

### Chapter 3 EQUALITY

Equality was central to the United States' founding, with the declaration that "all men are created equal." Our nation's history has witnessed a gradual evolution of that core principle from an acceptance of slavery toward an egalitarian vision that embraces the inherent equality of all people. Equality is embodied in our Constitution's guarantee of equal protection under law and in the other Civil War amendments. Epic social movements of the last two centuries have moved our country, in fits and starts, further toward the reality of equal opportunity.

Equal opportunity is also central to the system of international human rights that the United States helped to craft after World War II and the horrors of the Holocaust. The Universal Declaration of Human Rights states that "All human beings are born free and equal in dignity and rights." It goes on to guarantee all people equal protection of the law, equal pay for equal work, equal access to education, equal access to public service, equal rights to marriage, and an equal right to vote, among other protections.<sup>1</sup> Virtually every human rights document contains a similar guarantee of equal treatment. And the conventions on the elimination of racial discrimination and discrimination against women make concrete the affirmative obligations of all nations to provide equal opportunity. The race convention, for example, requires governments "to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists." And it recognizes the need, in some cases, for measures that affirmatively promote the inclusion of members of previously excluded groups "as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms."

Equal opportunity requires that we all have access to the benefits, burdens, and responsibilities of our society regardless of race, gender, class, religion, sexual orientation, or other aspects of what we look like or where we come from. It requires proactive efforts to remake our institutions in ways that ensure fairness and inclusion. Equal opportunity also means treating similarly situated people similarly, while taking account of human, cultural, and other differences. It means, for example, that a person's race, gender, religion, or sexual orientation should be irrelevant to her or his ability to receive a quality education or to buy a home. It also means, however, that the health care women and men receive should be appropriate to their different needs. It means considering the needs of Americans who use wheelchairs in designing a home, a bus, or a courthouse. Expecting Americans who have not yet mastered English to navigate a legal system conducted only in English is not equal opportunity. Nor is treating Native American tribes--endowed by our Constitution with a sovereign status equal to the fifty states--as if they were just like other community groups. Equal opportunity is not treating everyone identically but, rather, treating everyone as equal.

Ensuring equal opportunity in the twenty-first century demands a nuanced understanding of the progress that we've made as a nation, as well as the nature of contemporary bias

and systemic inequality. It requires understanding, for example, how stereotypes based on gender, race, and other social characteristics can come together in unique ways that require individualized attention. Ensuring equal opportunity means not only ending overt and intentional discrimination, but also rooting out subconscious bias and reforming systems that unintentionally perpetuate exclusion. Ensuring equal opportunity requires acknowledging that we are all capable of bias and discrimination, including against members of our own group. And it requires addressing the overt discrimination and bigotry that remain in society without suggesting that those are the only kinds of inequality worthy of our attention.

Unquestionably, the United States has become more equal in the forty-plus years since a series of landmark civil rights laws prohibited discrimination in housing, employment, education, and other sectors of American life. Yet inequality persists, and bias, often subtly expressed, continues to harm opportunity for women, people of color, immigrants, and low-income families. Evidence in this chapter shows that the nation has witnessed major gains in equality in some areas over the last four decades, but that in many other areas equality is stagnant or declining. These findings are summarized in Box 3.

**Box 3: Has Equality Expanded in America?***Major Gains in Equality*

- The gender gap in wages is declining, largely as a result of gains in wages earned by women relative to men—but women still earn significantly less than men at comparable education levels;
- An increasing share of women and women of color are assuming managerial and leadership positions in corporate and business sectors, although their numbers remain small relative to women's levels of representation in the professional workforce.

*Areas of Limited or No Progress*

- Although some evidence suggests that housing discrimination declined slightly between 1989 and 2000, audit studies continue to find high levels of housing discrimination against racial and ethnic minorities;
- Studies find that employment discrimination against women and minorities persists, although it is unclear if levels of discrimination have declined, increased, or remained the same as in other periods over the last four decades.

*Areas Where Equality has Declined*

- Wages are becoming increasingly unequal across income and education levels. Those at the top end of the income scale, and those with higher levels of education are making more today than thirty years ago, and those at the bottom end of the income scale and those with lower levels of education are making less today than thirty years ago (adjusted to today's dollars);
- The nation's criminal justice laws and policies, particularly the "war on drugs," are resulting in the incarceration of women, juveniles, and people of color at record high levels.

## **About the Data in this Chapter**

This chapter summarizes research on equality and equality of opportunity in several areas. We draw principally on published analyses of federal data. These include Equal Employment Opportunity Commission (EEOC) data, which provides information on the hiring of individuals from protected classes in the workforce. Similarly, data from the Bureau of Justice Statistics of the U.S. Department of Justice allow a broad overview of how various groups fare in the criminal justice system. Where necessary, The Opportunity Agenda has also drawn on the expertise of researchers and policy analysts to produce original analyses of these data. Finally, we review studies that measure inequality in today's housing and employment settings to assess the extent to which discriminatory treatment persists. More such studies are needed to determine if the likelihood of discrimination will change over time.

We review measures of equality of opportunity in four major areas: housing, employment, wages, and criminal justice. In some cases trend data are lacking or are not comparable due to differences in population groups studied or methodologies used. In these instances we draw cautious conclusions about trends. As noted in previous chapters, federal data often lack complete information for some racial and ethnic minorities. We hope that federal data in the future will more completely assess equality of opportunity for these populations.

### **Housing Inequality**

The Fair Housing Act of 1968 improved the housing options of many racial and ethnic minorities seeking to purchase a home or to obtain rental housing. But racial and ethnic discrimination in housing persists, as demonstrated by several studies, including large studies sponsored by the U.S. Department of Housing and Urban Development (HUD).

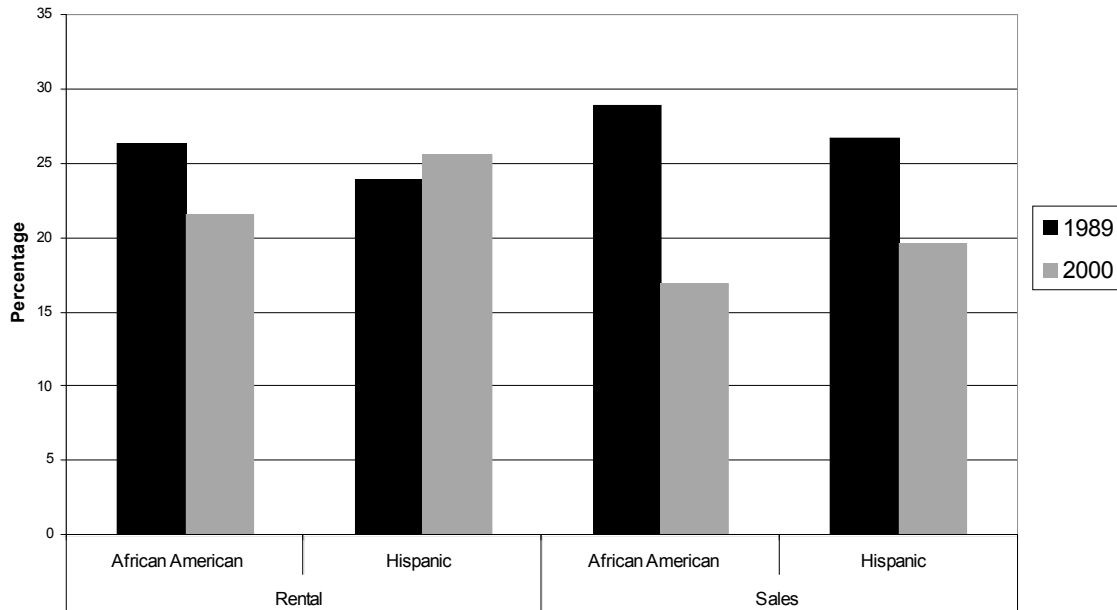
HUD's major studies of discrimination in metropolitan housing markets, initiated in 1977, use audit studies, or "paired tester" methodologies. This approach is one of the most powerful methods available for detecting discrimination in any domain. In these studies two people--one white and one minority (or an individual with a disability)--make up a pair of testers. The two individuals are matched on a variety of personal characteristics, trained to present and gather information in a consistent manner, and assigned comparable "background" information such as family circumstances, job characteristics, education levels, and housing preferences. Testers then visit random samples of real estate agencies and rental agents that advertise housing in local newspaper and other media. HUD's 2000 study of potential discrimination in rental and sales housing markets was designed as a means of measuring change relative to the agency's 1989 Housing Discrimination Study. Its findings, much like those of the 1989 study, indicate that racial and ethnic discrimination in housing markets remains significant and pervasive.

