sup> Tech companies are not tapping this pool of talent because they are not looking in the right places—assuming that they are looking at all.

It is a common perception that a high degree of technical skill and education is required in order to gain employment in the tech industry. In reality, not all jobs in the tech industry require an advanced STEM degree or any formal STEM education at all.<sup>27</sup> At early-stage tech startups, the need for a high ratio of staff with technical skill does exist; but as a startup grows, there is a greater need for non-technical staff with experience in such areas as business development, customer support, sales, public relations and marketing.<sup>28</sup> A study of tech companies in New York City found nearly two-thirds of the jobs are non-technical.<sup>29</sup> By the time a tech company

grows to reach the level of the major tech companies like Google or Facebook, it has an increasing need for even more employees with non-technical skills and expertise in areas like accounting and finance, advertising, community outreach, law, project management, public policy and recruiting.

There is an abundance of Black women, who are graduating from colleges and universities throughout the nation, who have the requisite education, training and skills to fit the bill for these non-technical professional jobs that major tech companies require.<sup>30</sup> Black women are nearly on par with White men in earning a college education at the bachelor's degree level and higher.<sup>31</sup> Yet, based on their woeful number of Black women hires, it is apparent that tech companies do not engage in robust recruitment or hiring from the ample pool of talented Black women college graduates. Not to mention the tech industry's oversight of thousands of experienced professional Black women, who have the talent, business acumen and visionary insights to move the tech industry into future waves of innovation.

A lack of support is a common chord heard among the minute number of Black women who have managed to attain professional jobs at major tech companies. For many of these women, the tech industry's diversity and inclusion initiatives that focus on women in tech are not responsive to the unique experiences of Black women in the industry. Some Black women employees view these initiatives as a “colorless response” that does not address the isolation and micro-aggressions that Black women confront in their tech sector jobs on a daily basis.<sup>32</sup> The marginalization that Black women in the tech sector continue to experience, has caused some of them to leave the industry<sup>33</sup>, which drives down further the number of Black women in the tech sector.

If the tech industry continues to ignore the skills and insights that Black women bring to business, they will lose a key competitive advantage for future growth. The tech industry's current view of diversity and inclusion focuses on assimilation into the established tech culture rather than fostering the value of new and innovative perspectives that Black women can offer. Until the tech industry shifts its paradigm of thinking about diversity and inclusion as a human resource issue to an essential element that is critical to future success in an evolving marketplace, many tech companies will fall short of their potential to maximize their full growth and relevance.

## **Black Women in Technology Entrepreneurship**

As a result of the low representation of Black women employed in major tech companies, some Black women are finding that if they want to do relevant and meaningful work in the tech sector, they will have to create those opportunities for themselves. This has led many Black women to become founders of their own tech startup companies.

While the barriers to entry for a tech startup are lower than they have ever been, Black women are not finding the same level of success in tech entrepreneurship as their White male counterparts. A major reason for this disparity is that, compared to startups owned by White men, tech companies led by Black women are raising only minuscule amounts of capital. Research found that among a group of 88 Black women-owned tech startups, 56% raised an average of

only \$36,000 in funding compared to the average mostly White male-owned failed startup that raises \$1.3 million. Of that same group of Black women startup owners, only 13 raised more than \$1 million dollars in funding.<sup>34</sup>

The small amount of funding raised by Black women-owned tech startups makes it difficult for them to grow their companies beyond the initial stages of development. This stagnation in business growth is extremely problematic for Black women-owned tech startups because raising at least \$1 million is an indicator in the industry that a company is moving from the initial stage of proving a viable market to quantifiable company growth. Because Black women-owned tech startups are not raising enough to test their markets, they are hobbled in taking their businesses to next level of growth.<sup>35</sup>

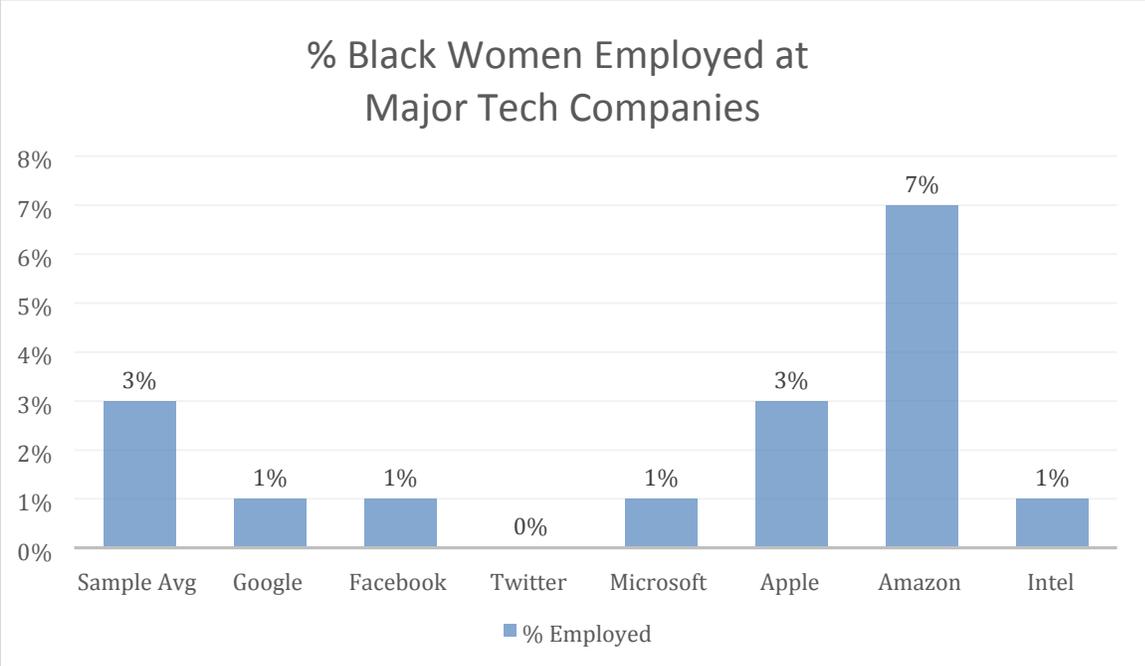
A major factor that is considered in investors' decisions to a tech startup is the founder's previous employment at a tech company. Over 90 percent of tech startups with \$1 billion dollar valuations have founders who previously worked for large and well-known tech companies.<sup>36</sup> Since Black women only comprise approximately 3 percent of the major tech company workforce, the likelihood of many Black women raising investment capital based on this criterion is slim to nil.

A large portion of the angel investor and venture capital community suffers from the same lockstep thinking as the tech industry when it comes to diversity and inclusion. When determining whether to provide funding, venture capital firms are assessing the success of Black women-owned tech startups by using some of the same scoring rubric and pattern matching used to evaluate the success of typical Silicon Valley startups—some of which are: 1) previous employment at a tech company, 2) mostly-White male-owned companies and 3) graduates or drop-outs from Stanford University, Harvard University, Massachusetts Institute of Technology and a short list of other top-ranked universities.<sup>37</sup>

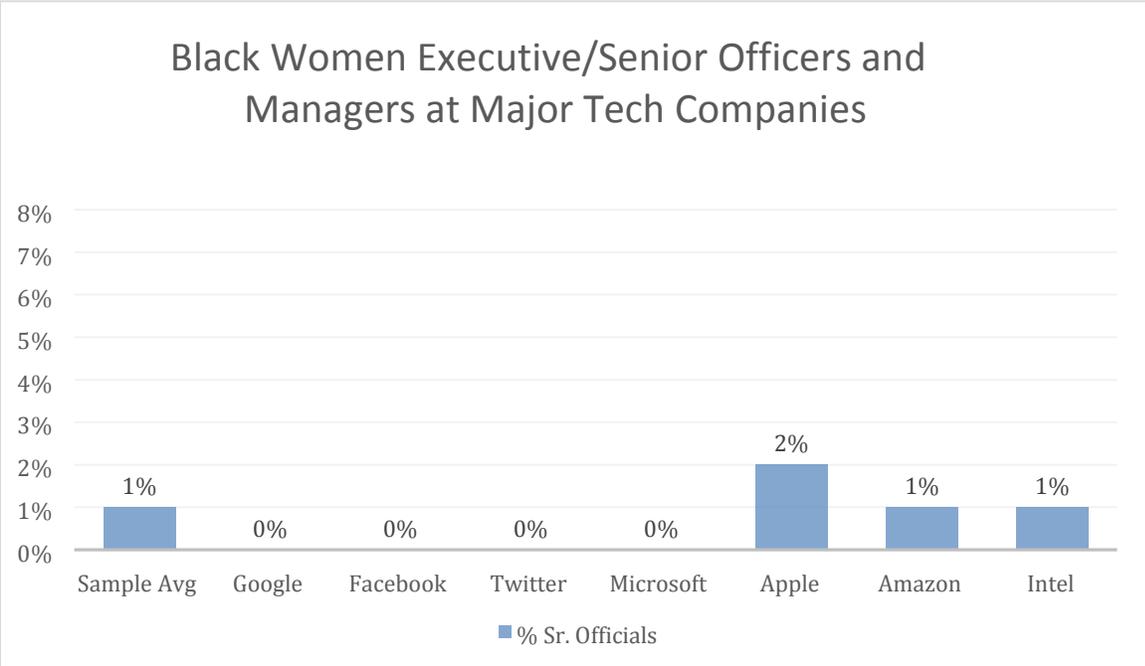
While Black women tech founders are highly educated at some of the top colleges and universities in the nation and possess a wealth of impressive professional and entrepreneurial experiences, they still do not fit within the matrix of what has been typically determined as the formula for success in the tech industry. The majority of venture capital firms still view Black women business owners as a risk that is not worth taking.<sup>38</sup>

Despite the fact that Black women are the fastest-growing group of entrepreneurs in the U.S. and generate over \$40 billion in revenues<sup>39</sup>, they continue to be excluded from narratives about entrepreneurship and tech startups. Black women tech startup founders have successfully built innovative companies that have established clientele and consistent revenues, while constantly contending with the biases that plague the tech industry. The systemic exclusion of funding for Black women tech founders only serves to further demonstrate the ingrained biases that are the established norm throughout the entire tech ecosystem.

