

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND
GREENBELT DIVISION**

MS.PATRICIA FLETCHER,)
 et al.,)
)
)
 Plaintiffs,)
)
 v.)
)
 LINDA LAMONE in her official)
 capacity as State Administrator of)
 Elections for the state of Maryland;)
 And ROBERT L. WALKER in his)
 official capacity as Chairman of the)
 State Board of Elections,)
)
 Defendants.)
 _____)

Civ. Action No.: RWT-11-3220

DECLARATION OF SHAWN SHEEHY

SHAWN SHEEHY declares, pursuant to 28 U.S.C. § 1746:

1. I am an attorney admitted to practice before the courts of the Commonwealth of Virginia. I am an associate with the firm, Holtzman Vogel, PLLC, where partner Jason Torchinsky, admitted pro hac vice for this case, serves co-counsel for Plaintiffs in this matter. I make this declaration in support of Plaintiffs’ Response to Defendants’ Motion to Dismiss or in the alternative for Summary Judgment and Reply to Defendants’ Response to the Motion for Preliminary Injunction.
2. Attached hereto as Attachment A is a true and correct copy of “Semper Eadem Always the Same; A Report by the ACLU of Maryland and the Somerset County NAACP on Continuing Racial Disparities in Somerset County Government;”
3. Attached hereto as Attachment B is a true and correct copy of Defendant’s Statement of the Case and Issues to be Considered at Trial, *Coalition for Equity and Excellence in Maryland Higher Education v. Maryland Higher Education Commission*, 06-CV-2773 (D. Md. Oct. 29, 2010) (ECF No. 178);

4. Attached hereto as Attachment C is a true and correct copy of “Maryland Continues Its Voter Suppression Efforts,” Advancement Project Press Release, October 4, 2006;
5. Attached hereto as Attachment D is a true and correct copy of “Republican ‘doctrine’ on suppressing black vote is key to Md. case, and maybe to 2012”, Washington Post, June 17, 2011;
6. Attached hereto as Attachment E is a true and correct copy of the Schott Foundation for Public Education’s 2010 Report entitled: *Yes We Can: The Schott 50 State Report on Public Education and Black Males*;
7. Attached hereto as Attachment F is a true and correct copy of “Party Trumps Race for Steele Foes,” Washington Times, November 1, 2005;
8. Attached hereto as Attachment G is a true and correct copy of “Maryland Redistricting Maps are Comic and Controversial,” Editorial, Washington Post, October 29, 2011;
9. Attached hereto as Attachment H is a true and correct copy of “Mfume Sees Plot to Block Candidacy,” Baltimore Sun, July 14, 2005;
10. Attached hereto as Attachment I is a true and correct copy of Senator Muse’s floor remarks on redistricting, October 18, 2011;
11. Attached hereto as Attachment J is a true and correct copy of “Black Votes May Have strong Impact on Maryland Gov. Race” New America Media October 19, 2010;
12. Attached hereto as Attachment K is a true and correct copy of excerpts from the hearing before the Subcommittee on the Census of the Committee on Government Reform entitled “Oversight of the 2000 Census: The Bureau’s Policy To Count Prisoners, Military Personnel, and Americans Residing Overseas,” June 9, 1999;
13. Attached hereto as Attachment L is a true and correct copy of “Baltimore Prisoners’ Experience Returning Home” Urban Institute 2004;
14. Attached hereto as Attachment M is a true and correct copy of Professor Loewen’s “Sundown Towns in Maryland” from his website <http://sundown.afro.illinois.edu/sundowntownsshow.php?state=MD>;
15. Attached hereto as Attachment N is a true and correct copy of “Jim Crow Laws: Maryland” posted on the website “History of Jim Crow in Maryland” <http://www.jimcrowhistory.org/>;

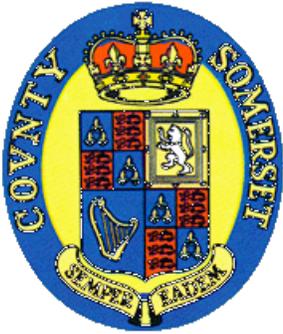
This website was created to support the PBS Series “The Rise and Fall of Jim Crow” which aired in 2002;

16. Attached hereto as Attachment O is a true and correct copy of “Quarterly Unemployment Rates By State, Race and Sex” published June 21, 2009 by the Economic Policy Institute;
17. Attached hereto as Attachment P is a true and correct copy of “Senate President to Duncan: Don’t Bash Baltimore” WBALtv.com, October 5, 2005
<http://www.wbaltv.com/r/5062897/detail.html>;
18. Attached hereto as Attachment Q is a true and correct copy of “Black Caucus to submit legislative redistricting maps this week, seeking more black senators” MarylandReporter.com, December 7, 2011 <http://marylandreporter.com/2011/12/07/black-caucus-to-submit-legislative-redistricting-maps-this-week-seeking-more-black-senators/>;
19. Attached hereto as Attachment R is a true and correct copy of “No Shade: The Baltimore State’s Attorney race is coming to a head” Splice Today, August 30, 2010;
20. Attached hereto as Attachment S is a true and correct copy of the pretrial order in *Coalition for Equity and Excellence in Maryland Higher Education v. Maryland Higher Education Commission*, 06-CV-2773, ordering trial on January 3, 2012. (ECF No. 270);
21. I declare under the penalty of perjury that the foregoing is true and correct.

Executed on December 7, 2011.

/s/ Shawn Sheehy
Shawn Sheehy

A



SEMPER EADEM^{*}

"Always the Same"?

A REPORT BY THE ACLU OF MARYLAND AND THE SOMERSET COUNTY NAACP ON CONTINUING RACIAL DISPARITIES IN SOMERSET COUNTY GOVERNMENT

“All of us have become too accustomed to seeing only whites in positions of power in Somerset County. ‘Hold on, it’s going to change,’ they say. But it never changes. Sometimes, it seems that it will always remain the same. Unless a miracle happens. We need to commit ourselves and work together as a community - both African American and white - to make the miracle happen.”

~ Somerset County NAACP President Kirkland Hall

* “*Semper Eadem*” is the Somerset County motto. It is Latin, meaning “Always the Same.”

Then and Now

“The people in power – the ones who make the decisions – are white. Here, the African American community has never had any say. And the older generation of influence and wealth wants to keep it that way. Just the same.”

~Pastor Craig Mathies, Zion Baptist Church

“The racial divide is like the elephant in the room in Somerset County, and it’s in every room, church, office, school, business, private club and public meeting. Now, for the sake of our children, we all need to come together and face that elephant, in order to begin the process of breaking down barriers and bridging the divide.”

~Dr. Bess McCallister, St. Paul AME Church

It was February 2009, and African Americans in Somerset County, Maryland were ready to make history. Somerset is one of the few counties remaining in America today where no African American has ever served as County Commissioner despite a substantial African-American population. Clarence E. Bell, a career law enforcement officer, and Kenneth Ballard, a longtime NAACP branch president, now saw history within reach: A County Commission seat had opened up and the County’s Democratic Central Committee announced that it would consider all applicants and make recommendations to Governor Martin O’Malley for appointment to the seat. Both Bell and Ballard put their names in, praying that, at long last, the time had come. But in keeping with Somerset County’s stubborn motto, it was not to be.