The 2000 HUD study was conducted in 23 metropolitan markets nationwide and involved 4,600 paired tests. The tests assessed experiences ranging from geographic "steering" of

testers to less-desirable communities, to differences in levels of financial assistance offered to testers posing as prospective home buyers. The study found that the incidence of discrimination against African-American and Hispanic home seekers declined slightly from 1989 to 2000, but that the likelihood of discriminatory treatment remained disturbingly high. In rental markets, whites were favored over similarly-qualified African Americans 22 percent of the time, and over Hispanics 26 percent of the time. In housing sales, whites received favorable treatment over African Americans in 17 percent of tests, representing a decline from 1989, when whites were favored in nearly 30 percent of tests. Whites were favored over Hispanics in nearly 20 percent of tests (see Figure 3-1).<sup>2</sup> In many cases, whites received more information about available housing and had more opportunities to inspect housing units.<sup>3</sup> The 2000 study also assessed discrimination faced by Asian Americans, Pacific Islanders, and American Indians, finding that these groups also faced significant discrimination at levels comparable to African Americans and Hispanics. Asian Americans, for example, received poorer treatment relative to white testers in 22 percent of tests of rental markets and in 20 percent of housing sales markets.<sup>4</sup> These discriminatory practices are serious, limit home options for minorities, and increase the costs incurred by discriminated parties in finding housing.

**Figure 3-1. Likelihood of Adverse Treatment Against African Americans and Hispanics Relative to Whites in Housing Markets, 1989 and 2000**

Source: Turner et al., 2002



### Employment

People of color, women, immigrants, and other historically marginalized groups have made significant strides in gaining access to previously all-white and all-male jobs, particularly since passage and enforcement of federal anti-discrimination laws in the

1960s and 1970s. For example, women currently make up over half of managers and professionals in the business sector, and some racial and ethnic minorities have achieved population parity in some professional occupations. But barriers to employment equality such as race- and gender-based stereotyping and discrimination persist in many sectors.

### **Labor Force Distribution**

America's workplaces are becoming increasingly diverse with respect to race, ethnicity, gender, and other aspects of employee background and status. This diversity reflects an important change in employer attitudes since the 1950s and 1960s, when white male workers were far less likely to work side-by-side with women or minorities. But many sectors of the American workforce remain significantly segregated by gender, race, and ethnicity. For example, although about three in five women seek work, women make up only 47 percent of the total labor force. Women remain concentrated in traditionally female jobs such as service sector, clerical, and administrative office positions. Nearly one in four nursing and residential care workers are African-American women, over 80 percent of office and clerical workers are women, and Hispanic women are disproportionately employed in crop production, agriculture and forestry support services, and personal and laundry service jobs.<sup>5</sup>

#### *Women and Women of Color in Management Positions*

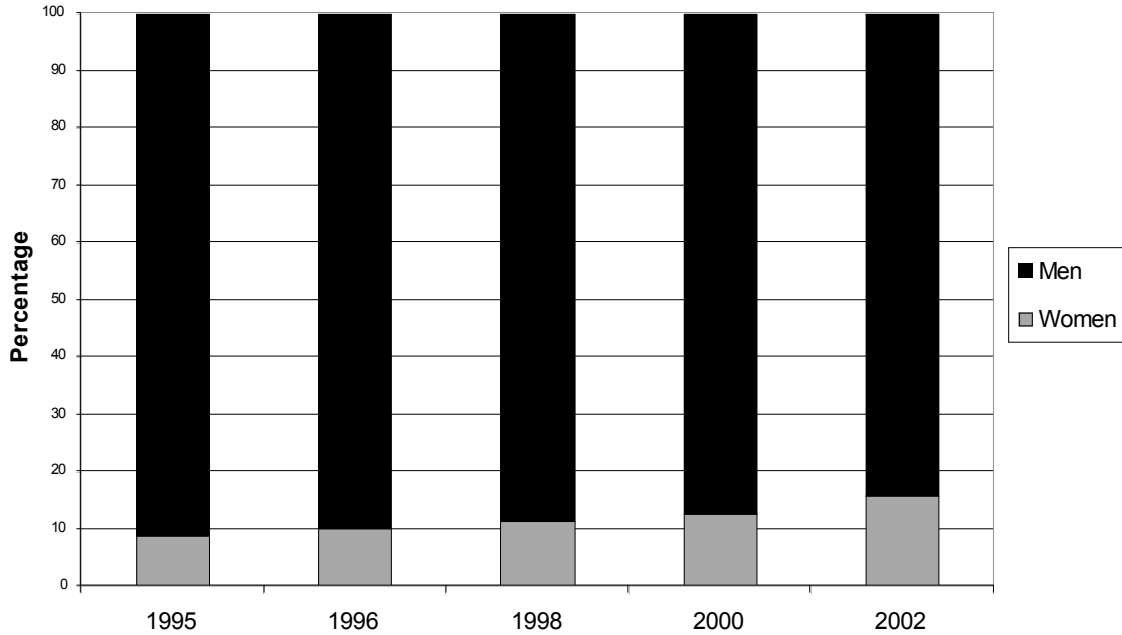
Women have made important strides in gaining access to management positions in the private sector over the last fifty years--although these gains have not been as pronounced at the highest levels of corporate leadership. Labor force data collected by the Bureau of Labor Statistics are not comparable across all time periods, but they suggest that women's gains in the corporate sector were most dramatic during the 1980s and 1990s. In 1950, for example, the percentage of women in "managerial-administrative" positions was 13.8 percent, a share that rose to 14.4 percent in 1960 and to 16.6 percent in 1970. In 1980 26 percent of workers in these positions were women. In the 1980s the Census Bureau reclassified this occupational category, which became "managerial and professional specialty." Women's share of these positions exceeded half of the workforce between 1990 and 2002, rising from 45 percent in 1990 to 51 percent in 2002. Between 2002 and 2003, the occupational category was changed again, to "management, professional, and related occupations," and again women were found to hold more than half of these positions, although the percentage of women managers declined from 50.5 percent in 2003 to 50.3 percent in 2004.<sup>6</sup>

Women's presence among top corporate officers, however, has lagged far behind their representation among business managers. In 1995, the first year that data are available on women in uppermost management positions, as a result of survey work by Catalyst, only about 9 percent of top corporate jobs were held by women. By 2002 the share of women among top corporate officers nearly doubled, to almost 16 percent, but this percentage remains far below women's total representation in the corporate sector (see Figure 3-2).<sup>7</sup> In 2002 only about 5 percent of top corporate earners were woman, although this rate is

four times higher than it was in 1995. And women comprise only 1.2 percent of Fortune 500 CEOs.<sup>8</sup>

**Figure 3-2. Percentage of Men and Women Corporate Officers, 1995-2002, Selected Years**

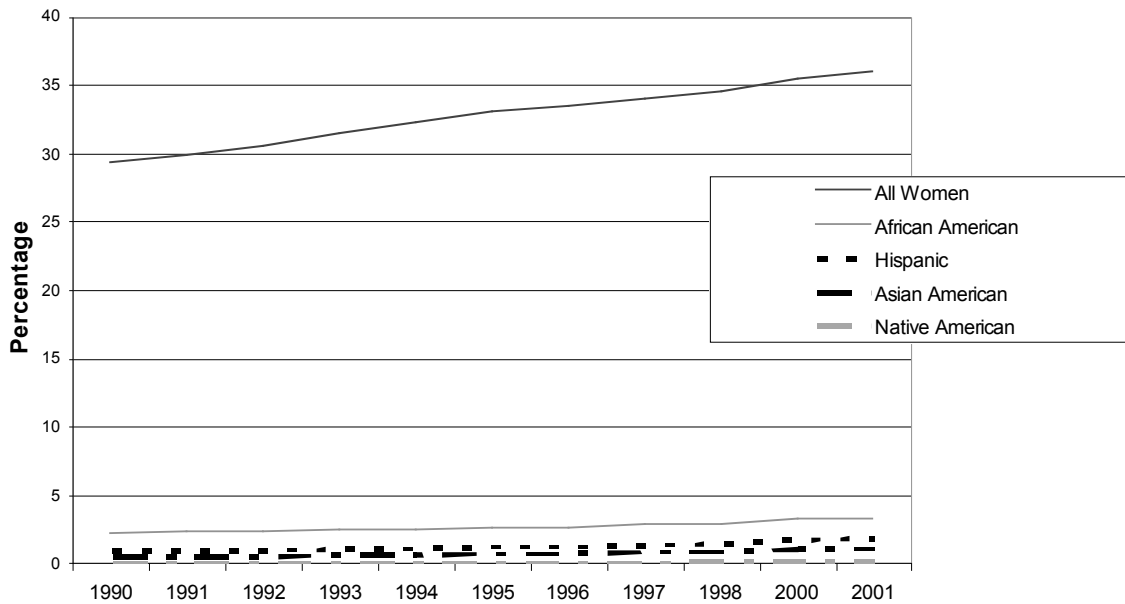
Source: Catalyst, 2005



Similarly, reports of the U.S. Equal Employment Opportunity Commission demonstrate that while the proportion of women serving as officials and managers in the private sector has increased since 1990, the proportion of women of color in these positions remains low relative to their share in the overall population. In 1990 less than three in ten officials and managers were women, and fewer than 5 percent were women of color. By 2001 the proportion of women in these private sector jobs increased to almost 36 percent, and almost 7 percent of these were women of color (see Figure 3-3).<sup>9</sup> Health care sector industries are the most likely and manufacturing industries are the least likely to employ women as managers.