For Black women tech founders, waiting for the existing tech funding sector to reform is not an option. In order for Black women tech founders to thrive, they must look to and create new networks and structures of funding. New investors and organizations like Arlan Hamilton<sup>40</sup> and Project Diane have already started to make greater access to capital a reality for Black women.

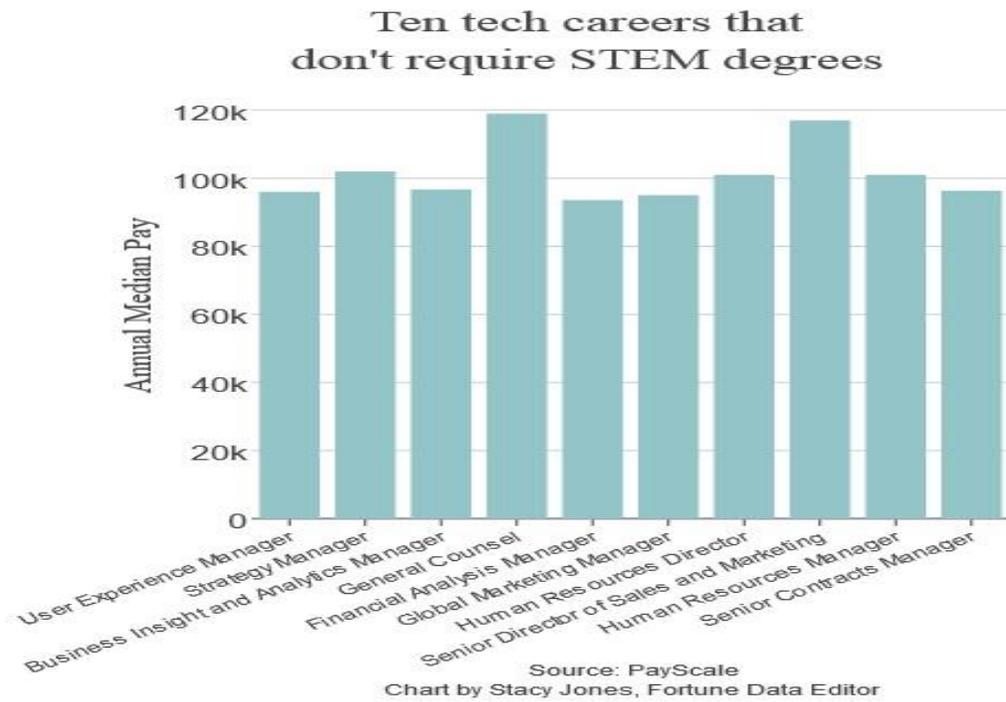


Source: 2014 EEO-1 Reports from Respective Companies



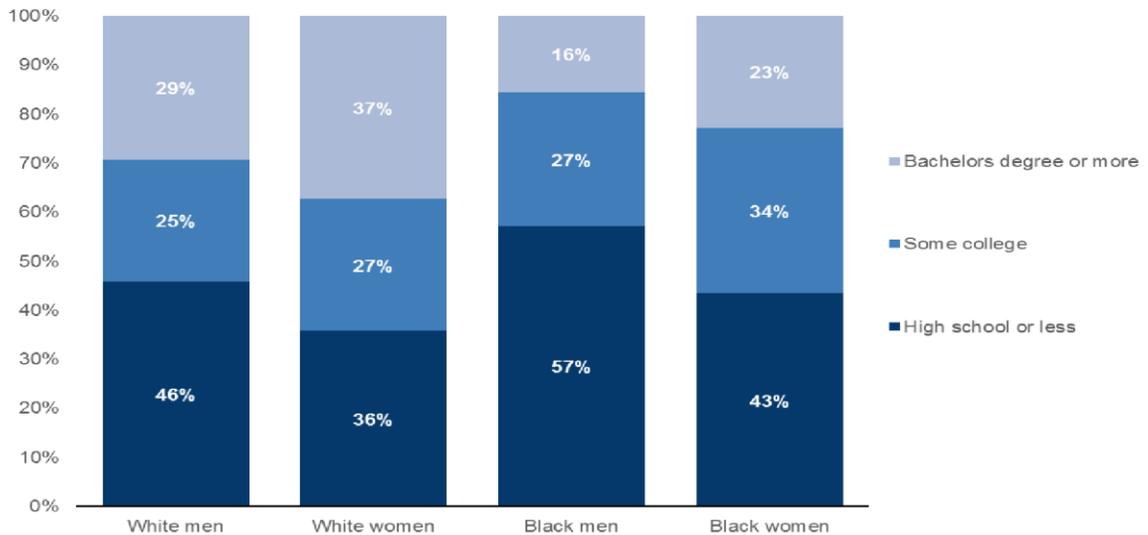
Source: 2014 EEO-1 Reports from Respective Companies

- Among the thousands of employees at the major tech companies, Black women average only 3% of the employees.
- The total number Black women executives and senior level officers and managers at major tech companies averages 1%.



- Major tech Companies claim that there are not enough Black women getting advanced degrees in science, technology, engineering and mathematics (STEM) as the reason for their dismal record of hiring Black women. In reality, not all jobs in the tech industry require an advanced STEM degree or a STEM education at all.

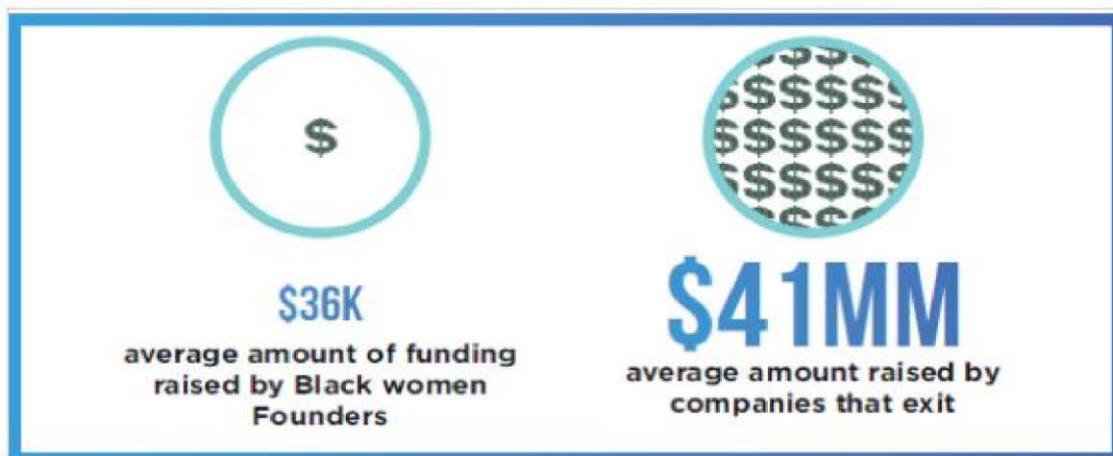
**Fig 1: Race, Gender, and Education**



Source: Author's tabulations of the American Community Survey, 2008-2012; Restricted to women and men age 25-35

BROOKINGS

- Black women are nearly on par with White men in earning a college education at the bachelor's degree level and higher. Yet, Black women are not hired for jobs at the major tech companies at the same proportionate rate as White men.



Source: Project Diane

- Among a group of 88 Black women-owned tech startups, 56% raised an average of only \$36,000 in funding. This .01% of the \$41 million raised on average by companies that exit.



- Although Black women-owners of tech startups are well-educated, they generally do not come from the same universities as the predominately White male startup population that typically receives a substantial amount of venture capital funds.