For the American Civil Liberties Union and the National Association for the Advancement of Colored People, it is hard not to wonder how, in 2009, in a Maryland County with a 42 percent African American population, it can remain that no African American in history has ever held the position of County Commissioner (or County

Administrator, or Sheriff, or Detention Center Warden, or Judge, or State's Attorney, or State Delegate, or County Treasurer, or County Finance Director, or County Attorney, or County Personnel Director, or County Planning Director, or County Fire Marshall, or County Emergency Management Director, or County Elections Administrator, among others.) In the winter of 2009, Clarence Bell and Ken Ballard each were well positioned, and well qualified, to break through and become the County's first African American Commissioner.¹ That it did not happen this time – despite the golden opportunity presented – says all too much about the yawning racial gulf that has always existed in Somerset County government, and that remains virtually unchanged in the 21st Century.

This report examines the demographics of Somerset County government, as recorded in Equal Employment Opportunities (EEO) reports filed by the County and its

¹ Clarence Bell is a Somerset County native who has served his community as a law enforcement officer for 26 years – including as Director of Public Safety at the University of Maryland Eastern Shore, and two stints as Crisfield Police Chief. In 2002, Bell ran for County Commission and lost to Sam Boston by just 28 votes in the Democratic primary – even though the district the two were running in is about 80 percent white. When Boston was elevated from Commissioner to Somerset County Administrator in 2009, it seemed fitting to Chief Bell that he should throw his hat in the ring to replace Boston. Likewise, Ken Ballard – an active member of Somerset's Democratic Central Committee and 2006 primary opponent of Sam Boston for Commissioner – decided this might finally be the time for Somerset to have an African American County Commissioner. Along with Bell, Ballard submitted his name for consideration by the all-white panel of the Democratic Central Committee. (Ballard is a regular member of the Somerset Democratic Central Committee, but he recused himself from this process, since he was seeking the open Commission seat. The Central Committee chose not to replace Ballard, making the four-member Committee conducting the interviews and making the recommendation to the Governor all white, even though numerous African Americans are active in the Somerset Democratic Party would have been willing to serve in Ballard's place if asked.) Three white men and one white woman also applied for the open Commission seat.

Both Bell and Ballard felt their interviews with the Central Committee went well. But in the days following the interviews each was told that the Central Committee had decided to submit only two names for the Governor's consideration: James East and Cynthia Stevens, both white. The Central Committee would endorse neither Bell nor Ballard, even though there was no limit upon the number of candidates who could be recommended by the Committee to the Governor. No explanation was offered to either man as to why the Committee felt their candidacies fell short. "Always the same," each man thought.

Governor O'Malley chose between the two names submitted to him, and in March appointed James East to the County Commission, thus keeping it an all-white body.

School System.² These records reveal deeply disturbing disparities between the numbers of African Americans who live in Somerset County, and the number employed in the County government and School System, especially at the upper echelons. At the time of the last U.S. Census, Somerset County was 42 percent African-American – the highest black population percentage of any Eastern Shore County, and most on the Western Shore.³ Moreover, because Somerset County is home to the University of Maryland Eastern Shore (UMES), a historically black college, a substantial number of African Americans within the Somerset community reach higher levels of education. Yet analysis of the data, and interviews with African-American residents of Somerset County, depict a government heavily dominated by white officials and employees, where still today African Americans feel excluded and blocked from full participation in the civic life of their community.

If Somerset County truly aspires to be “Always the Same”, it is important to question why, and to ask exactly what that means, in view of the County’s history with respect to race relations. The historical backdrop against which today’s government demographics must be examined includes rigid enforcement of Jim Crow laws to maintain white supremacy, and many ugly acts of racial discrimination and violence.

The assumption of most whites is that history is dead, unimportant, and irrelevant to the modern reality of life on the Eastern Shore. But in fact a town’s reputation as a racially violent one often lives on in the lore shared among blacks.⁴

² In this analysis we employ the most recent EEO data made available to us, as recorded in EEO-4 reports filed by the County for fiscal years 2005 and 2007, and the EEO-5 report filed by the School System for fiscal year 2006. Complete copies of these EEO reports are included in the Appendix to this Report.

³ US CENSUS BUREAU, CENSUS (2000). The only Maryland Counties where African Americans make up a larger share of the population than they do in Somerset are Baltimore City and Prince George’s County.

⁴ Sherrilyn A. Ifill, *ON THE COURTHOUSE LAWN: CONFRONTING THE LEGACY OF LYNCHING IN THE TWENTY-FIRST CENTURY*, Beacon Press (2007) at 21.

Forever imprinted on Somerset County is that Princess Anne was the site, in 1933, of the State's horrific last lynching, at which "two thousand spectators watched and many cheered the public mutilation, hanging and burning of a black man."⁵ Indeed, George Armwood, the man lynched by a mob in Princess Anne in 1933 was a relative of former Somerset Commission candidate and NAACP activist Ken Ballard – his mother's cousin. Public school segregation in Somerset County continued through the late 1960s, when the federal government finally intervened to require desegregation. Until ACLU lawsuits forced change in the 1980s and 1990s, at-large election systems and non-resident voting were employed in counties and municipalities throughout the Lower Shore, reducing the chances for African-Americans to be elected to public office. And not so long ago, in 1996, a federal court jury in Baltimore ruled that the Somerset County Board of Education illegally fired School Superintendent H. DeWayne Whittington because of his race, awarding Dr. Whittington a huge monetary verdict -- including punitive damages against individual board members -- because of the School System's blatant discrimination. Among the evidence in that case was testimony from a newspaper reporter that the School Board President openly used racial slurs toward African Americans, including against Superintendent Whittington.⁶

⁵ *Id.*, at 21. Another well-known lynching occurred in Crisfield, in 1907, in addition to several others that occurred in Somerset County. Substantial evidence suggests that Somerset County's white law enforcement officials of the time were complicit in these lynchings, and in preventing those who carried out the violence from being brought to justice. *Id.*, at Ch. 4.

⁶ The jury also urged the School Board to begin to make amends for its "acts of racism" by naming a school in Dr. Whittington's honor "as a living memorial to his lifetime achievements in education." To its credit, on Martin Luther King Day, 1997, the Board – reformulated through a subsequent election -- did as the jury recommended, and renamed the Crisfield Primary School as the H. DeWayne Whittington Primary School. But in 2006, when Crisfield's primary school was moved to a different location (a newly renovated building that had once been the Crisfield Colored School, where Dr. Whittington had been a student, graduated as valedictorian, taught, and served as principal), the Board ignored a petition signed by over 250 members of the community and refused to allow the Whittington School's name to follow its students to their new building, depriving Crisfield's children of that reminder of a local African-American hero. The sting of those insults was perhaps partially assuaged in 2009, when the Governor appointed Dr. Whittington to serve as a member of the School Board against which he once prevailed in court.

Such a history of racial segregation and exclusion is difficult to overcome, and cannot be overcome without concerted effort. Time alone will not fix – and has not fixed -- this problem. As detailed in this report, the legacy of Somerset's past continues in County government today:

- *No African American in history* has been elected or appointed to a top job in County government.⁷
- *Not a single African American* was employed by Somerset County in a professional capacity in 2007. This was a step backward from 2005, when one African American was employed in a professional position.
- *Only one African-American* was hired by Somerset County in 2007 -- just 6.7 percent of all new hires -- and this single hire was to a service sector job.
- Although U.S. Census data shows that 42 percent of Somerset County's population is African American, its EEO reports show that in 2007, *the County spent in excess of \$5,715,000 on the salaries of white employees, while only spending about \$750,000 on the salaries of African Americans.*

⁷We include in this classification County Commissioner, County Administrator, Sheriff, State's Attorney, County Treasurer, County Finance Director, County Attorney, Circuit, District, or Orphan's Court Judge, Elections Administrator, Economic Development Commission Director, County Personnel Director, County Fire Marshall, Director of Planning and Zoning, Technology Director, and Detention Center Warden. Excluded are positions with the School System. As noted above, Dr. H. DeWayne Whittington served as Somerset School Superintendent from 1988 until his racially discriminatory firing in 1992. Earlier in the 1980s, two African Americans, Kermit Maddox and Joseph Hayward, were appointed to the School Board. And shortly after the Whittington jury verdict in 1996, Betty J. Miles became the first African-American elected to the School Board -- a replacement for the Board president against whom punitive damages had been awarded. African Americans have served on the School Board in the time since, including two members on the current board.