**Figure 3-3. Percentage of Women and Women of Color as Officials and Managers, 1990-2001**

Sources: EEOC, 2003 and 2004



A recent study by Catalyst of corporate senior managers' beliefs about leadership styles found that both men and women endorse gender-based stereotypes that may significantly limit women's corporate advancement. Catalyst assessed whether senior managers tended to ascribe stereotypically "male" or "female" traits to leadership styles. The study found that senior managers believe that women leaders are superior to men in "caretaking" behaviors such as rewarding and supporting subordinates. On the other hand, male leaders were judged as superior to women in "taking charge" behaviors such as delegating tasks, problem-solving, making decisions, and influencing superiors. These perceptions persist despite a significant body of research demonstrating that men and women corporate leaders display more similarities than differences in organizational settings.<sup>10</sup>

### Employment Discrimination

Research demonstrates that employment discrimination against women, foreign-born individuals, and minorities remains persistent and widespread. This evidence emerges from two sources: a large body of carefully controlled experimental studies that assess how minority and foreign-born job applicants fare relative to identical non-minority and U.S.-born applicants; and research examining actual employment practices and the representation of women and minorities in specific industries, relative to their proportions among qualified employees in the labor market. Both types of studies are reviewed below.

### *Audit Studies of Employment Discrimination*

Audit studies of employment discrimination, as with audit studies of housing discrimination, find that job applicants of color are more likely than whites to face unfair and discriminatory treatment. These studies find that blatant discrimination is rare, with employers rarely stating a preference for white applicants. Rather, discriminatory treatment is often subtle and may not be consciously apparent to the employer. White applicants may be coached to improve their application, may not have to follow the same application procedures required of a non-white applicant, or may be offered a position more quickly.

A 2003 audit study of temporary employment agencies in California, for example, assessed whether African-American female job applicants would receive different treatment than white women applicants, even when provided with superior (albeit fictitious) qualifications. To conduct this study, the Discrimination Research Center (DRC) selected African-American and white auditors, matched them on a range of characteristics (physical presentation, personality, speech, education level), trained them to match presentation styles and make objective observations while seeking employment, and provided them with resumes that made them ideal candidates for the jobs for which they would be applying. To eliminate any doubt about their qualifications, African-American testers were given slightly stronger credentials such as more months of relevant job experience. The DRC tested 35 temporary agencies, always assigning the African-American tester the first contact to avoid preference for white testers based on order of arrival. Findings demonstrated that employment agencies preferred less qualified white applicants nearly three times as often as African-American applicants. In 47 percent of all tests, white testers were treated more favorably than their African-American counterparts, while in only 16 percent of tests were African Americans preferred. In 27 percent of tests the pairs were treated equally, while in 11 percent of instances the data were incomplete or inconclusive.<sup>11</sup>

Audit studies have also found that job discrimination occurs not only on the basis of race, but that employers are also influenced by applicants' criminal record. Sociologist Devah Pager, in an audit study that matched African-American and white college students posing as job seekers, trained testers, varying only whether auditors were to present a fictitious history of a criminal record. Auditors' resumes were otherwise constructed to make them highly qualified for the entry-level jobs that they were seeking. Employers with actual job openings were selected from listings in the classified ads of a local newspaper and from a state-sponsored Web site for employment listings. Testers were then randomly assigned to seek jobs at these establishments, and the rate of callbacks was assessed. In conditions where African-American and white auditors were assigned no criminal record, whites were about two and a half times more likely than their African-American counterparts to be called back (34 percent to 14 percent). In contrast, callbacks were less likely among both African-American (5 percent) and white auditors (17 percent) who presented criminal records. But even white auditors who presented criminal records were more likely to receive callbacks than African Americans *who did not present criminal records* (17 percent to 14 percent), leading Pager to conclude that

“race continues to play a dominant role in shaping employment opportunities, equal to or greater than the impact of a criminal record.”<sup>12</sup>

### *Studies of EEO Data*

Since 1966 the U.S. Equal Employment Opportunity Commission and the U.S. Department of Labor have required that private employers of 100 or more employees and government contractors employing 50 or more employees must file annual reports detailing the racial/ethnic and gender composition of their workforce. These EEO reports provide rich data about the distribution of women and minorities across a range of industries and occupations, allowing researchers to compare how specific businesses fare in the racial/ethnic and gender composition of employees compared to similar businesses in a given Metropolitan Statistical Area (MSA). Such comparisons allow researchers to identify how many businesses employ a disproportionately small number of women and minorities, relative to similar businesses in the same labor market.

In one of the most comprehensive studies of EEO data, legal scholars Alfred and Ruth Blumrosen analyzed the employment practices of all 160,000 businesses that filed EEO reports in 1999.<sup>13</sup> This analysis included data on 37 million U.S. workers in 1999, a figure that represents slightly less than half of the U.S. workforce, as it does not include establishments with fewer than 50 workers, nor those outside of U.S. MSAs (about 20 percent of business establishments).

The Blumrosens assessed the “average utilization” of women and minorities across a range of business establishments in specific MSAs, then determined the number of businesses that employed women and minorities at disproportionately low rates relative to other similar businesses in the same MSA. In this way, employment of women and minorities can be compared relative to the pool of qualified candidates performing similar work in the same types of occupational categories and industries. Businesses that employed women and minorities at 1.65 standard deviations or more below the mean for a given occupational category and industry were classified as “at risk” for discrimination, given that the statistical odds of these employers’ workforce composition occurring by chance were less than one in ten. Businesses that employed women and minorities at rates 2.0 standard deviations or more below the mean were classified as “presumed” discriminators, while those that employed women and minorities at rates 2.5 standard deviations below similar businesses in the same MSA were classified as “clearly visible” discriminators, since the probability of their employment practices resulting from chance factors was 1 in 100. Finally, businesses that employed women and men at levels 2.5 standard deviations below average over a ten-year period were classified as “hard core” discriminators.<sup>14</sup> These classifications also parallel legal standards for demonstrating the likelihood of discrimination through statistical evidence.

This analysis revealed some positive developments: Over 60 percent of establishments did not visibly discriminate against minorities, and over 70 percent did not discriminate against women. Since 1975 women workers increased by 3.8 million and minority workers by 4.6 million *over and above* their rates of participation in the workforce in

1975. And minorities and women made gains in managerial, professional, technical, and sales jobs.

Despite these gains, however, women and minorities continued to face widespread employment discrimination in 1999, according to the report. Over 75,000 establishments--more than one-third of the businesses studied--employed minorities at rates 1.65 standard deviations below similar business in the same MSA. This discrimination affected more than 1.3 million qualified minority workers. Similarly, nearly three in ten businesses studied employed a disproportionately low share of women in the same types of jobs as similar businesses in the same MSA, affecting more than 950,000 women. Overall, minorities were found to face a 30 percent chance of discrimination across all occupational categories, while women faced a 23 percent chance of discrimination.

Several industries were disproportionately more likely to discriminate against women and minorities. About 44 percent of health service establishments were found to discriminate against minority workers. Eating and drinking establishments, as well as general merchandise and food stores, were also disproportionate discriminators against minorities. About four in ten of these businesses were found to have disproportionately low minority representation among their employees. These same types of establishments also tended to discriminate at higher rates against women workers. In addition, nearly half of trucking and warehousing businesses and industrial machinery and equipment business were found to discriminate against women.

“Hard core” discriminating businesses were also more likely to account for discriminatory practices against women and minorities. Over 22,000 “hard core” establishments affected 433,000 minority workers, and over 13,000 hard core discriminatory establishments affected 241,000 women workers, accounting for half of the total discrimination that these groups faced in 1999.

#### *Discrimination Complaints Filed with the Federal Equal Employment Opportunity Commission*

In one of the few studies to assess trends in discrimination complaints over time, the National Partnership for Women and Families found that discrimination complaints filed with the EEOC in several gender- and sex-discrimination categories increased between 1992 and 2003.<sup>15</sup> The number of complaints filed is not necessarily indicative of the scope of discrimination in the workplace, because of data inadequacies, underreporting of complaints due to fear or lack of knowledge about how to file, and bureaucratic barriers to filing. But the consistently high number of complaints indicates that gender, race, and nationality discrimination continue to require scrutiny.