# Black Women and Retirement Security

*Avis Jones-DeWeever, Ph.D.*

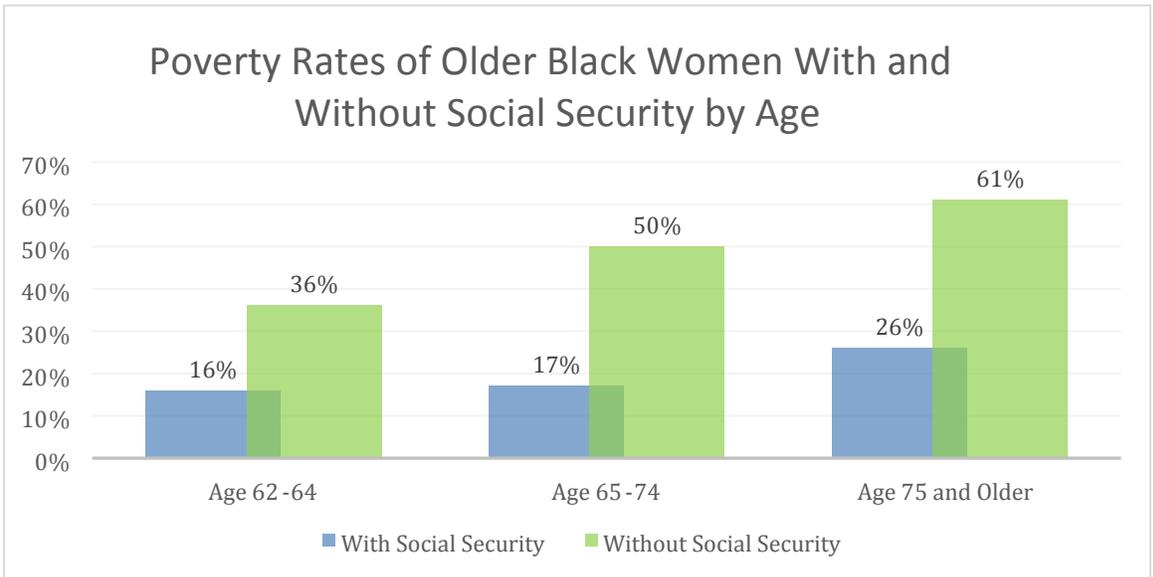
*Incite Unlimited, LLC*

Work was never meant to last forever. If there is one universal truth, it is the unavoidable fact that nearly everyone who works and lives long enough to experience their elder years, one day, will face the prospect of retirement. As this inevitable reality approaches, most hope that, at a minimum, their final years will be characterized by comfort and relative ease. Yet even with these modest aspirations, the harsh reality is that most Americans face a retirement future far short of their current standard of living and likely far removed from that which they had imagined. Gone are the days of nearly universal pension availability, guaranteeing consistent retirement income for life. In its place, we've witnessed the rise of the 401(k) and other similar direct contribution retirement products within the private workforce, and the roll-back of direct benefit pensions within the public sphere. At a time when many still find themselves struggling to rebound from a financial calamity that has largely eviscerated personal wealth, especially among people of color, the hope for even modest retirement futures now seems to be fading further and further away from view.

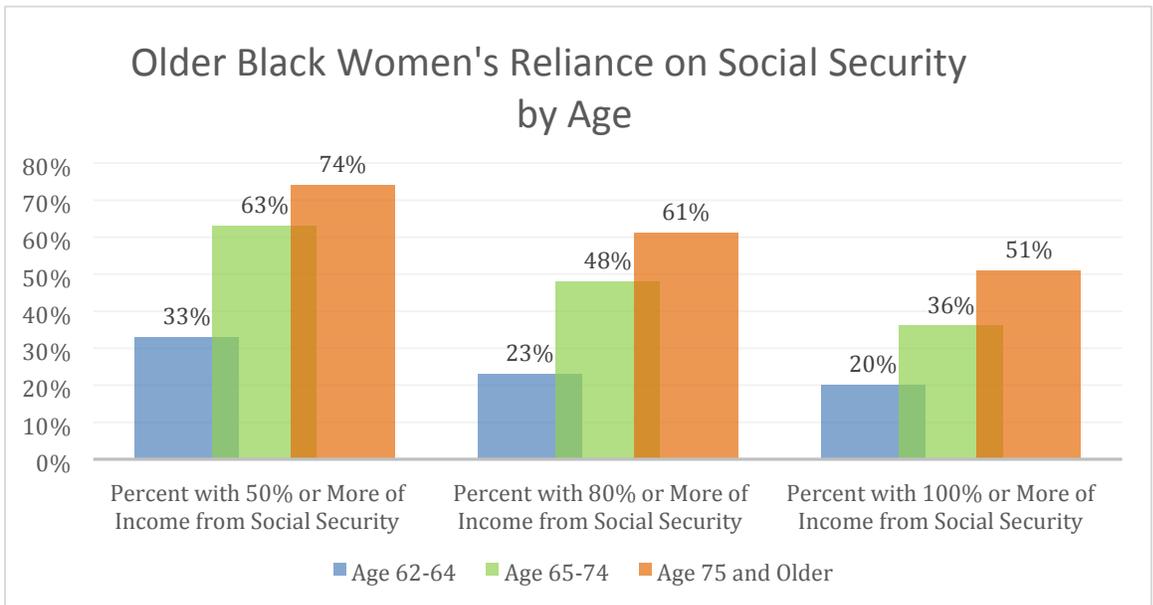
For Black women especially, that view is particularly bleak. Due to a lifetime of navigating through working years with a pay gap times two, the ability to amass wealth and adequate levels of retirement funding, for Black women, is especially rare. Thus, the issue of Retirement Security for us, goes beyond mere security, and instead, could better be characterized as survival. As the demographics of this nation shifts, and we face a future with even more Black women potentially facing a future on the economic brink, it becomes especially critical to at minimum, guarantee a floor below which, no one will be allowed to fall.

As it now stands, it is estimated that were it not for Social Security, nearly two-thirds (62%) of Black women would fall into poverty during their retirement years.<sup>41</sup> With Social Security under attack and America's Pension System increasingly becoming an era for the history books, unless concerted focus is placed on meeting the long-term financial needs of Black women, this nation's most consistent and loyal women laborers will find not gold in their future years, but instead, an end-of-life scenario rife with financial struggle.

They deserve better.



Source: Institute for Women’s Policy Research. Social Security and Black Women, 2011.



Source: Institute for Women’s Policy Research. Social Security and Black Women, 2011.

- Black women are especially likely to rely on Social Security for a significant amount of their retirement income. In fact, depending on age, anywhere from one-fifth to one-half of Black women are totally reliant on Social Security to fill their income needs.
- If Social Security were to disappear, the poverty rates of senior Black women would more than double.

Part III.  
Quality Education and Access

# Apprenticeship and Career and Technical Education: Capitalizing on Value and Eliminating Stigma

*Lisa R. Ransom*

*Augustus F. Hawkins Foundation*

EMPLOYMENT equals stability for nearly every African American woman in this country and for many, stability is hard to come by without training and skills required to secure high-wage jobs in a global, technological climate. In 2015, there were about 10.2 million African American women in America's civilian labor force representing 1 in 7 women in the labor force. Of those, 9.3 million were employed.

Overall, African American unemployment rates have historically been about twice as high as those for white workers. That trend continued through the Great Recession, with African American unemployment reaching a peak of 16.6% in April 2010. Now, more than five years into the economic recovery, African American unemployment in December stood at 10.4%, compared with 4.8% for white workers.

On average, African American women tend to have less favorable outcomes than their White, non-Hispanic counterparts. African American women still face a stark wage gap and are less likely to work in higher-paid, non-traditional occupations. In 2011, the Women's Bureau at the US Department of Labor cites that nearly one-half (45 percent) of African American families and 25 percent of Hispanic families were maintained by women heads of household.



Raising the minimum wage, closing the wage gap, ensuring adequate working conditions and expanding opportunities for higher wage occupations would greatly impact the lives of African American women and their families.

Apprenticeships and CTE programs provide access to higher wage, higher demand jobs, particularly in emerging industry sectors. Almost thirty percent of people with less than an associate degree, including licenses and certificates, earn more than the average bachelor degree recipient.

Apprenticeship opportunities are growing with unmet labor demand. Moreover, Apprenticeships and CTE occupations in STEM such as environmental engineering and science technicians require an associate degree and will experience faster than average job growth. In order to stay globally competitive and meet the demands of the ever-growing current and future American workforce, we must strengthen all pathways to schools and careers for all of America, particularly African American women and women of color.

Increasing African American women's participation in these high-wage, traditionally male dominated fields will boost their overall earnings and help to close the wage gap, providing a pathway to economic security and opportunities for career advancement.

## **Career and Technical Education (CTE)**

As recently as 2014, studies assert that African American students participate in Career and Technical Education (CTE) more than any other racial or ethnic group. As important, Corporate leaders and manufacturing executives worldwide identify talent-driven innovation as the number one determinant of competitiveness. Yet, manufacturing executives report a significant gap in their ability to find talent with required skills. Even more troubling, the skills gap is expected to grow substantially over the next decade.

With such global demand for high-skilled talent, CTE coursework at the high school level is still often dismissed as inferior to other educational experiences primarily due to CTE roots in industrial programs when such training was known as vocational education. Scholars cite social stigmas such as low academic achievement, special needs and/or behavioral problems that have persisted for decades.

While these perceptions are changing over time, it is clear that many African Americans have not embraced the concept that technology-driven, high-skilled/high-wage 21st century Career and Technical Education (CTE) is virtually no reflection of what was 20th century vocational education. Actually, today's CTE programs require at least one or more STEM components within each of the federal recognized 16 Career Clusters with subsequent career pathways, which show more specific career areas with similar knowledge and skill requirements.

CTE today is now being recognized as critical for a skilled American workforce. In fact, CTE has emerged as a way for students to cultivate 21st Century Skills that are a direct reflection of workforce needs for an estimated 16 million jobs that will require CTE skill sets. A review of educational research reveals that CTE has been generally successful in a variety of ways, such as improving graduation rates and supporting students in obtaining postsecondary goals.

Acknowledging the growing importance of CTE, in June 2015 President Obama signed an Executive Order expanding the United States Presidential Scholars program to establish a new category of outstanding scholars in career and technical education (CTE). The Presidential Scholars program is among the nation's most distinguished honors for high school students, and has not been expanded since 1979.