The Way It Is

“People accept it as the way it is. It’s hard to understand that unless you have experienced it. You tell your kids that they can do whatever they want, but the reality here in Somerset County is that African Americans have to work a lot harder to get a job and to keep that job once they get it.”

~Lifelong Somerset County resident, parent and volunteer Albert Bell

“It’s always about who you know, who you’re friends with, who your family is.”

~Former Crisfield City Councilwoman and educator Catherine Brown

When compared to the working-age population, the employment data from Somerset County’s own EEO returns highlights racial disparities across all levels, from service sector to public officials. (*See Figure 1*). Overall, Somerset County has an available labor force that is 35 percent African-American, with African-Americans appropriately educated for all jobs in the County government, as shown in *Figure 2*. Yet, as of 2007, only 12.6 percent of all employees of Somerset County were African-American, *down* from 14.2 percent two years earlier – meaning that the problem is getting worse, not better.⁸ Of 230 full and part time personnel employed by Somerset County in 2007, only 29 were African American.⁹ While no one expects that the Somerset County government would have a staff that precisely mirrors the racial make-up of the county population, the size of the disparities, as shown in *Figure 3*, is alarming

⁸ Even presuming that employment for any Somerset County job requires a high-school diploma (which likely is not true), 31 percent of residents who have completed high school are African-American. U.S. CENSUS BUREAU, CENSUS (2000).

⁹ Of 179 full-time employees, only 24 were African American (13.4%); Of 51 part-time employees, only five were African American (9.8%).

and highly aberrational. The School System is slightly more diverse, with 29 percent of employees being African-American.¹⁰ Nevertheless, the racial make-up of both the School System and Somerset County government contrasts sharply with the County's diversity, as can also be seen in *Figure 3*. These racial disparities are particularly glaring at the higher levels of government – among administrative and professional positions -- and among new hires.

¹⁰ SOMERSET COUNTY SCHOOL DISTRICT, EEO-5 REPORT (2006).

Figure 1 - Racial Composition of Somerset County personnel, by Employment Classification