*Sex Discrimination.* The total number of sex discrimination charges--nearly 25,000 in 2003--increased by 12 percent from 1992. Over the last decade, sex discrimination complaints have constituted about three in ten discrimination charges, the second largest category of discrimination claims. Some groups filed complaints in dramatically

increasing numbers. The number of sex discrimination complaints filed by Hispanic women, for example, increased by 68 percent, and the number of complaints filed by Asian-American and Pacific Islander women increased by 83 percent.

*Sexual Harassment.* Between 1992 and 2003, the number of sexual harassment complaints increased by 29 percent, to 13,000 complaints. Increasing shares of these charges are brought by women of color. The number of complaints filed by Hispanic, Asian/Pacific Islander, and American Indian or Alaska Native women more than doubled, while the number of complaints filed by African-American women rose by 42 percent, to nearly 1,300 charges in 2003.

*Race Discrimination.* In 2003 race discrimination complaints made up over one-third of all EEOC filings, more than any other type of discrimination complaint. Even so, the number of race discrimination complaints filed in 2003 relative to 1992 declined, largely due to a decline in the number of charges filed by African Americans. During the same period, however, the number of race discrimination complaints filed by other racial and ethnic minorities increased, sometimes dramatically. The number of complaints filed by Hispanic women, for example, increased by 183 percent, and the number filed by Asian/Pacific Islander women increased by 77 percent. Among men, charges filed by Hispanics increased by 181 percent, and the number filed by American Indians or Alaska Natives increased by 151 percent. These dramatic changes reflect a range of influences, including changes in awareness of discrimination law, increasing diversity of the workforce, and the relatively smaller numbers of complaints filed by groups other than African Americans.

*National Origin Discrimination.* Between 1992 and 2003, nearly 8,500 complaints were filed with the EEOC on the basis of national origin discrimination. The number of national origin discrimination complaints filed with the EEOC by women increased 29 percent during this period.

### **Wage Inequality**

Wages have grown at strikingly unequal rates for different income groups over the last twenty-five years. Accompanied by differences in the rate of growth of household wealth by wealth classes, this trend has stretched the class divide to unprecedented levels. Wages and salaries are the largest factor in income inequality trends, as wages make up three-fourths of total household income.<sup>16</sup> Despite the fact that the proportion of workers earning poverty-level wages has declined, average wages for different income groups have become more unequal in recent years. Between 1979 and 2003, wages for the top 5 percent of wage earners grew by 31 percent, while wages for workers in the bottom tenth remained stagnant, declining by 0.9 percent. Almost all other income groups experienced wage gains, but the largest gains were at the highest end. The top 10 percent of wage earners, for example, saw their income grow by 27 percent in 2003 dollars, while those in the bottom 20 percent and 40 percent saw their income grow by only 7 percent and 7.2 percent, respectively.<sup>17</sup>

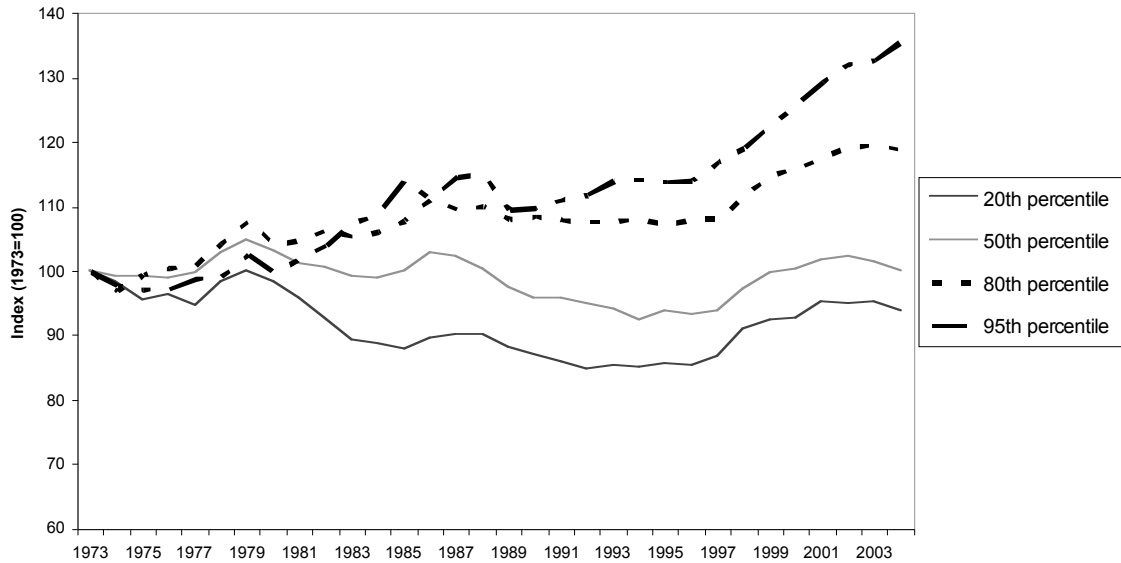
During this period, however, wages have not always grown unequally. Between 1973 and 1979, wage growth was largely stagnant for most income groups, but grew most among the lowest 10 percent of wage earners, at 6 percent. In the 1980s, however, wage inequality began to grow, as the lowest income groups experienced declines of 6 percent among the bottom quintile of wage earners and 14 percent among the bottom ten percent of wage earners. Only between 1995 and 2000 did all wage groups realize significant and relatively equivalent increases in wage growth. All income deciles experienced wage growth of at least 7 percent, with the highest growth (11 percent) occurring among both the top and bottom tenth of wage earners.<sup>18</sup>

**Wage Growth Among Male Workers**

Wage inequality has increased among men since 1973. The top 5 percent of male wage earners saw a 36 percent gain in real wages, while the top 20 percent of wage earners saw an 19 percent gain in real wages. At the same time, those in the bottom quintile of wage earners saw a decline of 6 percent in real wages. Wage inequality among men increased sharply in the 1980s. Wages for the bottom tenth of men declined by 11 percent between 1979 and 1989, while wages for the top 5 percent of income earners increased by 7 percent. In the 1990s, however, inequality declined slightly as wages for all male income groups grew, although the largest growth was observed at both extremes of income. These trends were driven largely by across-the-board wage growth experienced by all income groups between 1995 and 2000, when wages for men grew by at least 6 percent, and as much as 11 percent, for all income quintiles (see Figure 3-4).<sup>19</sup>

**Figure 3-4. Change in Real Hourly Wages for Men by Wage Percentile, 1973-2004**

Source: Economic Policy Institute, 2005

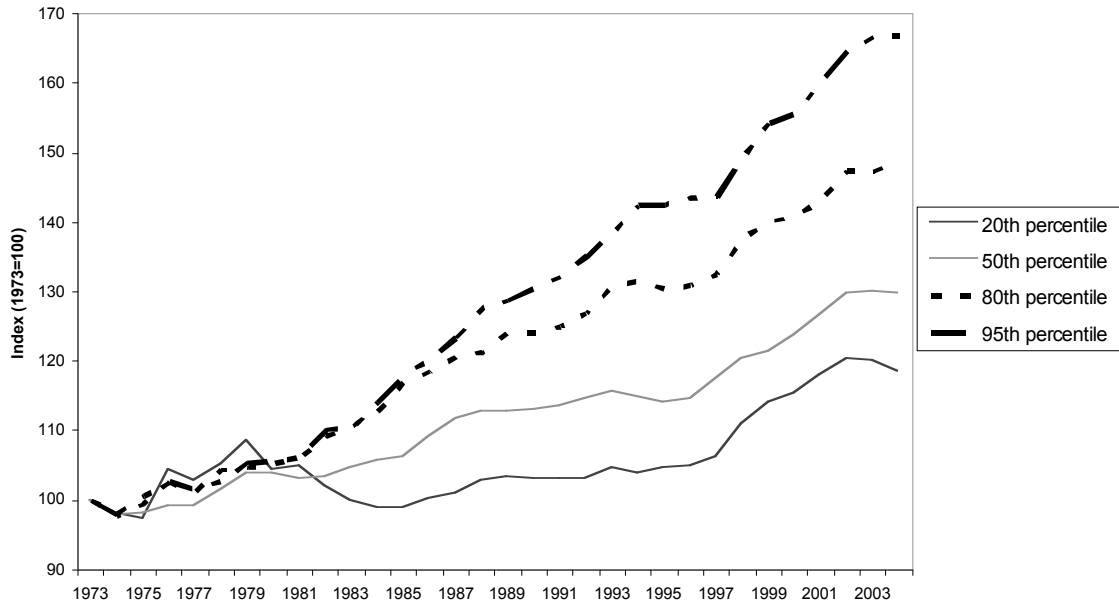


## Wage Growth Among Female Workers

Women have made significant gains in earned wages since 1973. However, as is the case with men, the distribution of wages among female workers has become more unequal. The top 5 percent of women wage earners make 67 percent more today than they did three decades ago. Those at the 80<sup>th</sup> percentile make 49 percent more today than they did in 1973, while women wage earners in the 20<sup>th</sup> percentile earn 19 percent more in adjusted dollars than they did in 1973. Wage growth inequality among women grew at the sharpest rates between 1979 and 1989, when wages fell for women in the bottom tenth by 16 percent, while increasing among the top tenth and top five percent of wage earners by 20 percent and 22 percent, respectively (see Figure 3-5).<sup>20</sup>