Successful CTE programming involves the voices of multiple partnerships and collaborations to allow for the development of college preparatory experiences that prepare students for a variety of post-secondary and career experiences: industry, higher education and K-12 schools should participate in the development of CTE programming. This approach can encourage student enrollment and a completion of two and four year programs of study as well as general career readiness. This is an essential, value-added academic opportunity for African American girls in secondary and post-secondary institutions. CTE programming has seen some new federal financial support that leverages a multi-tiered approach to program formation from grants such as the Youth CareerConnect grant, established by the U.S. Department of Labor in collaboration with the Department of Education, which encourages this ideal CTE partnership.

There are several key elements to best practices in CTE, including a challenging curriculum. Academic tracking is eliminated when all students are exposed to a curriculum that has rigorous academic content typical in college preparatory coursework. A difference, however, is the strong ties of this academic content with authentic, real-life CTE employment experiences either by design or by direct exposure during student externships. One of the most critical elements however is providing students with a systemic program of sustained guidance. This requires individualized plans that are clear to students, families, educators, and mentoring peers. Foundational career portfolios and plans are also a part of the process. This support requires a change in how teachers collaborate, especially in the structure of time allowed for collaboration within and across academic disciplines. Planning includes specific incorporation of P21 skills and civic relevance. Civic relevance involves CTE/STEM service learning as one example.

Challenges to CTE remain at the administrative, educator and community levels and with programming, preparation, access and optics. Despite the changes or increases in time and structure for teacher collaboration, teachers often struggle in preparing instructional experiences that foster the academic connections across STEM disciplines. Academic counselors feel pressure from parents to push students exclusively toward 4-year college plan rather than consider the merits of a dual track, college-career-ready program that incorporates college, CTE certifications and Apprenticeship. Additionally, the recent educational context of the emphasis on testing has been blamed recently for a decline in CTE participation.

### **Apprenticeships**

The face of 21st century Apprenticeship has changed dramatically. According to a recent U.S. Department of Education's national survey of work-related course-taking, 27% of adults participated in work-related course-taking, and 18% of adults who worked in the past 12 months in trades and labor occupations participated in work-related learning; however, African Americans, Hispanics and Native Americans remain underrepresented in these numbers. The US Department of Labor cites similar data noting African Americans are significantly underrepresented in many of the highest paying, non-traditional occupations when compared to their utilization in similar occupations, in other industries.

Apprenticeships through a racial/gender lens is equally challenging. Since the EEO regulations were last updated some 40 years ago, the representation of women in apprenticeships, particularly women of color have remained stagnant. While women make up 47% of the workforce, they account for only 6.3% of apprentices. Apprenticeship programs provides the needed high-skills training, particularly in non-traditional occupation that lead to higher wage, higher demand jobs.

***In September 2015***, the Obama Administration announced that the US Department of Labor's American Apprenticeship Grant Program awarded \$175 million in grants to 46 awardees. The

American Apprenticeship grants increase opportunity by investing in innovations and strategies to scale apprenticeships — including by marketing to women and other Americans who have been underrepresented.

Apprenticeship is an option or a start, not “an end”. It offers a pathway to incorporating skills with education. When African American women are well prepared for the opportunity and have a clear idea of what to expect in their apprenticeship they flourish. As a nation, we must ensure progress towards gender and racial parity in apprenticeships that is reflective of the broader workforce. By strengthening EEO regulations we can help increase the participation of women, racial and ethnic groups and others who are underrepresented in certain apprenticeship industries and concentrated in apprenticeship programs in lower paying occupations.

# Black Women and the HBCU Experience

*Avis A. Jones-DeWeever, Ph.D.*

*Incite*

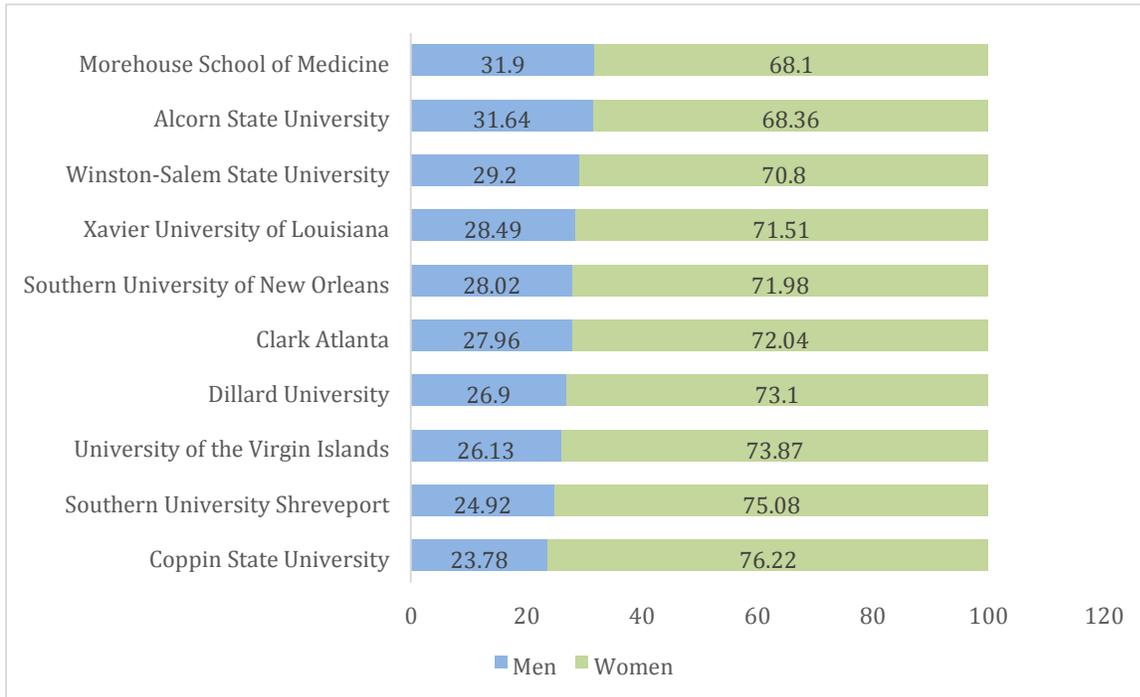
*Unlimited*

America is changing. The Census Bureau estimates that in less than thirty years' time, the nation will be made up of a majority of people color. Given the reality of quickly shifting demographics, for America to maintain its position as a leader in the global marketplace, expanding access to quality higher education is a necessity. Historically Black Colleges and Universities (HBCUs) are critical for the fulfillment of this imperative. To develop the human capital this nation needs to innovate and continue to dominate the global marketplace, we cannot afford to leave this critical segment of the higher educational community behind.

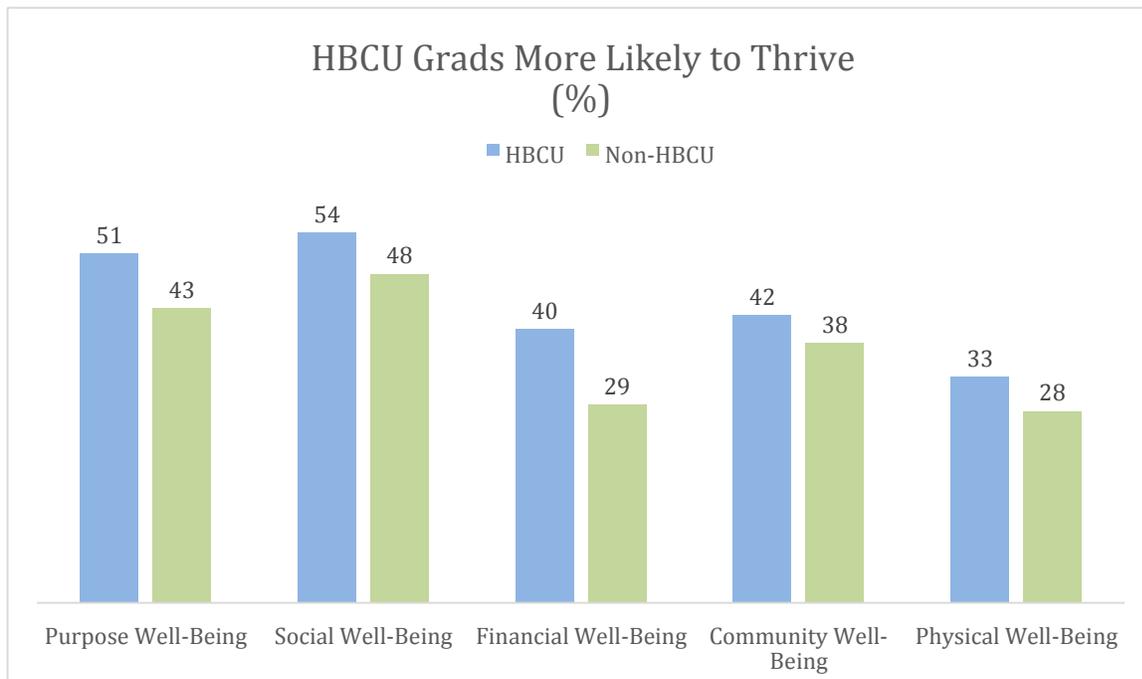
It has become well-known that the nation's HBCUs face a multitude of challenges. Fiscal difficulties, management woes, enrollment declines, and more, have become all but commonplace among many of these institutions. Some have even closed their doors altogether. But despite difficulties, HBCUs still produce a huge proportion of the nation's Black professionals, turning out 70% of America's doctors, 35% of the nation's lawyers, and fully 50% of the nation's engineers and educators. And a recent study by Gallup and Purdue University found that HBCU graduates actual fair better in the real world across a variety of indicators. For example, HBCU grads report greater well-being financially, socially, and physically (among other benefits) as compared to other Black graduates who did not attend these institutions. Clearly, there is something special beyond nostalgia and tradition that HBCUs provide. In spite of their challenges, HBCUs continue to produce results that have the power to create positive outcomes with the potential of producing beneficial impacts that last for generations.