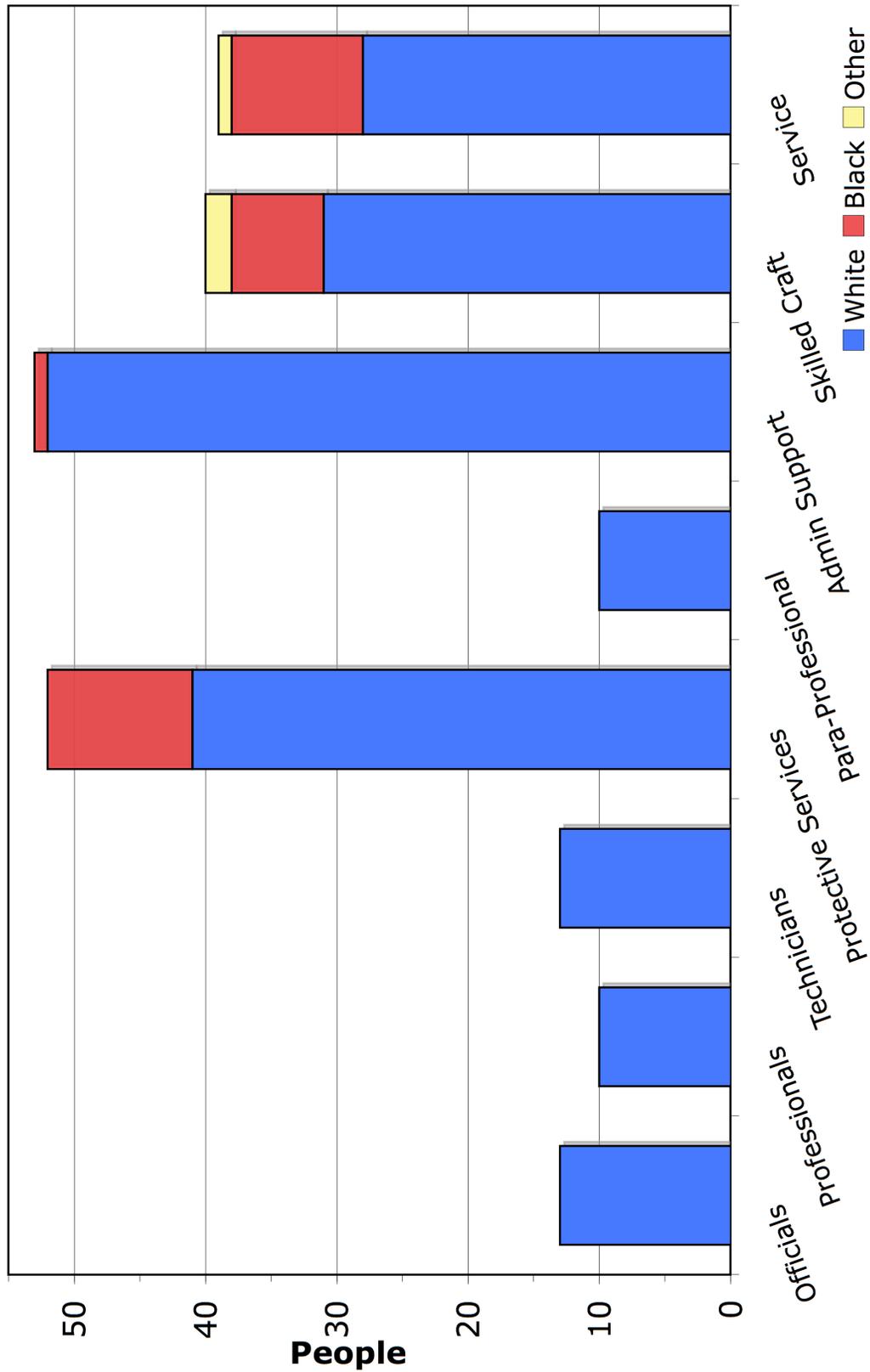


Figure 2 - Racial breakdown of the available workforce in Somerset County

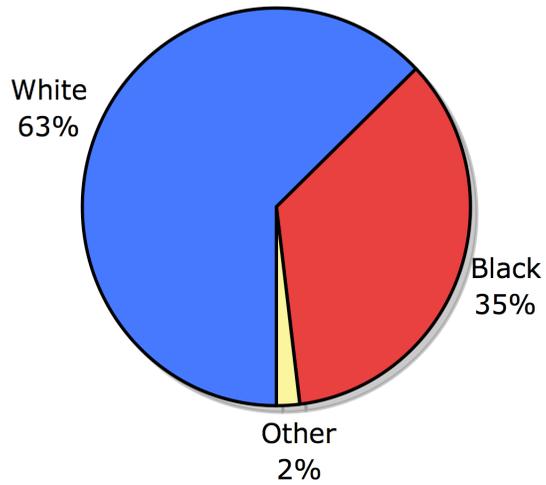
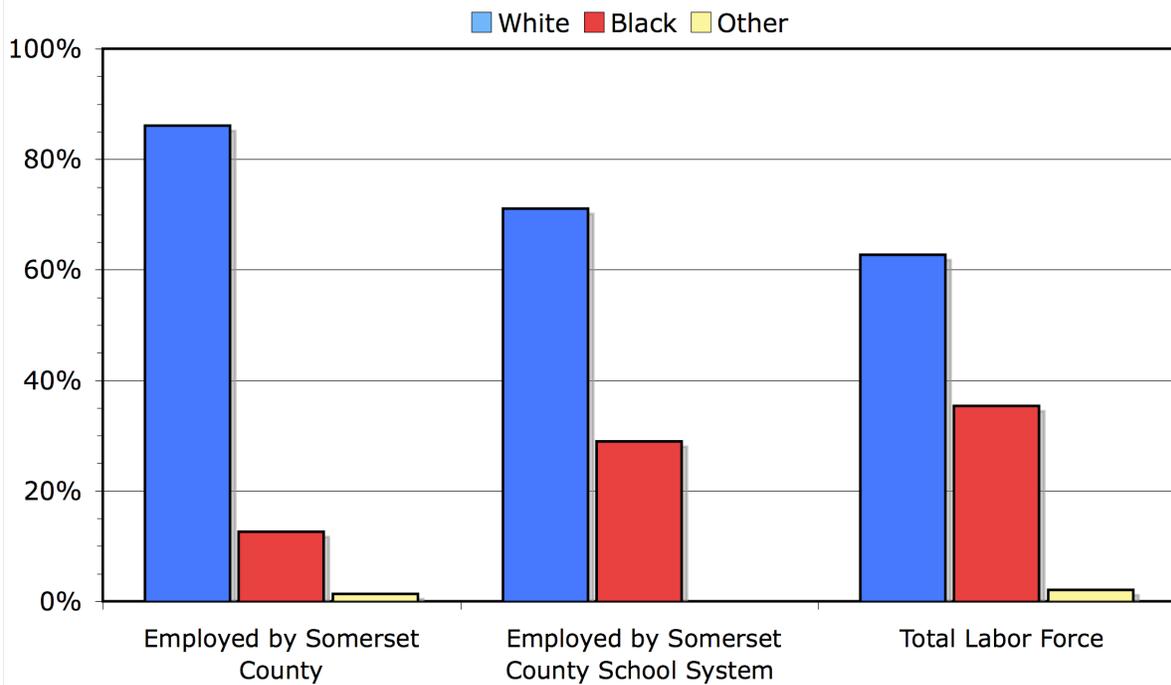


Figure 3 - Racial diversity in potential labor force compared against actual workforce



Who's in Charge Here?

"In a world where African Americans have progressed socially, economically, politically, and educationally, Somerset County still operates on the old system of who you know and what color you are, rather than based on what you know."

~ Former Corrections Official Tamela Hutt

"It matters to the kids in Somerset County that they don't have African Americans as role models in the positions of power. They feel they can't win, that even if they try, they don't have the same opportunities."

~ NAACP Activist Kenneth Ballard

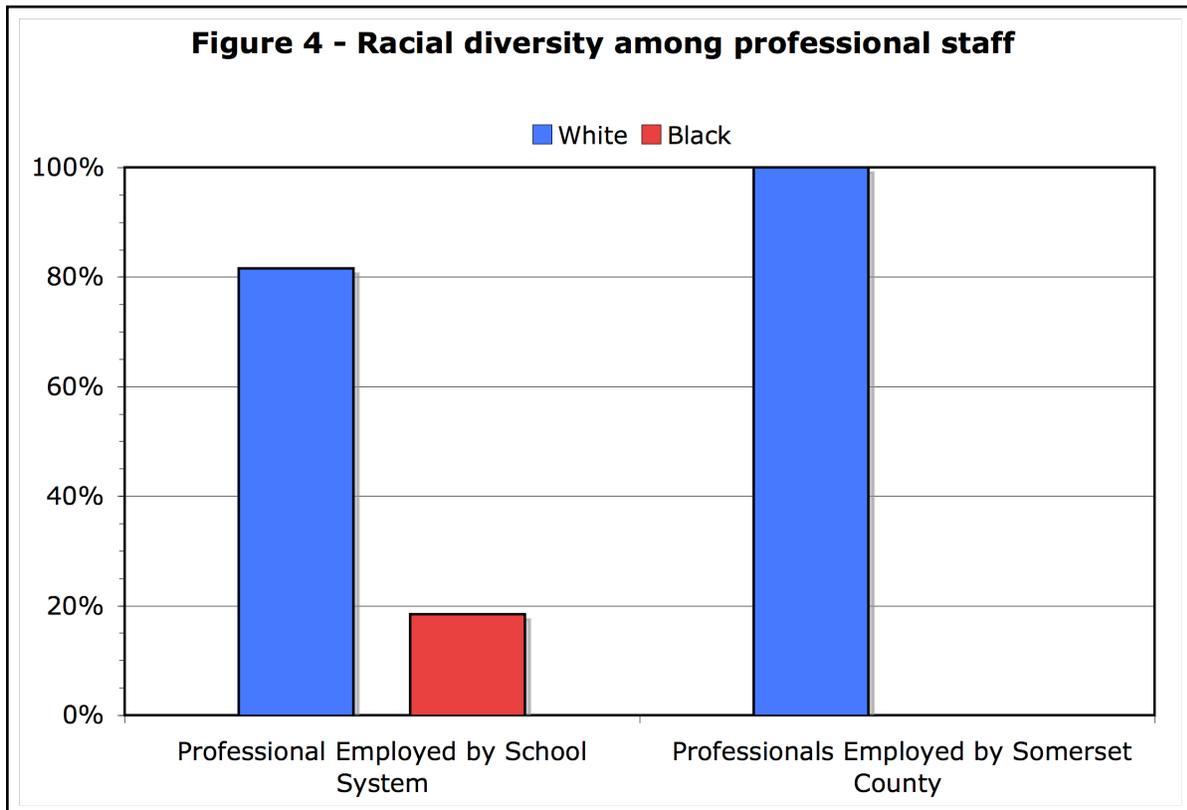
One critical problem shown by the Somerset County EEO reports is that in 2007 there were *no African-Americans* working for Somerset County in a professional capacity. Zero. None. *See Figure 4*. Somerset County employed **46** people full or part time in Official, Administrative, Professional, Technical, or Paraprofessional capacities, and *not a single one was African American*. The only African-American employed as a professional by Somerset County in 2005 had ceased to be employed in 2007.¹¹ This, even though nearly a quarter of all County residents holding a four-year college degree were African American.¹²

The school district, as noted above, has a higher proportion of African-American staff. However, these African-Americans are mostly employed in a non-professional capacity: Only 18.6 percent of the professional staff members are African-American (*see*

¹¹ SOMERSET COUNTY, EEO-4 REPORT (2005). *Id.* (2007).

¹² US CENSUS BUREAU, CENSUS (2000).

Figure 4). As the student population is 37 percent African-American,¹³ this staffing disparity is one that sets a dispiriting example for African-American youth in Somerset.



¹³ US CENSUS BUREAU, CENSUS (2000).

How Hiring Works

“It’s a challenge for African Americans to find out about and apply for jobs with Somerset County. In the past, those in charge would just pass the jobs along to people they knew. And those folks were always white.”