**Figure 3-5. Change in Real Hourly Wages for Women by Wage Percentile, 1973-2004**

Source: Economic Policy Institute, 2005



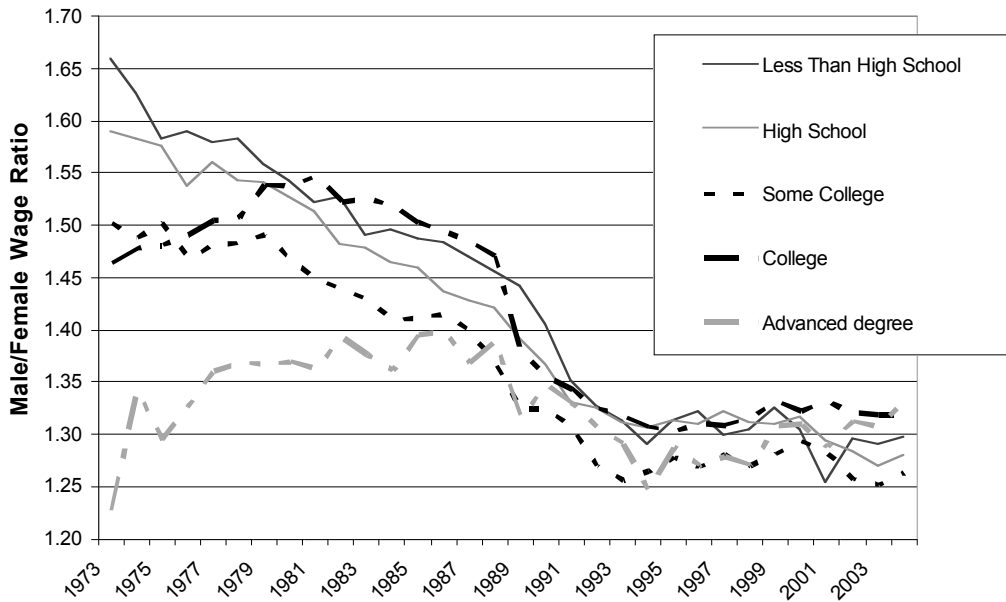
## The Gender Gap in Wages

The increase in women's real wages helped to reduce the gender gap in wages between 1973 and 2004. In 1973 the ratio of the average female wage to the average male wage was 63 percent. Three decades later the gender wage gap closed by 18 percent, when average wages for women were 81 percent of the average wage for men. This gap was reduced among all wage earners at almost all education levels. The gender wage disparity was reduced most dramatically among men and women with less than a high school degree, as this gap closed almost 40 percent between 1973 and 2004 (see Figure 3-6).<sup>21</sup> But the gender gap in wages *increased* between 1973 and 2004 among those with an advanced degree. The wage gap among men and women with an advanced degree grew 10 percent between 1973--when women at this educational level could *least* expect

to see a disparity between their wages and that of men--and 2004, when the gender gap was largest among men and women at this educational level.<sup>22</sup>

**Figure 3-6. Ratio of Real Wages of Men to Women by Education Level, 1973-2004**

Source: Economic Policy Institute, 2005

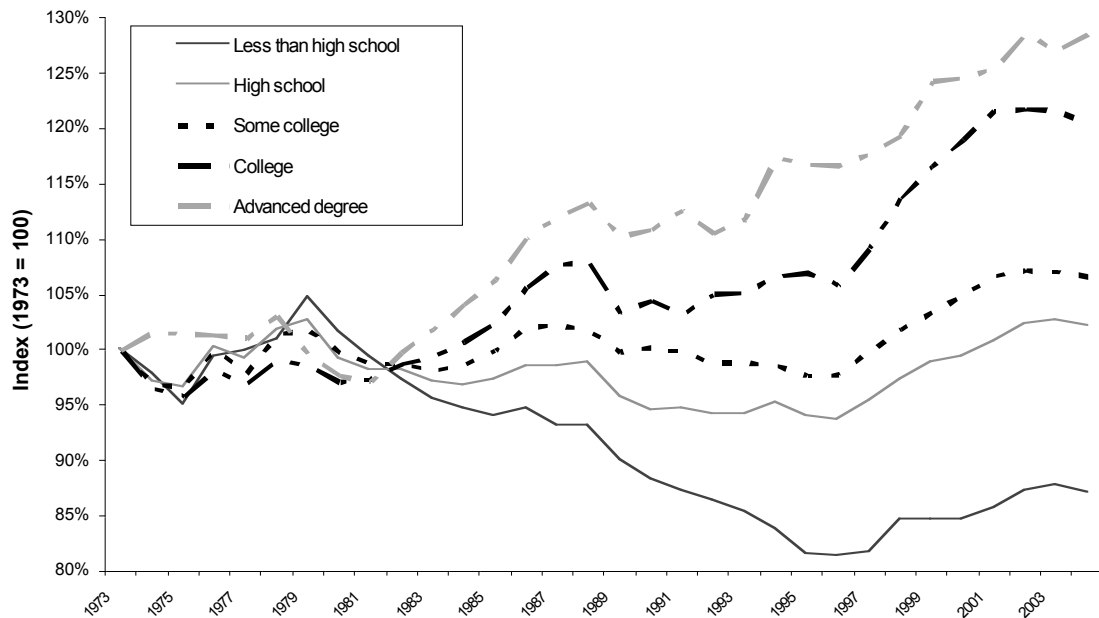


### Wage Growth by Education Level

Real hourly wages became more unevenly distributed across education levels over the last thirty years, as wages rose for those with higher education levels, remained stagnant among those with a high school degree or some college, and declined among those with less than a high school degree. The trend toward increasing levels of wage inequality by education level, however, is fairly recent. In the late 1970s, wages among those with less than a high school degree rose most sharply among all education levels before markedly declining in the early 1980s. By 1983 wage growth was relatively even across all education levels, before widening sharply by 1985. That year, those with college and advanced degrees began to realize steeper wage increases, while those with high school degrees or less saw stagnant or declining wages. Wage growth at all educational levels stalled or fell by the early 1990s, before becoming rapidly unequal again by the late-1990s. During that era's economic expansion, wages fell or stagnated for those with lower education levels, and increased rapidly for those with college or advanced degrees (see Figure 3-7).<sup>23</sup>

**Figure 3-7. Change in Real Hourly Wage by Education, Indexed to 1973**

Source: Economic Policy Institute, 2005



### Criminal Justice

Criminal justice inequality, in both enforcement and prosecution of law, has declined significantly since the days of state-sanctioned Jim Crow discrimination and police brutality. Despite the initial progress toward equality following the civil rights movement of the 1950s and 1960s, evidence of unequal treatment in the criminal justice system on the basis of race, ethnicity, immigration status, and gender is persistent and, in some cases, growing.

Researchers and policy analysts have only recently had the benefit of better quality, more consistent federal, state, and local law enforcement data. Trend data like the kind we present in other chapters, are therefore lacking in most areas of research on criminal justice inequality. The accumulated data, however, support the conclusion of the Leadership Conference on Civil Rights Education Fund, in *Justice on Trial*:

[I]n one critical area—criminal justice—racial inequality is growing, not receding. Our criminal laws, while facially neutral, are enforced in a manner that is massively and pervasively biased. The injustices of the criminal justice system threaten to render irrelevant fifty years of hard-fought civil rights progress.<sup>24</sup>

### Racial Profiling

Racial profiling--law enforcement practices that target minorities, immigrants, or other groups as “suspicious” on the basis of group membership--is hardly a new phenomenon.