One aspect surrounding the crucial nature of HBCUs which often goes unacknowledged is how critical they are for the collegiate development of Black women specifically. While it is true that women of all races outnumber men on college campuses throughout the nation, among select HBCUs, Black women make up the overwhelming majority of students enrolled. In fact, according to the National Center for Education Statistics, as of 2013, Black women made up nearly two-thirds (61%) of HBCU enrollment. That represents a stark increase since 1976, when Black women accounted for just over half (53%) of all HBCU students. Additionally, two HBCUs, Spelman and Bennett College, continue their tradition of single-sex education largely focused on educational excellence as manifested through Black women. As such, ensuring a strong future for HBCUs is not only important for the institutions at large, as well as their overall student populations. It's also essential for maximizing higher educational opportunities and advancements for Black women specifically.

### Top 10 HBCUs with the Largest Concentration of Black Women (%)



Source: The Changing Face of Historically Black Colleges and Universities, University of Pennsylvania



Source: Gallup-Purdue University Index, 2015-2015

Part IV:  
Quality Healthcare and Health Justice

# Black Women and Health Disparities

Avis Jones-DeWeever, Ph.D.  
Incite Unlimited

There is nothing more precious to one's daily existence than the state of your health. To be able to move through life without pain or physical limitations is an occurrence that many take for granted. But once one's health is imperiled, it's an issue that becomes second to none.

For Black women, shocking health disparities are nothing less than commonplace. From breast cancer mortality to maternal mortality, and even exposure to HIV, Black women suffer a saddening reality that leaves them disproportionately vulnerable to health challenges throughout their lives.

This year, for example, a new and disappointing milestone was reached for Black women and Breast Cancer. For the first time ever, Black women were found to be nearly just as likely as white women to be stricken by the disease. This is especially concerning because Black women are more likely to be saddled with an especially aggressive form of breast cancer and ultimately, are much less likely to survive. In fact, new research has shown that despite advancements in treating the disease, while overall, breast cancer survival rates have improved in recent years, these improvements have largely by-passed Black women. As a result, the disparity in survival rates between Black women and white women stricken with Breast cancer is still going strong, as overall Black women diagnosed with breast cancer are 42 percent more likely to die from the disease than white women, with the risks even greater in certain cities. In fact, a Black woman in Los Angeles is about 70% more likely to die from Breast cancer than is a white woman in the very same city.<sup>42</sup>

Similarly, Maternal Mortality among Black women are at crisis levels and just getting worse. In fact, over the past 25 years, the maternal mortality rate in America has doubled and the trend can almost fully be attributed the skyrocketing rates of maternal mortality among Black women.

While it is logical to assume that increasing access to health insurance could help overcome these and other health challenges faced by Black women, the unfortunate reality is that even with the Affordable Care Act in place, many are still unable to get access to the care they need. In practice, the law has been largely minimized by select Governors who have refused federal assistance for expanding the law to millions who remain in need. As a result, Black women continue to suffer; now facing a reality in which they are not only likely to find themselves on the wrong side of health statistics, but also, at the mercy of state political actors who would rather unify in opposition to a political foe than live up to their responsibility to serve the needs of all the citizens of their states. Magnify that with a recent political movement bent on the destruction of Planned

Parenthood, and countless Black women today find themselves without access to quality, affordable preventative care services that meets their specific needs as women.

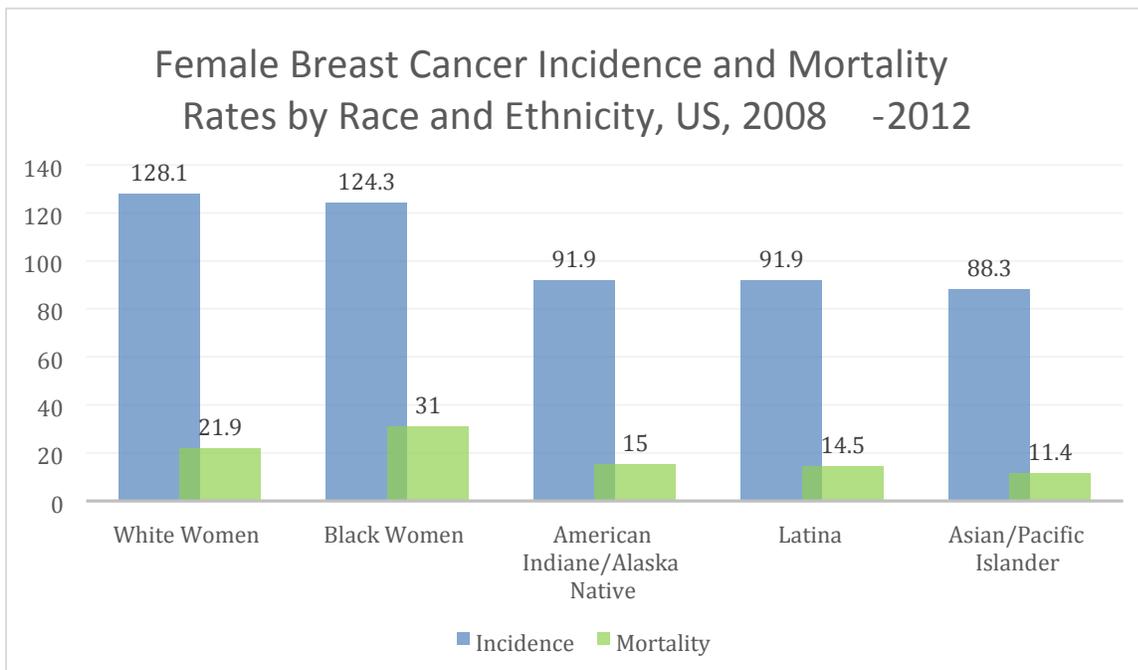
Even worse, some completely preventable local tragedies such as the Flint water crisis, has injected health risks into communities that residents will now have to manage for the rest of their lives.

We can do better.

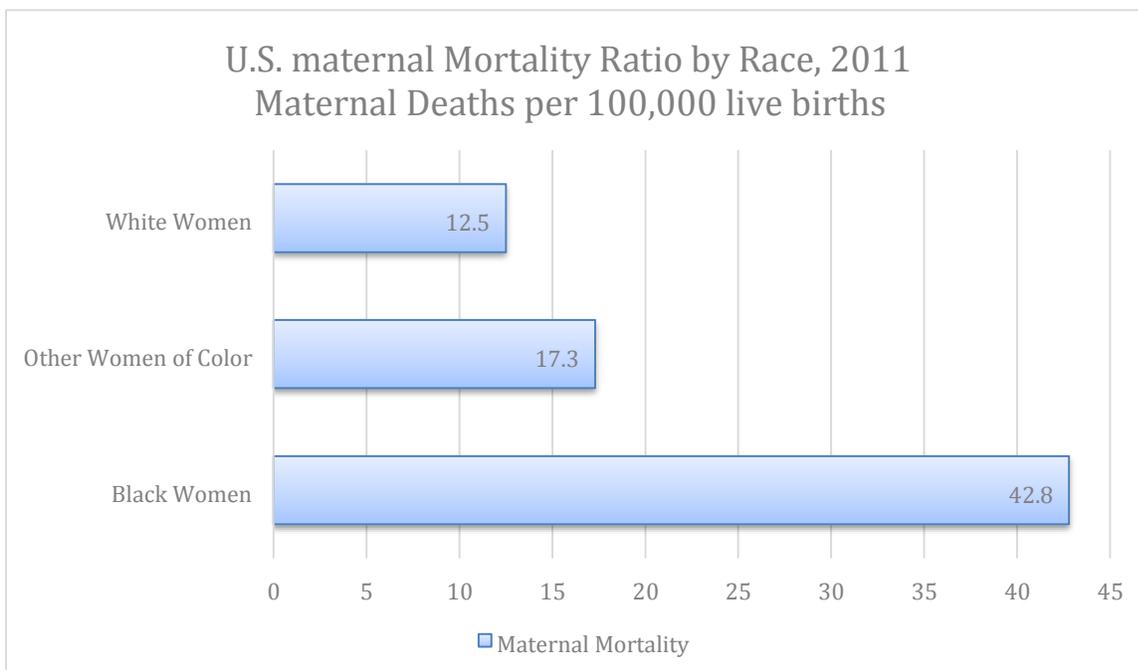
We must do better.

Black women's lives matter.

And addressing their health needs is not an option, but rather an absolutely necessary component of any comprehensive policy agenda for today or tomorrow.



Source: Copeland et al. Mortality: US mortality data, national Center for Health Statistics for Disease Control and Prevention.