~NAACP Activist Kenneth Ballard

“People don’t apply, because they don’t know. That’s the biggest thing. There are lots of qualified African Americans here – they just don’t know about the government jobs.”

~Pastor Craig Mathies, Zion Baptist Church

In order for the County to have a public workforce more reflective of its diverse population, it is imperative that hiring be conducted with the goal of diversity in mind. Unfortunately, the information provided in the EEO reports indicates that this is not happening. Rather, it seems diversity is not considered at all.

The County’s failure to value diversity in hiring is evidenced both by the way the appointment process played out with respect to the 2009 County Commission opening, and with respect to the County’s 2007 hiring of a new Detention Center Warden, a top job in County government. Although the job announcement for this post required only a high school diploma, among the candidates for the job was a highly-qualified, African-American woman, Tamela Hutt, who holds a master’s degree in criminal justice and is working on a second one in social work, as well as having over 15 years of corrections experience at Eastern Correctional Institution. Ms. Hutt, however, was passed over in favor of a white male candidate, by a hiring panel consisting of five white men. When the NAACP registered concern about this, the County Administrator chastised the organization for daring to question the appointment, and asserted that “[a]t no point was

Miss Hutt's age, race, color or creed ever considered during this process."¹⁴ Thus by the County's own admission, no consideration whatsoever was accorded to the goal of diversity, with the result being the continuation of Somerset's all-white power structure.

In this manner, the racial disparities in County government are becoming ever more deeply entrenched. In 2005, 13.6 percent of the County's new hires were African-American, and no African Americans were hired for a professional, paraprofessional or official job.¹⁵ In 2007, only one African-American was hired – just 6.7 percent of 15 new hires. And this single hire was to a service sector job.¹⁶ During the 2005 and 2007 reporting periods, Somerset County made six new hires in professional, paraprofessional or official positions, *yet not a single one* was African American.¹⁷ (*see Figure 5*).

The School System has not been doing much better. Although 29.2 percent of the total hires in 2006 were African-American, these were mostly for non-professional positions; only 7.1 percent of new professional hires that year were African-American. This is shown in *Figure 6*, which indicates the proportion of African-Americans hired for professional positions.¹⁸ Overall, this trend shows no evidence of any effort to address the lack of diversity among the employees of the County or its School System.

¹⁴ July 25, 2007 Letter from Somerset County Administrator Daniel W. Powell to Somerset County NAACP President Kenneth Ballard, on file with the ACLU of Maryland.

¹⁵ SOMERSET COUNTY, EEO-4 REPORT (2005).

¹⁶ SOMERSET COUNTY, EEO-4 REPORT (2007).

¹⁷ SOMERSET COUNTY, EEO-4 REPORT (2005). *Id.* (2007).

¹⁸ SOMERSET COUNTY SCHOOL DISTRICT, EEO-5 REPORT (2006).

Figure 5 - Racial breakdown of new hires to professional positions by Somerset County

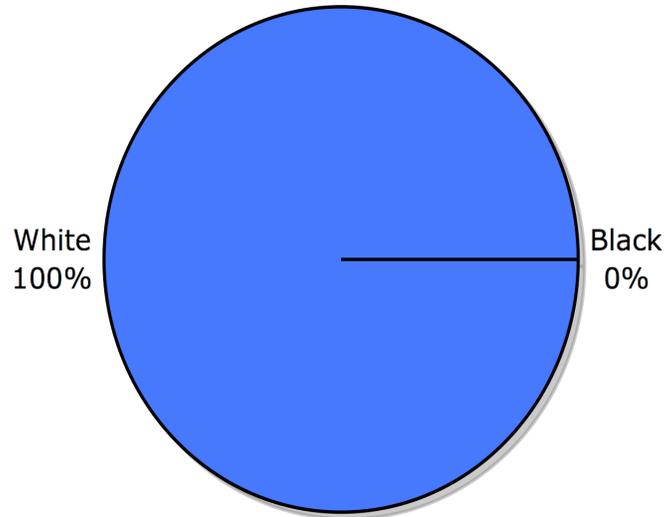
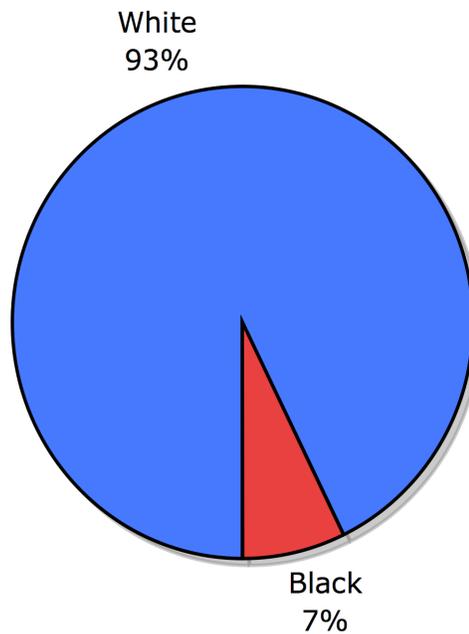


Figure 6 - Racial breakdown of new hires to professional positions by Somerset County school system



Racial Disparities in Dollars and Cents

“As an African American young person, if you want to better yourself, you have to move away. It’s sad but true. There’s little chance of getting a good job in Somerset County. The issue of race always lurks in the background, causing the cycle of racial tension to continue.”

~Former County resident, U.S. Treasury Department analyst Craig Mathies, Jr.

The final, but important, area of racial inequality revealed in Somerset County’s EEO reports concerns wages.¹⁹ Not only does Somerset County employ fewer African Americans, and at lower positions, but the overall salaries of African-American County employees are considerably lower than those of white employees. A full comparison of salaries is shown in *Figure 7*. Notably, in 2007, Somerset County employed no African-Americans at salaries exceeding \$55,000, whereas in the same period nine white employees held posts paying more than this, of which three received salaries in excess of \$70,000.²⁰ Of the 179 full-time personnel employed throughout the County government in 2007, 88 were paid salaries of \$33,000 or more. Only seven of these 88 better-paid employees (8%) were African American. During 2007, Somerset County spent in the range of \$5,715,000 on the salaries of white employees while only spending about \$750,000 in the same period on African-American salaries, as shown in *Figure 8*.²¹ African-Americans received only 11.6 percent of the County salary budget, while constituting 13 percent of those working for Somerset County (see *Figure 9*) and 42 percent of the general population.²²

¹⁹Because salary information is not included in EEO reports filed by the Somerset School System, this section concerns only the Somerset County government.

²⁰ SOMERSET COUNTY, EEO-4 REPORT (2007).

²¹ *Id.* These figures are calculated from the mid-point of each salary group, with the exception of the \$70,000+ group, which uses the lower boundary of the group, so as not to overstate the disparities.