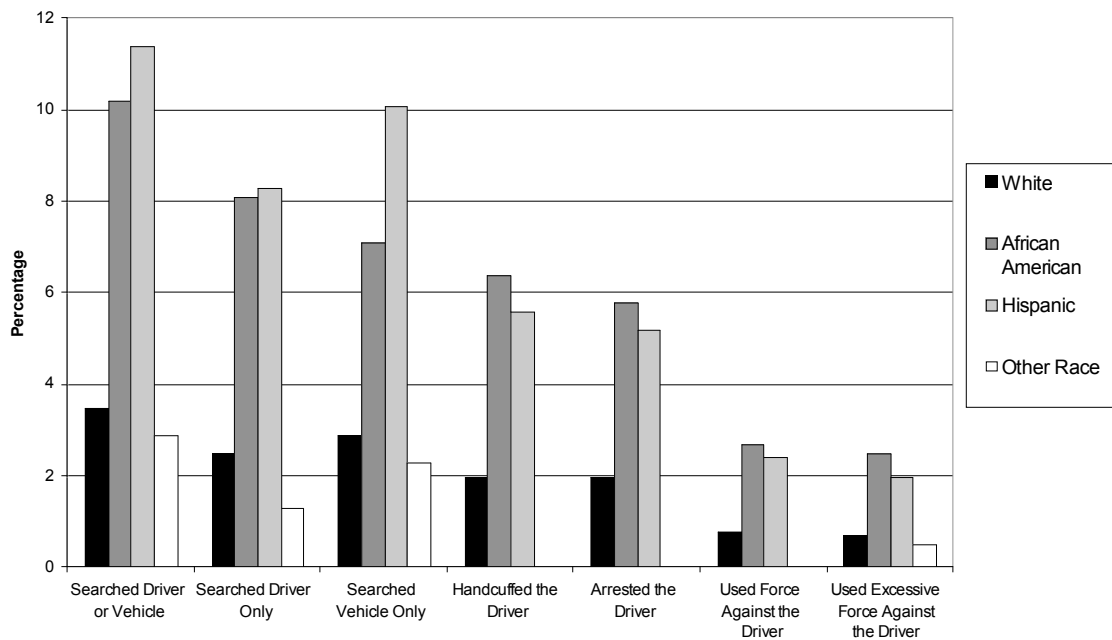
But despite admonishments from political, civic, and religious leaders to abandon the practice, including from the last two U.S. presidents, recent developments suggest that the practice is expanding. In addition to targeting of African Americans and Hispanics in past decades, law enforcement has selectively focused attention on young Arabs, Arab Americans, Muslims, Sikhs, and South Asians in the wake of the September 11, 2001 terrorist attacks.<sup>25</sup>

*Racial Profiling of Travelers and Motorists.* Evidence suggests that “traditional” profiling of racial and ethnic minority motorists and travelers persists. For example, data from the Los Angeles Police Department reveal that from July to November 2002, African-American drivers were more than three times more likely than whites to be asked to step out of their cars, and African-American and Hispanic drivers were more likely than whites to be patted down and subjected to a body search. In Volusia County, Florida, nearly 70 percent of drivers stopped on an interstate highway in 1992 were African American or Hispanic, despite the fact that these minority groups constituted only 5 percent of drivers on the highway. And in Maryland, monitoring of traffic stops mandated by a court consent decree found that stops and searches by state police overwhelmingly involved African-American drivers (70 percent), despite the fact that only 17.5 percent of drivers, and those found to be speeding, were African American.<sup>26</sup> And a 2000 U.S. General Accounting Office report of practices by the U.S. Customs Service found that African-American women were nine times more likely than white women to be x-rayed following a frisk or pat down--despite the fact that they were half as likely as whites to be found carrying contraband.<sup>27</sup> Taken together, these findings indicate a pattern of targeting certain groups far out of proportion of any evidence of criminal activity.

Race is also a factor in the intrusiveness of police encounters. In 2002 police stopped 16.8 million drivers, almost 9 percent of all U.S. drivers. While the likelihood of being stopped by police did not differ significantly among white, African-American, and Hispanic drivers, African Americans and Hispanics were 2.5 and 3 times more likely than whites, respectively, to be searched during the stop. Over 1 in 10 African-American and Hispanic drivers were searched during traffic stops, compared to fewer than 1 in 25 whites. African-American and Latino drivers were also almost 3.5 and 2.5 times more likely than whites, respectively, to experience police threat or use of force during the contact. While whites were about as likely as African Americans to be ticketed (56.5 percent and 58.4 percent, respectively), Hispanic drivers were significantly more likely to receive a ticket (71.5 percent). Moreover, African Americans and Hispanics were more likely than whites to be arrested after a traffic stop (see Figure 3-8).<sup>28</sup>

**Figure 3-8. Police Actions During Traffic Stops by Race and Ethnicity, 2002**

Source: Bureau of Justice Statistics, 2005

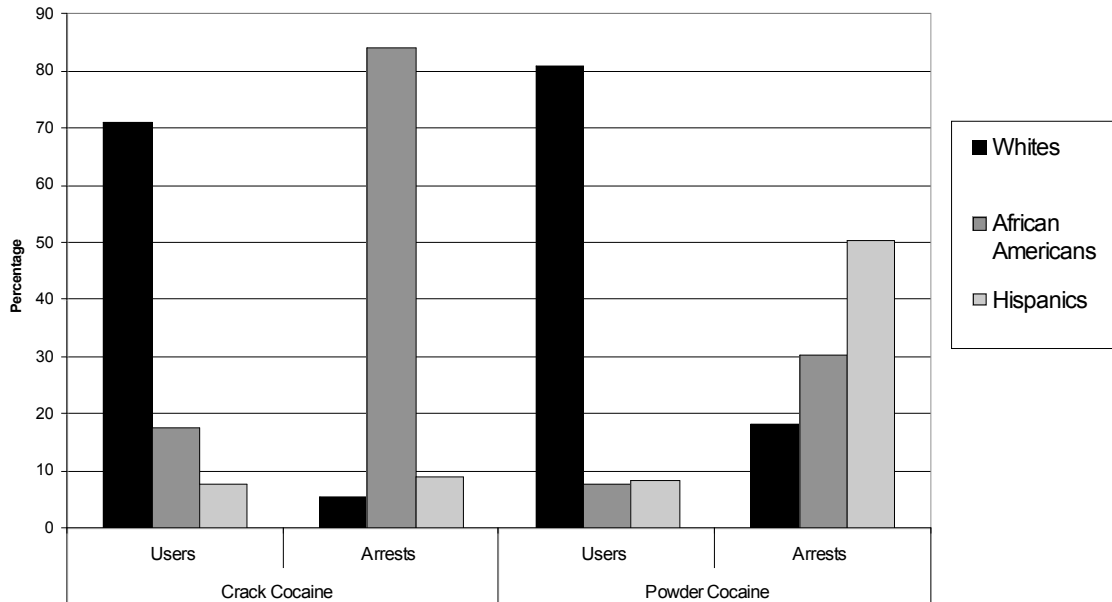


*Racial Profiling and Immigration Enforcement.* The Immigration and Nationality Act of 1965 was aimed at abolishing discrimination in immigration policy and practice. But some groups still face barriers to equal treatment in immigration enforcement. A study by the National Council of La Raza found that immigration officials and local law enforcement disproportionately target people who “appear Hispanic” for interrogation, detention, or arrest on suspicion of violating immigration laws, including many who are American citizens or legal permanent residents. In the late 1990s, almost three-fourths of those deported by the Immigration and Naturalization Service were of Mexican origin, even though Mexicans constituted less than half of all undocumented persons in the United States. And Amnesty International has documented a dramatic rise in the rate of law enforcement stops and interrogation of Arab Americans, South Asian Americans, and Muslim and Sikh Americans since September 11.<sup>29</sup>

*Racial Profiling of Drug Offenses.* The rise of the crack cocaine epidemic in the 1980s led many jurisdictions to dramatically increase criminal sentencing and law enforcement efforts to combat its trade. Penalties for distribution of crack cocaine are now far higher than for distribution of larger amounts of powder cocaine, and law enforcement has disproportionately targeted African-American and other minority communities in the effort to halt crack cocaine’s distribution. But national surveys of drug use and statistics on arrests for drug possession and distribution reveal that targeting minority communities misses the mark. In 2000, for example, the National Household Survey on Drug Abuse found that 71 percent of crack cocaine users were white, while only 18 percent of those who used crack were African American, and just 8 percent were Hispanic. Yet 84 percent of those arrested for possession of crack were African Americans, while fewer

than 6 percent of those arrested for possession were white. In contrast, although 81 percent of users of powder cocaine are white, 30 percent of those arrested for possession in 2000 were African American, and half were Hispanic (see Figure 3-9).<sup>30</sup>

**Figure 3-9. Drug Use vs. Drug Arrests, Crack Cocaine and Powder Cocaine, by Race and Ethnicity, 2000**  
Source: Amnesty International, 2004



### Prosecutorial Discretion and Sentencing

Criminal prosecutors enjoy a great deal of discretion in decisions to bring charges against defendants in plea negotiations and in sentencing. For example, the decision to bring charges in state versus federal court can have profound implications for defendants, who often face stiffer prison sentences if convicted in federal court. This is especially true in drug offenses.