Source: Dina Fine Maron, June 5, 2015. "Has Maternal Mortality Really Doubled in the U.S." *Scientific American*

Part V.  
Black Women and Systematic Racism within the  
Criminal Justice System

# Black Women and Girls and the Criminal Justice System

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*CEO of Just Solutions*

*Formerly, Vice-President of Government Relations at Legal Momentum*

## Introduction

Black women and girls, alike are at risk in even routine encounters with law enforcement. We have heard about the incident in, Spring Hill, Texas where police were called to a pool party and proceeded to rough up the guests including throwing a young Black woman to the ground, or what took place at Spring Valley, High School in South Carolina where a another teenaged Black girl was mistreated, in that instance, dragged from her chair and thrown to the ground by a School Resource Officer that students had nicknamed, “Officer Slam.”<sup>43</sup> We also know the names of Black women who did not survive their encounters with law enforcement: Sandra Bland, Natasha McKenna, Rekia Boyd, and many more. Finally, some of us may know the terms school to prison pipeline, or about the trafficking or exploitation of young Black women. These seemingly distinct types of violence and punishment endured by Black women and girls often spring from a common and troubling place (and/or can leave them vulnerable to variety of exploitation): the biases and preconceptions of those meting out the punishment or committing the violence.<sup>44</sup>

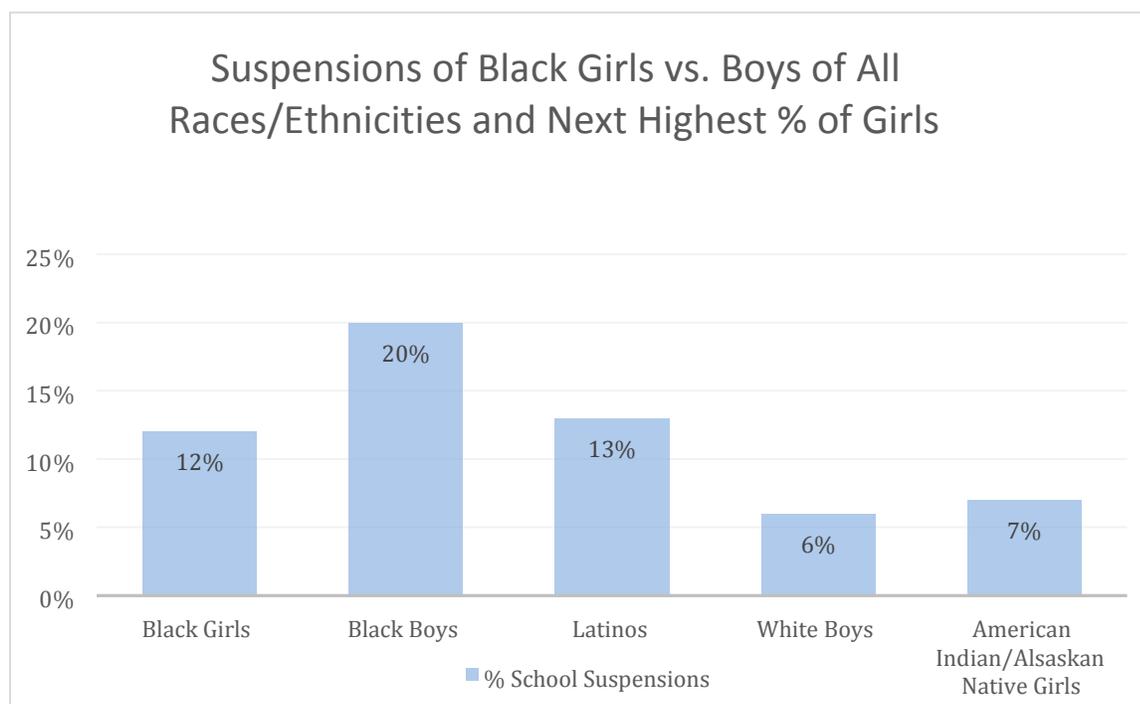
## *School and Sexual Abuse to Prison Pipeline(s)*

Like their Black male counterparts, at 12%, Black girls consistently receive the highest proportion of public school suspensions. As shown in the chart below, this places them third, behind Black boys (20%) and Hispanic boys (13%) in terms of suspensions received. It also means that they are nearly twice as likely to be suspended as the closest group of girls (American Indian and Alaska Native girls at 7%), fully twice as likely as white boys (6%) and six times as likely as white girls (2%) to be suspended.<sup>45</sup>

There are varied reasons for the suspensions and other discipline that Black girls receive, however, with disturbing frequency, it occurs because of systemic bias: frequently, Black girls and young women are perceived as not conforming to middle class, white notions of “femininity,” seen as being too difficult, too noisy, too promiscuous or defiant, or punished for their use of profanity.<sup>46</sup> Black girls and young women who are suspended are at higher risk of dropping out of school, or being pulled into the juvenile justice system.<sup>47</sup> Additionally, girls (and disproportionately Black girls) are subjected to arrest and detention even when their non-conforming conduct occurs as a result of trauma.<sup>48</sup>

- Childhood trauma, particularly sexual abuse is significantly tied to juvenile system involvement for girls.<sup>49</sup>

- Black girls and young Black women comprise just 14% of the general youth population, yet they comprise fully one third of girls and young women being detained and committed within the juvenile system.<sup>50</sup>
- Black girls are 20% more likely than white girls to be formally charged in the context of a juvenile delinquency case.<sup>51</sup>
- Additionally, they are often charged with misdemeanors, or for technical violations or offenses like truancy or running away, which are directly connected to their circumstances, e.g. experience of trauma or sexual violence. Often, these charges would be better addressed in a community context, but detention is imposed instead.<sup>52</sup>
- Based on the limited data that exists, Black girls and young women who identify as LGBT or gender-nonconforming are also sanctioned at rates which are quite disproportionate to their representation: in one survey 40% of girls in juvenile justice system identified as LGBT/gender-nonconforming.<sup>53</sup>
- Data also suggest that 85% of the LGBT/gender-nonconforming girls in the juvenile justice system are girls of color, and that Black girls in this category are incarcerated at higher rates than white girls.<sup>54</sup>
- Girls and young women who are in foster care are particularly vulnerable to being recruited by sex traffickers. Frequently, victims of child sex trafficking, rather than being treated as victims and offered services, are confined within the juvenile justice system, despite the fact that they are victims of child sex abuse or statutory rape.<sup>55</sup>
- Finally, all girls who drop out of school face dire economic consequences. Among women, the income gap between those who do and do not complete high school is great than it is for men.<sup>56</sup>



### *Law Enforcement Violence*

Violence perpetrated by law enforcement against Black women, and girls is not new. Amelia Boynton Robinson knew it firsthand, just as Fannie Lou Hamer did.<sup>57</sup> It has always been a part of the American landscape. And certainly, Sandra Bland knew it as she sat in her car smoking a cigarette moment before the policeman who had pulled her over, ordered her from the car and assaulted her; an assault that set into motion her arrest and incarceration, which she did not survive.<sup>58</sup>

In the last several years, much has been written about law enforcement and violence against Black men. The media has so honed in on this issue, that some confuse the hashtag #BlackLivesMatter - which emerged after a Florida jury failed to convict George Zimmerman for the homicide of Trayvon Martin --as being narrowly focused on the deaths of and violence experienced by Black men, alone. However, as Patrisse Marie Cullors-Brignac --one of 3 queer Black women who helped give life to the hashtag and the project, which later became a network, #BlackLivesMatters --explains:

*As #BlackLivesMatter developed throughout 2013 and 2014, we utilized it as a platform and organizing tool. Other groups, organizations, and individuals used it to amplify anti-Black racism across the country ... Tamir Rice, Tanisha Anderson, Mya Hall, Walter Scott, Sandra Bland—these names are important. They're inherently important and the space that*

*#BlackLivesMatter held and continues to hold helped propel the conversation around the state-sanctioned violence they experienced. Particularly highlighting the egregious ways in which Black women, specifically Black trans women are violated. #BlackLivesMatter was developed in support of all Black lives.*<sup>59</sup>

Accurately describing the magnitude of state sponsored violence against Black women - queer, trans and cis (people whose gender identity is consistent with their sex at birth)— is a challenge because we don't have a centralized system to track police violence, and such systems as exist, often do not break down the data with enough specificity.<sup>60</sup> Here are some things that we do know:

- The head of the FBI has acknowledged the presence of racial bias in policing.<sup>61</sup>
- Sexual misconduct is the second or third most common infraction for which police officers are disciplined, depending on which source you use. Misconduct/violence consistently comes in first, and financial crimes alternate with sexual misconduct as the second most common violation.<sup>62</sup>
- When the Associated Press did a story on police misconduct in the fall of 2015, and tried to discern trends in the material they amassed, it was difficult because there is no authoritative source of such information. The Department of Justice's Bureau of Statistics (BJS) collects a variety of information on law enforcement, but does not collect information on officer arrests.
- Their review of data (2009-14) from 41 states on law enforcement discipline for sexual misconduct revealed several things, however:
  - 550 officers were “decertified,” or lost their licenses over, a variety of infractions, including “sexual assault, including rape and sodomy, sexual shakedowns in which citizens were extorted into performing favors to avoid arrest, or gratuitous pat-downs.”
  - 440 officers lost their licenses/badges for a number of other sexual infractions, including: “possessing child pornography, or for sexual misconduct that included being a peeping Tom, sexting juveniles or having on-duty intercourse.”<sup>63</sup>
- The Department of Justice recently released guidance on law enforcement bias and response to matters involving sexual and domestic violence.<sup>64</sup>
- One trend stood out in the AP's review of the misconduct cases: “a propensity for officers to use the power of their badge to prey on the vulnerable.”<sup>65</sup>