²² *Id.*

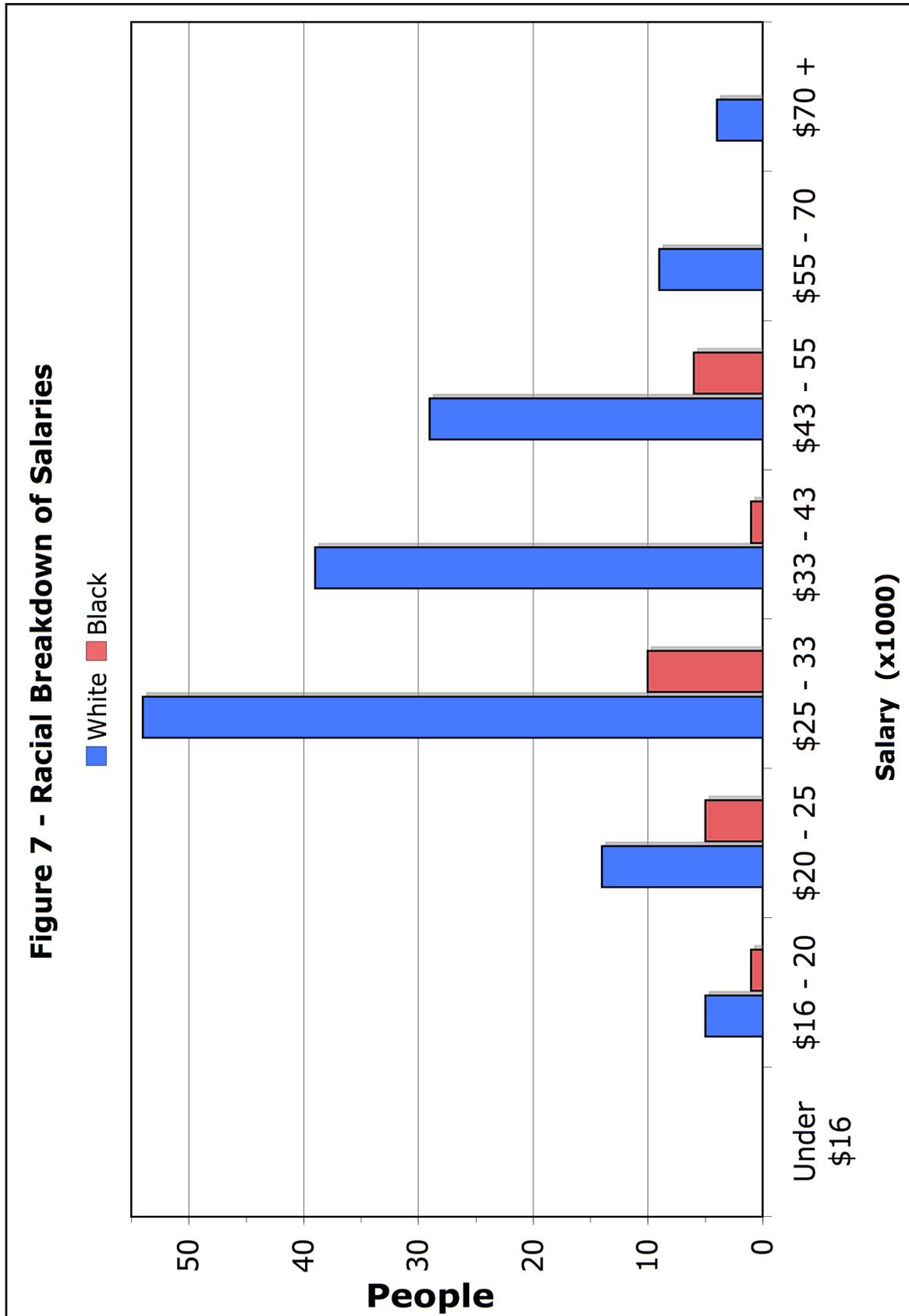


Figure 8 - Graph showing total salary expenditure by race

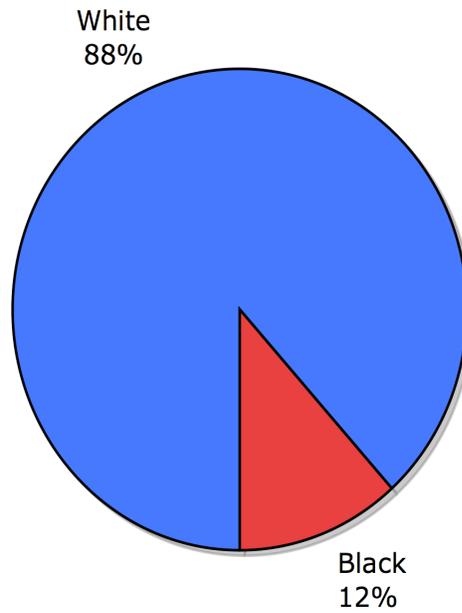
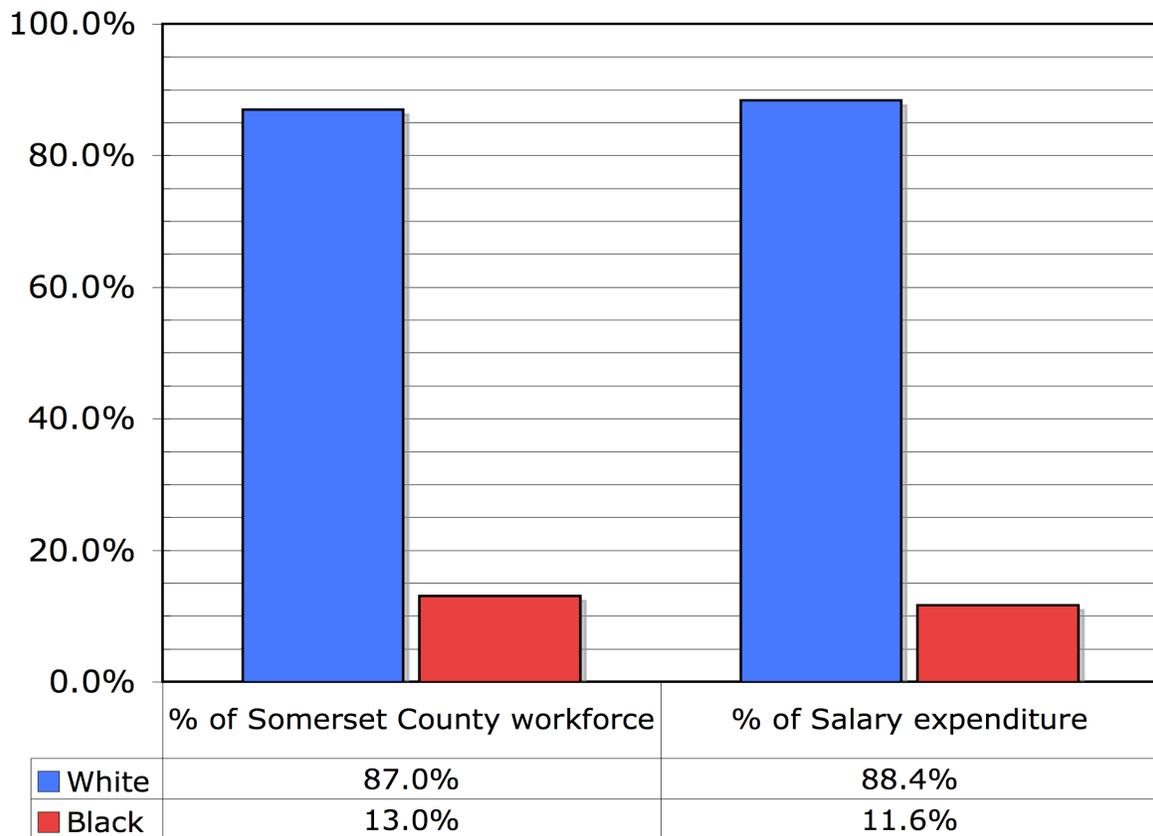


Figure 9 - Salary expenditures compared to racial composition of employees



Making the Miracle Happen

“It doesn’t have to be this way. I believe Somerset can be a place that values all members of its community.”