Evidence showed that--whether intentionally or due to subconscious stereotypes and bias--prosecutors often exercise their discretion in ways that discriminate based on race, ethnicity, or gender. For example, after 1986, when Congress enacted mandatory minimum penalties for crack cocaine distribution offenses, federal prosecutors rarely handled cases of white defendants. A 1992 U.S. Sentencing Commission report, for instance, found that *only* minorities were prosecuted in half of the federal judicial districts that handled crack offense cases. Only a handful of whites were prosecuted for these offenses in other federal districts, while hundreds of African Americans and Hispanics were prosecuted.<sup>31</sup> Between 1992 and 1994, over 95 percent of all federal crack prosecutions were of non-whites. As noted above, however, whites are the largest share of crack cocaine users, and at least one federal study concludes that users are more likely to purchase drugs from dealers of the same race or ethnicity.<sup>32</sup>

Many studies also show racial and ethnic inequality in sentencing. Mandatory minimum sentencing policies adopted in many jurisdictions have exacerbated racial and ethnic inequality in rates of incarceration, while doing little to deter crime.<sup>33</sup> In California, for example, the state's three strikes law resulted in the incarceration of over four times as many offenders as any of the other twenty-one states that have adopted such laws. Over two-thirds of those convicted of a second or third offense were incarcerated for non-violent crimes, and African Americans and Latinos were disproportionately more likely to be imprisoned under the three strikes law. African Americans, for example, make up 6.5 percent of the California population and nearly 30 percent of the state's prison population, but they represent 36 percent of second strikers and 45 percent of third strikers.<sup>34</sup>

While some studies of racial disparities in death penalty application find that the race of the defendant alone does not predict a death penalty sentence, significant disparities in application of the death penalty emerge when the race of the defendant is considered in combination with the race of the victim. Since 1976 African Americans have been murdered at rates seven to eight times higher than whites, resulting in a roughly equivalent number of African-American and white murder victims. But 80 percent of the more than 840 people put to death since 1976 have been convicted of the murder of whites. And a 1990 General Accounting Office review of death penalty studies found that eight in ten studies were consistent in their findings: When African Americans murder whites, death penalty convictions are several times more likely than when the murder victim is a person of color, regardless of who committed the murder.<sup>35</sup>

### **Gender Inequality in Criminal Justice**

As will be noted in the chapter on *Redemption*, in recent years rates of incarceration of women have risen more sharply than those of men. Since 1980 the number of women in state and federal prisons and local jails has increased by more than 800 percent. Today the total number of women involved in the criminal justice system--in prison, on probation, or on parole--exceeds one million. Much of this increase relates to drug-related offenses. Between 1986 and 1999 the number of women incarcerated in state prisons for drug offenses grew by almost 900 percent, far exceeding the increase in imprisonment of male drug offenders during the same period. Women of color have been affected most by the sharp rise in imprisonment of female drug offenders, even though rates of drug use among women of color are equal to or lower than rates among white women. In 1997 about 44 percent of Hispanic and 39 percent of African-American women in state prisons were convicted of a drug offense.<sup>36</sup>

Moreover, in an increasing number of instances, much longer sentences are imposed on people with remote or passive connections to drug use or transaction, with a disproportionately harsh effect on women. As detailed in a report produced by the American Civil Liberties Union, Break the Chains, and The Brennan Center for Justice:

Even when they have minimal or no involvement whatsoever in the drug trade, women are increasingly caught in the ever-widening net cast by current drug laws through provisions such as conspiracy, accomplice liability and constructive possession, that expand criminal liability to reach partners, relatives, and bystanders. Sentencing laws fail to consider the many reasons—including domestic violence, economic dependence, or dependent immigration status—that may compel women to remain silent or not to report a partner or family member’s drug activity to authorities. Moreover, existing sentencing policies, particularly mandatory minimum laws, often subject women to the same, or in some cases, harsher sentences than the principals in the drug trade who are ostensibly the target of those policies.<sup>37</sup>

### **Racial Disparities in Juvenile Justice**

A 1999 report by the Department of Justice’s Office of Juvenile Justice and Delinquency Prevention found that there is “substantial evidence of widespread disparity in juvenile case processing.”<sup>38</sup> For example, while minority youth are more likely than whites to be involved in the juvenile justice system, they are also more likely to be placed in public secure facilities, while white youth are more likely to be placed in private facilities or diverted from the juvenile system altogether. And the defendant’s race or ethnicity plays a significant role at many stages of processing in the juvenile justice system, but appears to be particularly salient at intake and detention decision points. When these disparities occur they tend to accumulate as youth are processed, exacerbating racial and ethnic differences.<sup>39</sup>

More recently, a report by Building Blocks for Youth found that:

- Minority juvenile defendants are more likely than white juveniles to be waived to adult courts; African-American youth are almost 25 percent more likely than whites to have their cases waived to adult courts, even when charged with the same offenses;
- African-American youth are more likely than whites to receive a disposition of out-of-home placement such as commitment to a locked facility, while white youth are more likely to be placed on probation for the same types of offenses;
- Controlling for type of offense and prior admissions, incarceration rates for state public facilities were higher for African-American and Hispanic youth than for whites.<sup>40</sup>

Taken together, these studies show that significant barriers to equal opportunity remain in the criminal justice system, as in other aspects of society. Moreover, as detailed in the chapter on *Redemption*, the consequences of involvement in the criminal justice system are increasingly severe, including the denial of voting rights, public services, and education.

## **How Can the Nation Protect and Expand Equality?**

### **The Glass Ceiling**

Catalyst's reports on women in corporate leadership positions show that hiring more women executives or instituting more "diversity" or sensitivity training programs are not enough to counter persistent gender-based stereotypes that undermine women's corporate advancement. In fact, many of the corporate leaders who hold some of the strongest gender-based stereotypes about women's leadership are more likely to work side-by-side with women than those who work in more male-dominated corporate settings. Catalyst recommends four steps to combat the influence of stereotyping:

- Make the performance evaluation process more rigorous and transparent;
- Implement checks and balances such as mechanisms to more objectively assess personnel decisions to counter the effects of individuals' implicit biases and stereotypes;
- Educate corporate leaders and managers about the powerful and insidious effects of stereotyping; and
- Highlight the accomplishments of women leaders, to actively challenge gender biases.<sup>41</sup>

In addition, individual employers should assess their own hiring and advancement practices with respect to racial, ethnic, and gender diversity by using statistical models and analytic tools to compare their workforce diversity to the pool of potential job candidates in a region, and by reviewing personnel practices and procedures to ensure that they embrace objective criteria.<sup>42</sup>

### **Employment and Housing Discrimination**

The United States has made great strides in reducing barriers to housing and employment faced by historically disadvantaged groups. Yet discrimination in these sectors persists, often in subtle forms. Current methods of detecting and enforcing civil rights laws must be supplemented with strategies such as more routine use of matched pairs of testers that proactively assess discrimination. In addition, better and more consistent data collection and analysis of potential discriminatory patterns are needed to understand how discrimination can persist, particularly in employment, in ways that employers may not be aware of. Blumrosen and Blumrosen offer the observation that individual employers and potential employees rarely "see" discrimination at the interpersonal level, particularly when employers don't have a conscious desire to subordinate women and minorities. Rather, discriminatory practices are only visible when data are collected and aggregated across a series of employment decisions. "The discriminatory character of [employers'] judgments may become visible only when a pattern of similar activity is observed--often when employers are compared to similar establishments," they write. "When the comparison yields a significant disparity, the Supreme Court has concluded that there is 'substantial reason, based upon the statistical manifestations of the net effects of the

employer's practices, to believe that the employer has violated Title VII [of the Civil Rights Act] on a continuing basis.'" <sup>43</sup>

## **Criminal Justice**

*Juvenile Justice.* Juvenile justice systems around the country are facing rapid transformation, as the demographic mix of the nation's youth shifts significantly and larger shares of minority youth are involved in the juvenile justice system. In the late 1990s the Justice Department's Office of Juvenile Justice and Delinquency Prevention selected five states to pilot initiatives to assess the disproportionate involvement of minorities in youth courts, and to improve how the juvenile justice system responds to the needs of communities of color. Some of the best practices from these programs included efforts to address racial and ethnic bias within the system, such as data collection to track how minority youth are treated more harshly in the juvenile justice system (e.g., through higher rates of minority confinement), and strategies to improve diversion options for low-income and minority youth (e.g., through programs to encourage extended family placement). Other strategies include developing programs to reduce barriers to parental and family advocacy, such as providing information and assistance to families to help them understand and better navigate the juvenile justice system. <sup>44</sup>

*Gender Inequality.* Women are poorly and inequitably served by the criminal justice system. As noted above, many women who are unwittingly or involuntarily co-conspirators with drug-dealing male partners are treated as harshly as and sometimes more harshly than their partners. Sentencing policies should take into account women's level of culpability and control when their partners commit drug crimes. Mothers who are sent to prison suffer twice the price for their offenses when their parental rights are removed. Criminal justice policies should attempt to preserve families despite incarceration, so that families can serve as an important source of support for rehabilitation and reentry into the community. Moreover, harsh penalties for drug violations have vastly expanded the role of the criminal justice system in addressing substance abuse, which is fundamentally a public health problem. Yet the criminal justice system is poorly equipped to address the needs of women who face substance abuse problems. And it is not at all prepared to correct the conditions--such as mental illness, poor economic and social supports, abuse and trauma, and coercive relationships--that lead many women to abuse drugs. Substance abuse treatment and prevention programs must be made more widely available to those who need them, and treatment programs must address the needs of women with children by allowing mothers to care for their children while in treatment. <sup>45</sup>