Nowhere is this vulnerability more evident than in the recent conviction and sentencing (to 263 years in prison) of former Oklahoma City police officer, Daniel Holtzclaw. Holtzclaw was tried for sexually assaulting 12 Black women and one Black female teen. Of a total of 36 charges-- including 4 for first degree rape-- he was convicted of 18, which yielded a measure of justice for 8 of 13 victims. He deliberately sought out Black women in a poor neighborhood, ran their identification through the police database, then used what he found (e.g. outstanding warrants) as leverage to demand sexual

favors. He did the same when he encountered some of these women in possession of drug paraphernalia. He chose these women, and the teenager who he raped on her mother's porch, because he thought that poor Black women, who he perceived as powerless, would not report him and that because of their youth, or run-ins with the law, that they would not be believed if they did.<sup>66</sup> However, Holtzclaw's abuse of Black women is by no means unique, as the recent deaths in state custody of Natasha McKenna, Sandra Bland and Gynnya McMillen make clear.<sup>67</sup>

A recent report from the National Coalition of Anti-Violence Programs sounds the alarm about violence against trans women and trans people of color. Trans women were nearly twice as likely to experience sexual violence as other survivors of violence, and reported experiencing harassment, discrimination and police violence as well. Trans people of color were six times more likely to endure physical violence at the hands of law enforcement, compared with white cisgender survivors.<sup>68</sup> Finally, a record number of trans people were murdered in 2015, and the vast majority of them were women of color.<sup>69</sup>

Earlier this month, we observed the 3<sup>rd</sup> anniversary of the most recent reauthorization of the Violence Against Women Act. Designed primarily to fund states' efforts to better coordinate their responses to domestic violence, dating violence, sexual assault and stalking by bringing law enforcement, prosecutors and advocates to the table, the Act has something of a mixed history in communities of color.<sup>70</sup> The most recent version of the Act clarifies that funding is available to groups that serve LGBT survivors of violence, makes visas available to immigrant survivors who cooperate with law enforcement, and continues to fund services for culturally and linguistically specific communities, among other things. And yet, it is increasingly clear that people experiencing domestic and sexual violence are sometimes reluctant, and sometimes outright refuse to reach out to law enforcement. The reasons for this vary: fear of further abuse, privacy concerns, fear that they or a loved one will be hurt, or previous negative experiences with law enforcement.<sup>71</sup> It is clear, however, that federal responses to domestic and sexual violence need to be expanded to include additional community based programs, particularly those that are not connected to law enforcement.

Finally, Black women, whether trans or cis, are not consistently afforded the right of self-defense as is evident in the cases of both CeCe McDonald – a trans woman who was arrested and jailed after defending herself from an attack – and Marissa Alexander, jailed after refusing a plea deal and being denied the use of a, “Stand Your Ground,” defense after she fired a warning shot at the ceiling to scare off her abusive partner.<sup>72</sup> Alexander's case raises another flag: prosecutorial bias. Angela Corey, whose office failed to convict George Zimmerman, and had to retry Michael Dunn in the murder of Jordan Davis, failed to acknowledge Marissa Alexander's identity as a survivor of domestic violence, and as such sought, by means of a plea deal, to compel her to serve time for what they perceived as a crime, which was in fact, an act of self-defense. Corey's office also failed to acknowledge the role that race might have played in the crimes committed against Jordan Davis and Trayvon Martin.<sup>73</sup>

## *Incarceration & Domestic and Sexual Violence*

The previous discussion regarding prosecutorial discretion and the Marissa Alexander case is very strongly connected with the final area of discussion: incarceration and domestic violence. For the last several years, the White House, the Congress, advocates, community members, people reentering the community from incarceration and law enforcement have been having conversations regarding the need for reform in the criminal justice system. The prison system is overwhelmingly male; females constitute only 7% of those in state and federal custody. However, the broader discussion around criminal justice reform makes it timely to look closely at situation of women in custody.

- While the combined size of the federal and state prison systems declined for the 3 years preceding 2013, the state prison population rose by ½ percent in 2013 and stopped this decline.<sup>74</sup>
- In 2013, the population of women prisoners grew by 3% (2,500 prisoners).<sup>75</sup>
- Overall, the number of Black women prisoners continued declining relative to white women –from 3x the incarceration rate of white women in 2010 (133 v. 47 per 100,000) to 115 v. 51 per 100,000 in 2013.<sup>76</sup>
- Nevertheless, the rate of incarceration for Black women is still more than twice that of white women.<sup>77</sup>
- And, among the youngest group of incarcerated women (ages 18-19), Black women are still 5 times as likely to be incarcerated as white women. (33 inmates per 100,000 v. 7 inmates per 100,000).<sup>78</sup> This is an important trend to monitor with respect to the impact of the work being done to divert young women from the school and sexual assault to prison pipelines.
- In a 2011 survey of nearly 6,500 trans and gender non-conforming persons, 47% of Black respondents and 30% of Native respondents indicated that they had been incarcerated.
- The Bureau of Justice Statistics has estimated that about ¼% (3,209) trans persons are in state and federal custody.<sup>79</sup>
- Sexual assault is 13 times more prevalent among trans inmates than among the general population.<sup>80</sup>

Because domestic and sexual violence are significantly implicated in the lives of many incarcerated women, it is important to understand how prevalent the experience of intimate partner violence is among women. Black women (43.7%) have the third highest experience of lifetime sexual and domestic violence and stalking, behind Multi-racial (53.8%) and Native women (46%).<sup>81</sup>

The available federal statistics regarding the experience of domestic and sexual violence by incarcerated women have not been revised in more than 10 years. However, they suggest that nearly 60% of women incarcerated at the state level reported some type of physical abuse before they reported to state prison and that the same was true of nearly 40% of women with respect to sexual assault.<sup>82</sup>

- Additionally, according to a study, 93% of the women in CA imprisoned for killing their intimate partner had been abused by them.<sup>83</sup>
- Sixty-seven percent of these women reported that they were defending themselves or a loved one at the time that they killed their partner.<sup>84</sup>
- In New York State, 67% of the women in prison for homicide of someone close to them reported that they had been abused by that person.<sup>85</sup>
- Additionally, the New York State Department of Corrections is being sued by 4 women who are seeking to bring a class action alleging sexual abuse on behalf of all women incarcerated in the state's 3 women's prisons.<sup>86</sup>
- According to the women, no action is taken if they file complaints regarding the assaults, and they are at risk of retaliation.
- These allegations are a further example of the propensity of some law enforcement officers for preying on women who are vulnerable.

As discussions continue surrounding criminal justice reform, several issues should be considered.

- Twenty-five percent of women are incarcerated for drug offenses.<sup>87</sup>
  - Many women convicted of drug crimes were low-level offenders,<sup>88</sup> some of whom committed crimes as a result of coercion or violence by their intimate partners.
  - Program-related attention should be given --at both the incarceration and re-entry phases—to incarcerated women's need for trauma informed, culturally competent services.
- Research should be conducted into the incidence of domestic violence among prisoners and any connection to the types of crimes committed.

# Black Women on the State and Federal Judiciary: Not Rare but Far from Done

*Pamela Meanes, J.D.*  
*Partner, Thompson Coburn, LLP*

Data on racial and gender diversity in the American judiciary reveals that although an African American female judge is not a rare phenomenon, the American judiciary is predominantly white and male. The American judiciary (also known as the “judicial system” or “court system”) is comprised of state and federal courts (as known as the “bench”). To function effectively, every American must have confidence that judges sitting on these benches will render fair and impartial decisions. A judiciary that does not reflect the community it serves undermines this confidence and risk further disenfranchising groups who have been denied access to equal justice. Accordingly, an ideal bench is one which has judges that are representative of the larger community, including but not limited to women, men, persons of color, persons with disabilities and other underrepresented groups. Unfortunately, the American judiciary fails grossly short of achieving such a bench, especially when it comes to women of color.

## **THE FEDERAL JUDICIARY**

The federal judiciary is established by Article III of the United States Constitution. Currently, Article III authorizes eight hundred and seventy (870) judgeships (also known as “Article III judges”): 1) nine on the U.S. Supreme Court; 2) one hundred seventy-nine on the U.S. Court of Appeals; 3) nine on the Court of International Trade; and 4) six hundred and seventy-seven on the U.S. District Courts. Federal judges are nominated by the President and confirmed by the U.S. Senate. They hold office during good behavior, typically, for life.

Currently, there are seven hundred and ninety-three (793) active Article III judges. Of the 793, judges of color constitute about 27% of the bench. As demonstrated in Chart 1, of these judges 50% are African Americans, 37% are Hispanic, 12% are Asian Americans and less than 1% are Native Americans. Minority representation is lower at the Court of Appeals level than at the District Court level. Moreover, there is only one Native American judge on the federal judiciary.