~Former Crisfield City Councilwoman and educator Catherine Brown

“This report substantiates what many of us have quietly discussed for years. It supplies all of us with statistical evidence of an un-level playing field in Somerset County. It is my hope County officials will embrace this occasion as a time to depart from the ‘business as usual’ mentality. It is my hope they will rise to the occasion and make a deliberate and conscious effort to begin the process of correcting the disparities that exist on all levels of County government.”

~Former Crisfield Police Chief Clarence E. Bell

Confronting race and racism is never easy. But if nothing is done to address the racial disparities in Somerset County government, nothing will ever change. Aggressive action is needed in order for Somerset County to alter the dynamic within its government and realize the strength and promise of the community’s rich diversity. Many in the African-American community are ready and willing to tackle this challenge. Through collective action taken with purpose and resolve, we believe the Somerset community can itself take charge of the project of racial reconciliation and transformation.

Among the steps we recommend to move Somerset County down the path to diversity are the following:

1. ***Prioritize governmental diversity and inclusiveness*** -- Commit Somerset County and its School System to the elimination of racial discrimination and the promotion of inclusiveness as top goals for the future. African Americans make up a large share of Somerset's overall population, and should always have seats at the table.
2. ***Establish a policy that values diversity***, and communicate its importance to all Somerset officials, employees, and residents.
3. ***Begin a process such as Community Conferencing***²³ for the airing of concerns and honest discussion of the issues that underlie racial segregation and exclusion in Somerset County.
4. ***Create a racially integrated working group, perhaps in conjunction with Somerset's Citizens for Community Progress, the Attorney General's Office of Civil Rights, and the Maryland Commission on Human Relations***, to develop a concrete plan for diversification that fits Somerset County government. Tasks of the working group minimally should include establishment of goals the program is intended to achieve, creation of an action plan to reach those goals, and a means for monitoring progress under the plan. Among the matters addressed in the action plan should be:

²³ As explained by Professor Ifill, "[r]eparations, like reconciliation, must be regarded as a process, not an event."

Community conferencing is a facilitated discussion that enables those who have been "affected by behavior that has caused serious harm" to work together to find solutions and to repair harm. The conference is, in essence, a dynamic, open, and mediated discussion. Everyone gets to speak and to say what he or she wants, uninterrupted. ... The conference ends with a contract – an agreement between all the parties on the contours of a reparation plan.

ON THE COURTHOUSE LAWN, at 131,151. Resources on Community Conferencing are available through Baltimore's Community Conferencing Center: <http://www.communityconferencing.org>.

- a. Ways to broadly disseminate notice about job openings to all people in the community, not just those already in the loop of County government;
 - b. Methods to recruit a diverse applicant pool for openings, particularly for higher level positions;
 - c. A mechanism to ensure that future appointments for top-ranking jobs are not made by any committees that exclude African-American participants; and
 - d. Appointment of an EEO/Affirmative Action Officer to spearhead and track diversity efforts.
5. Simply, but perhaps most importantly, *listen to what the County's African American residents are saying.*

* * *

“The past does not lie down quietly,” Archbishop Desmond Tutu has said. Action is needed in order for Somerset County to confront the racial injustice of its past, and to move ahead to realize the strength that exists in the community’s rich diversity. The first step in this process is for County leaders and residents to open a dialogue about the issue of race and make a commitment “to keep talking, to keep listening, to be unafraid of the truth, to honor the past, and to work hard for the promise of the future.”²⁴

The time has come for Somerset County to change.

²⁴ ON THE COURTHOUSE LAWN, at 153.

**Statistics Submitted to the Equal Employment Opportunity Commission by
Somerset County and Somerset County Public Schools**

Somerset County Employees

FULL TIME	White	Black	Other	Total	% Black
Officials / Administrators	13	0		13	0.0%
Professionals	8	0		8	0.0%
Technicians	12	0		12	0.0%
Protective Services	37	11		48	22.9%
Para-professionals	6	0		6	0.0%
Administrative Support	41	1		42	2.4%
Skilled Craft	23	5	1	29	17.2%
Service / Maintenance	14	7		21	33.3%
TOTAL	154	24	1	179	13.4%

PART TIME	White	Black	Other	Total	% Black
Officials / Administrators	0	0	0	0	
Professionals	2	0	0	2	0.0%
Technicians	1	0	0	1	0.0%
Protective Services	4	0	0	4	0.0%
Para-professionals	4	0	0	4	0.0%
Administrative Support	11	1	0	12	8.3%
Skilled Craft	8	2	1	11	18.2%
Service / Maintenance	14	3	1	18	16.7%
TOTAL	44	6	2	52	11.5%

Somerset County Public Schools

FULL TIME	White	Black	Other	Total	% Black
Administrators	6	1	0	7	14.3%
Principals	10	1	0	11	9.1%
Asst. Principals	1	1	0	2	50.0%
Teachers	188	46	0	234	19.7%
Guidance	11	6	0	17	35.3%
Psychological	3	0	0	3	0.0%
Librarians	3	0	0	3	0.0%
Consultants	14	0	0	14	0.0%
Other Professionals	16	2	0	18	11.1%
Teacher Aids	21	30	0	51	58.8%
Technicians	3	0	0	3	0.0%
Clerical/Secretary	18	8	0	26	30.8%
Service Workers	23	34	0	57	59.6%
Skilled Crafts	5	2	0	7	28.6%
TOTAL	322	131	0	453	28.9%

PART TIME	White	Black	Other	Total	% Black
Professional Instruction	1	1	0	2	50.0%
Other	0	2	0	2	100.0%
TOTAL	1	3	0	4	75.0%