*Racial Profiling.* Racial profiling, whether based on race, ethnicity, nationality, or gender, or some combination, is based on stereotypes about the likelihood that members of these groups are involved in criminal activity. But group stereotypes are an inappropriate and inaccurate foundation on which to base law enforcement practice. Frequently such practices violate the civil rights of those unfairly targeted, and alienate communities that might otherwise serve as allies to law enforcement. <sup>46</sup> The Leadership Conference on Civil Rights, Amnesty International, and other organizations concerned

about racial profiling have offered several recommendations to curb the practice, including:

- Encouraging all federal, state, and local law enforcement agencies to expressly ban racial profiling, to establish complaint procedures for individuals who claim that they are the target of unfair profiling, to collect data on all traffic and pedestrian stops to determine if a pattern of profiling exists, and to adopt disciplinary procedures against officers who violate the profiling ban;
- Establishing legal mechanisms to enforce bans on profiling, including by private citizens;
- Developing public education campaigns to debunk myths about profiling and explain its flaws as a law enforcement tool; and
- Establishing nationwide standards for the accreditation of law enforcement agencies, including standards to eliminate profiling.<sup>47</sup>

More broadly, there is a need for both vigorous enforcement of existing anti-discrimination protection and a new generation of human rights laws that address evolving forms of bias and exclusion. This includes:

- Increasing the staffing and resources that federal, state, and local agencies devote to enforcing anti-discrimination laws in voting, employment, housing, education, lending, criminal justice and other spheres. This includes using data more effectively to better detect potential bias, for instance, by comparing companies' workforce diversity with the composition of an area's qualified workforce.
- Assisting employers and other institutions committed to providing a fair and diverse environment, for example, by promoting model performance evaluation practices, greater cultural fluency, and other tools to counter bias and exclusion.
- Crafting new human rights laws that complement existing civil rights protections by addressing subconscious and institutional biases more effectively, protecting economic and social rights like the right to education, and correcting exclusion based on socioeconomic status and other characteristics not fully covered by current laws.

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<sup>1</sup> *Universal Declaration of Human Rights*, [www.un.org/Overview/rights.html](http://www.un.org/Overview/rights.html) (4 November 2005).

<sup>2</sup> M. Turner et al., *Discrimination in Metropolitan Housing Markets: National Results from Phase 1 of HDS 2000* (Washington, D.C.: U.S. Department of Housing and Urban Development, 2002).

<sup>3</sup> *Ibid.*

<sup>4</sup> M. Turner and S. Ross, *Discrimination in Metropolitan Housing Markets: Phase 2—Asians and Pacific Islanders* (Washington, D.C.: U.S. Department of Housing and Urban Development, 2003).

<sup>5</sup> U.S. Equal Employment Opportunity Commission, *Women of Color: Their Employment in the Private Sector*, July 2003, [www.eeoc.gov](http://www.eeoc.gov) (21 September 2005).

<sup>6</sup> Catalyst, "Quick Takes: Women in U.S. Management, 1950-Present," [www.catalyst.org](http://www.catalyst.org) (24 September 2005).

<sup>7</sup> Catalyst, *2002 Catalyst Census of Women Corporate Officers and Top Earners in the Fortune 500*, 2004, [www.catalyst.org](http://www.catalyst.org) (25 September 2005).

<sup>8</sup> *Ibid.*

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<sup>9</sup> U.S. Equal Employment Opportunity Commission, *Glass Ceilings: The Status of Women as Officials and Managers*, March 2004, [www.eeoc.gov](http://www.eeoc.gov) (14 October 2005).

<sup>10</sup> Catalyst, *Women "Take Care," Men "Take Charge": Stereotyping of U.S. Business Leaders Exposed*, [www.catalyst.org](http://www.catalyst.org) (23 September 2005).

<sup>11</sup> J. Bussey and J. Trasvina, "Racial Preferences: The Treatment of White and African American Job Applicants by Temporary Employment Agencies in California," December 2003, [www.impactfund.org](http://www.impactfund.org) (13 August 2005).

<sup>12</sup> D. Pager, "The Mark of a Criminal Record," *American Journal of Sociology* Vol.108, no.5(2003): 937-975.

<sup>13</sup> A.W. Blumrosen and R.G. Blumrosen, *The Reality of Intentional Job Discrimination in Metropolitan America-1999*, June 2002, [www.eeo1.com](http://www.eeo1.com) (23 June 2004).

<sup>14</sup> Statistical evidence that businesses employ women or minorities at levels 2.0 standard deviations or more below average utilization in an MSA creates the presumption of discrimination; the employer must prove it had only legitimate non-discriminatory reasons for employing women and minorities at such low levels.

<sup>15</sup> National Partnership for Women and Families, *Women at Work: Looking Behind the Numbers, 40 Years After the Civil Rights Act of 1964*, July 2004, [www.nationalpartnership.org](http://www.nationalpartnership.org) (22 October 2005).

<sup>16</sup> L. Mishel, J. Bernstein, and S. Allegretto, *The State of Working America 2004/5* (Ithaca, N.Y.: ILR Press, 2005).

<sup>17</sup> Economic Policy Institute analysis of U.S. Census Bureau data, 2005.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Leadership Conference on Civil Rights (LCCR), *Justice on Trial: Racial Disparities in the American Criminal Justice System*, [www.lccr.org](http://www.lccr.org) (26 October 2005).

<sup>25</sup> Leadership Conference on Civil Rights Education Fund, *Wrong Then, Wrong Now: Racial Profiling Before and After September 11, 2001*, [www.lccr.org](http://www.lccr.org) (30 September 2005).

<sup>26</sup> LCCR, n.d.

<sup>27</sup> U.S. General Accounting Office, *Better Targeting of Passengers for Personal Searches Could Produce Better Results* (Washington, D.C.: U.S. General Accounting Office, 2000).

<sup>28</sup> Bureau of Justice Statistics, *Contacts Between Police and the Public: Findings from the 2002 National Survey* (Washington, D.C.: U.S. Department of Justice, April 2005).

<sup>29</sup> Amnesty International, U.S. Domestic Human Rights Program, *Threat and Humiliation: Racial Profiling, Domestic Security, and Human Rights in the United States* (New York: Amnesty International USA, 2004).

<sup>30</sup> Ibid.

<sup>31</sup> LCCR, n.d.

<sup>32</sup> K.J. Riley, *Crack, Powder Cocaine, and Heroin: Drug Purchase and Use Patterns in Six U.S. Cities* (Washington, D.C.: National Institute of Justice, U.S. Department of Justice, December 1997).

<sup>33</sup> V. Schiraldi, J. Colburn, and E. Lotke, *Three Strikes and You're Out: An Examination of the Impact of Strikes Laws 10 Years After Their Enactment*, September 2004, [www.justicepolicy.org](http://www.justicepolicy.org) (30 September 2005).

<sup>34</sup> S. Ehlers, V. Schiraldi, and E. Lotke, *Racial Divide: An Examination of the Impact of California's Three Strikes Laws on African Americans and Latinos*, October 2004, [www.justicepolicy.org](http://www.justicepolicy.org) (30 September 2005).

<sup>35</sup> Amnesty International, *Death by Discrimination: The Continuing Role of Race in Capital Cases* (New York: Amnesty International, April 2003).

<sup>36</sup> American Civil Liberties Union, Break the Chains, and The Brennan Center for Justice, *Caught in the Net: The Impact of Drug Policies on Women and Families*, March 2005, [www.brennancenter.org](http://www.brennancenter.org) (29 October 2005).

<sup>37</sup> Ibid.

<sup>38</sup> Office of Juvenile Justice and Delinquency Prevention, "Minorities in the Juvenile Justice System, 1999," National Report Series (Washington, DC: U.S. Department of Justice, 1999).

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<sup>39</sup> Ibid.

<sup>40</sup> Building Blocks for Youth, *And Justice for Some*, [www.buildingblocksforyouth.org](http://www.buildingblocksforyouth.org) (6 October 2005).

<sup>41</sup> Catalyst 2004.

<sup>42</sup> U.S. Equal Employment Opportunity Commission 2004.

<sup>43</sup> Blumrosen and Blumrosen 2002.

<sup>44</sup> Office of Juvenile Justice and Delinquency Prevention, “Disproportionate Minority Confinement: Lessons Learned From Five States” (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, December 1998).

<sup>45</sup> American Civil Liberties Union, Break the Chains, and The Brennan Center for Justice 2005.

<sup>46</sup> LCCR, n.d.

<sup>47</sup> Ibid.

<sup>48</sup>