**Chart 1: Federal Judges By Race**

Federal Judges By Race						
Court	White	Africa American	Hispanic	Asian & Pacific Islander American	Native American	Total
Supreme Court	6	1	1	0	0	8
Courts of Appeals	131	21	14	4	0	170
District Courts	435	86	66	22	1	610
International Trade	5	0	0	0	0	5
Total	577	108	81	26	1	793

Women represent approximately 30% of the federal judiciary. Accordingly, there are two hundred and sixty-six active Article III female judges across the country. Of the 266, eighty-one are women of color: 42 African-Americans, 26 Hispanics, 10 Asian-Americans, 1 Native American, 1 of Hispanic and Asian descent, and 1 of Hispanic and African-American descent.

While many contend that among women of color judges, African American women are making progress. However, as demonstrated by Charts 2 and 3 when compared to the number of white female and African American male Article III judges, the number of Africa American women are discouraging and raised a red flag that advocacy is imperative. First, there are 185 white female and 66 African American male federal judges compared to a mere 42 African American females judges. More importantly, over the past five years there has been a slowdown in the appointment of African American female judges in comparison to African American male judges. For instance, African American male Court of Appeals judges have increased by 5 while African American females have only increased by 2.

### **United States Supreme Court**

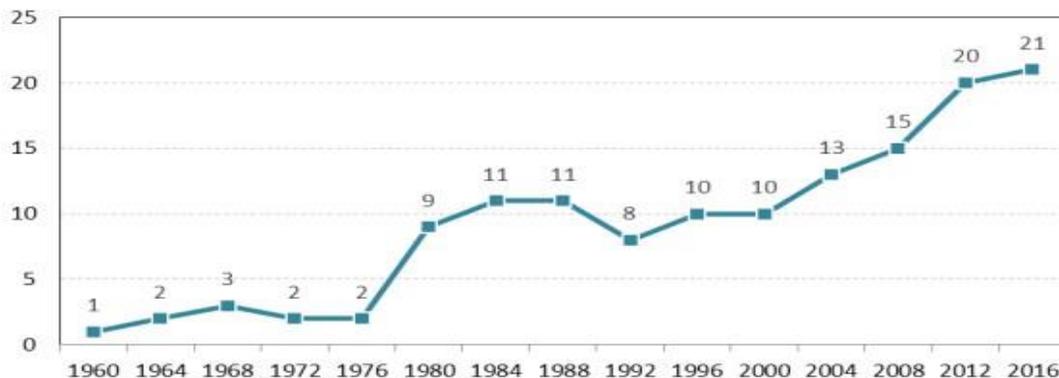
Currently, there are eight Justices, of which three are women. Since inception, one hundred twelve Justices have served on the Court. Of the 112, only four have been women and only two have been African Americans. An African American woman has never been nominated and/or served on the Court.

## United States Federal Court of Appeal

There are thirteen Federal Court of Appeals (also known as “Circuit Courts”). Currently, there are one hundred seventy active Court of Appeals judges. Women represent approximately 30% of these judges. Of the active sixty women judges, only twelve are women of color. These 12 sit on the following Circuits: 1) five on the Ninth Circuit (*1 African American, 3 Hispanics and 1 Asian American*); 2) two African Americans on the D.C. Circuit; and 3) one African American on the First, Fourth, Sixth, and Seventh Circuits. Accordingly, no women of color is on either the Second, Third, Fifth, Eighth, Tenth or Eleventh Circuit.

As demonstrated in Chart 2, the number of African American Court of Appeals judges has increased by seven over the past five years. While notable, this increase has not resulted in an equal increase among African American men and women. For instance, from January 1, 2010, to January 1, 2016, there has been a greater increase in the appointment of African American men than females. the number of African American male judges have increased by 56%, from 9 to 14, while the number of African American female judges increased by 40%, from 5 to 7.

**Chart 2. Number of African American U.S. Circuit Court Judges**



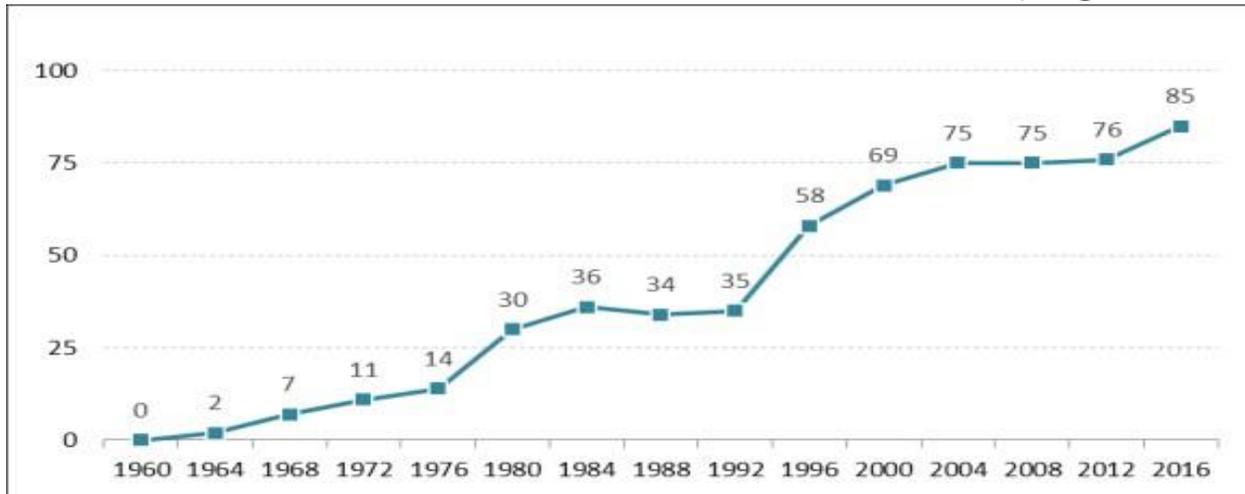
## United States District (trial) Court

Currently, there are six hundred and ten (610) active District Court judges. Women represent approximately thirty-three percent of these judges. Of the two hundred and one (201) active women, women of color are only 70. With respect to these women of color, 37 are African Americans, 23 are Hispanic, 9 are Asian Americans and 1 is Native Americans.

Similar to U.S. Court of Appeals judges, the number of African American District Court judges increased over time. As demonstrated in Chart 3, from January 1, 1975, to January 1, 1980, the number of African American District Court judges increased from 14 to 30, representing a 114% increase. In addition, a relatively large increase occurred from January 1, 1990, to January 1, 1995—increasing by 76% from 33 to 58 judges. Currently, there are eighty six active African

American District Court judges which is an historical high, representing a 21% increase from the number serving on January 1, 2010.

**Chart 3 - Number of African American U.S. District Court Judges**



## STATE JUDICIARY

A state judiciary is created by the state law in which the Court sits. These Courts typically are comprised of a Supreme Court, Court of Appeals and trial courts. States also usually have courts that handle specific legal matters such as probate, juvenile and family. Depending on the state, the trial court may be called either the Circuit Court, Superior Court, District Court or the Court of Common Pleas. State judges are either elected by the public, appointed by the Governor for a certain number of years or for life or a combination of these methods, e.g., appointment followed by election.

Minority representation in State courts is even less than in the federal courts. As demonstrated in Chart 4, as of 2008 there were a total eleven thousand three hundred and forty-four (11,344) active judges. Of the 11,334, judges of color constituted approximately 10% of the bench on all levels. Of that ten percent, African Americans constitute fewer than 6%, Hispanics fewer than 3%, Asian Americans 1.1%, and Native Americans 0.1%. More importantly, judges of color predominantly serve in the state trial courts rather than state appellate courts.

In 2014, the number of state court judges of color increased to 1436. As demonstrated in Chart 4, African Americans constituted approximately 53%, Hispanics 28%, Asian 10%, Native Americans .91% and others were 6%. Women were approximately 38% of these judge, and African American women were only 248 of the 769 African American State court judges.

**Chart 4 –State Judges By Race 2008 & 2010**

State Judges by Race (Numbers) 2008							
Court	White	African American	Hispanic	Asian	Native American	Other	Total
<b>SUPREME</b>	307	20	8	5	0	0	340
<b>APPELLATE</b>	865	60	25	13	2	2	958
<b>TRIAL</b>	9037	585	287	104	11	22	10,046
<b>TOTAL</b>	10,200	665	320	122	13	24	11,344
State Judges by Race (Numbers) 2010							
Court	White	African American	Hispanic	Asian	Native American	Other	Total
<b>SUPREME</b>	307	32	10	4	0	1	354
<b>APPELLATE</b>	865	75	34	13	1	8	996
<b>TRIAL</b>	9,176	662	364	140	12	80	10,434
<b>TOTAL</b>	10,348	769	408	157	13	89	11,784

In 2014, the total number of active state court judges increased to 17,156. Women represented approximately twenty-seven percent of these judges. With respect to each bench, women constituted 35% of all state Supreme Courts judges, 34% of Appellant judges, 28% of General trial judges, and 32% of Limited/Special Jurisdiction trial judges.

### Chart 5 –State Judges by Gender

State Judges by Gender (Numbers)			
Court	Male	Female	Total
<b>SUPREME</b>	238	126	364
<b>APPELLATE</b>	632	330	962
<b>TRIAL</b>	8011	3,059	11,070
<b>STATE LIMITED/SPECIAL</b>	3,226	1,534	4,760
	12,107	5,049	17,156

- <sup>1</sup> For a full discussion of black women’s support of Democratic candidates and a discussion of the black gender gap, see Smooth (2013) “Black Politics as if Black Women Mattered.” *National Political Science Review*.
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