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION STATE AND LOCAL GOVERNMENT INFORMATION (EEO-4) EXCLUDE SCHOOL SYSTEMS AND EDUCATIONAL INSTITUTIONS (Read attached instructions prior to completing this form)				APPROVED BY OMB 3046-0008 EXPIRES 12/31/2005		
DO NOT ALTER INFORMATION PRINTED IN THIS BOX 2007- SOMERSET COUNTY ATTN: INTERNAL AUDITOR 11916 SOMERSET AVE PO BOX 37 PRINCESS ANNE , MD 21853		1101010011111011 CONTROL NUMBER: 24200180 		MAIL COMPLETED FORM TO: EEO-4 Reporting Center PO Box 1898 Chicago, IL 60690-1898		
A. TYPE OF GOVERNMENT (Check one box only)						
<input type="checkbox"/> 1. State <input checked="" type="checkbox"/> 2. County <input type="checkbox"/> 3. City <input type="checkbox"/> 4. Township <input type="checkbox"/> 5. Special District <input type="checkbox"/> 6. Other (Specify)						
B. IDENTIFICATION						
1. NAME OF POLITICAL JURISDICTION (If same as label, skip to Item C) SOMERSET COUNTY						
2. Address--Number and Street 11916 SOMERSET AVE Suite, Room, Floor, Bldg. Name, ETC. PO BOX 37		CITY/TOWN PRINCESS ANNE	COUNTY NAME SOMERSET	STATE MD	ZIP 21853 Zip4 0000	EEOC USE ONLY A B
C. FUNCTION						
(Check one box to indicate the function(s) for which this form is being submitted. Data should be reported for all departments and agencies in your government covered by the function(s) indicated. If you cannot supply the data for every agency within the function(s) attach a list showing name and address of agencies whose data are not included.)						
<input checked="" type="checkbox"/>	1. FINANCIAL ADMINISTRATION. Tax billing and collection, budgeting, purchasing, central accounting and similar financial administration carried on by a treasurer's, auditor's or comptroller's office and GENERAL CONTROL. Duties usually performed by boards of supervisors or commissioners, central administration offices and agencies, central personnel or planning agencies, all judicial offices and employees (judges, magistrates, bailiffs, etc.)	<input type="checkbox"/>	8. HEALTH. Provision of public health services, out-patient clinics, visiting nurses, food and sanitary inspections, mental health, alcohol rehabilitation service, etc.			
<input checked="" type="checkbox"/>	2. STREETS AND HIGHWAYS. Maintenance, repair, construction and administration of streets, alleys, sidewalks, roads, highways and bridges.	<input checked="" type="checkbox"/>	9. HOUSING. Code enforcement, low rent public housing, fair housing ordinance enforcement, housing for elderly, housing rehabilitation, rent control.			
<input type="checkbox"/>	3. PUBLIC WELFARE. Maintenance of homes and other institutions for the needy; administration of public assistance. (Hospitals and sanatoriums should be reported as item 7.)	<input checked="" type="checkbox"/>	10. COMMUNITY DEVELOPMENT. Planning, zoning, land development, open space, beautification, preservation.			
<input checked="" type="checkbox"/>	4. POLICE PROTECTION. Duties of a police department sheriff's, constable's, coroner's office, etc., including technical and clerical employees engaged in police activities.	<input checked="" type="checkbox"/>	11. CORRECTIONS. Jails, reformatories, detention homes, half-way houses, prisons, parole and probation activities			
<input type="checkbox"/>	5. FIRE PROTECTION. Duties of the uniformed fire force and clerical employees. (Report any forest fire protection activities as item 6.)	<input checked="" type="checkbox"/>	12. UTILITIES AND TRANSPORTATION. Includes water supply, electric power, transit, gas, airports, water transportation and terminals.			
<input checked="" type="checkbox"/>	6. NATURAL RESOURCES. Agriculture, forestry, forest fire protection, irrigation drainage, flood control, etc., and PARKS AND RECREATION. Provision, maintenance and operation of parks, playgrounds, swimming pools, auditoriums, museums, marinas, zoos, etc.	<input type="checkbox"/>	13. SANITATION AND SEWAGE. Street cleaning, garbage and refuse collection and disposal. Provision, maintenance and operation of sanitary and storm sewer systems and sewage disposal plants.			
<input type="checkbox"/>	7. HOSPITALS AND SANATORIUMS. Operation and maintenance of institutions for in-patient medical care.	<input checked="" type="checkbox"/>	14. EMPLOYMENT SECURITY STATE GOVERNMENTS ONLY			
			15. OTHER (Specify on Page Four)			

24200180 - Function 16

To view historical reports [Click Here](#)

24200180 SOMERSET COUNTY

D. EMPLOYMENT DATA AS OF JUNE 30 (Do not include elected/appointed officials. Blanks will be counted as zero)												
1. FULL-TIME EMPLOYEES (Temporary employees are not included)												
JOB CATEGORIES	ANNUAL SALARY (in thousands)	Total (Columns B-K) A	MALE					FEMALE				
			NON-Hispanic origin		Hispanic D	Asian or Pacific Islander E	American Indian or Alaska Native F	NON-Hispanic origin		Hispanic I	Asian or Pacific Islander J	American Indian or Alaska Native K
			White B	Black C				White G	Black H			
Officials and Administrators	1. 0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	2. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	3. 20.0-24.9	0	0	0	0	0	0	0	0	0	0	0
	4. 25.0-32.9	0	0	0	0	0	0	0	0	0	0	0
	5. 33.0-42.9	0	0	0	0	0	0	0	0	0	0	0
	6. 43.0-54.9	5	4	0	0	0	1	0	0	0	0	0
	7. 55.0-69.9	6	4	0	0	0	2	0	0	0	0	0
	8. 70.0 PLUS	2	1	0	0	0	1	0	0	0	0	0
Professionals	9. 0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	10. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	11. 20.0-24.9	0	0	0	0	0	0	0	0	0	0	0
	12. 25.0-32.9	0	0	0	0	0	0	0	0	0	0	0
	13. 33.0-42.9	0	0	0	0	0	0	0	0	0	0	0
	14. 43.0-54.9	6	5	0	0	0	1	0	0	0	0	0
	15. 55.0-69.9	0	0	0	0	0	0	0	0	0	0	0
	16. 70.0 PLUS	2	1	0	0	0	1	0	0	0	0	0
Technicians	17. 0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	18. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	19. 20.0-24.9	0	0	0	0	0	0	0	0	0	0	0
	20. 25.0-32.9	8	8	0	0	0	0	0	0	0	0	0
	21. 33.0-42.9	1	1	0	0	0	0	0	0	0	0	0
	22. 43.0-54.9	2	0	0	0	0	2	0	0	0	0	0
	23. 55.0-69.9	1	1	0	0	0	0	0	0	0	0	0
	24. 70.0 PLUS	0	0	0	0	0	0	0	0	0	0	0
Protective Service Workers	25. 0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	26. 16.0-19.9	2	0	0	0	0	2	0	0	0	0	0
	27. 20.0-24.9	1	1	0	0	0	0	0	0	0	0	0
	28. 25.0-32.9	18	10	3	0	0	2	3	0	0	0	0
	29. 33.0-42.9	16	15	0	0	0	1	0	0	0	0	0
	30. 43.0-54.9	9	3	4	0	0	1	1	0	0	0	0
	31. 55.0-69.9	2	2	0	0	0	0	0	0	0	0	0
	32. 70.0 PLUS	0	0	0	0	0	0	0	0	0	0	0

24200180 - Function 16

D. EMPLOYMENT DATA AS OF JUNE 30 (Do not include elected/appointed officials. Blanks will be counted as zero)												
1. FULL-TIME EMPLOYEES (Temporary employees are not included)												
JOB CATEGORIES	ANNUAL SALARY (in thousands)	Total (Columns B-K)	MALE					FEMALE				
			NON-Hispanic origin		Hispanic	Asian or Pacific Islander	American Indian or Alaska Native	NON-Hispanic origin		Hispanic	Asian or Pacific Islander	American Indian or Alaska Native
			White	Black				White	Black			
A	B	C	D	E	F	G	H	I	J	K		
Paraprofessionals	33. 0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	34. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	35. 20.0-24.9	0	0	0	0	0	0	0	0	0	0	0
	36. 25.0-32.9	3	0	0	0	0	0	3	0	0	0	0
	37. 33.0-42.9	2	1	0	0	0	0	1	0	0	0	0
	38. 43.0-54.9	1	0	0	0	0	0	1	0	0	0	0
	39. 55.0-69.9	0	0	0	0	0	0	0	0	0	0	0
	40. 70.0 PLUS	0	0	0	0	0	0	0	0	0	0	0
Administrative Support	41. 0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	42. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	43. 20.0-24.9	3	0	0	0	0	0	3	0	0	0	0
	44. 25.0-32.9	19	4	0	0	0	0	15	0	0	0	0
	45. 33.0-42.9	11	2	0	0	0	0	9	0	0	0	0
	46. 43.0-54.9	9	2	0	0	0	0	6	1	0	0	0
	47. 55.0-69.9	0	0	0	0	0	0	0	0	0	0	0
	48. 70.0 PLUS	0	0	0	0	0	0	0	0	0	0	0
Skilled Craft Workers	49. 0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	50. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	51. 20.0-24.9	11	7	3	1	0	0	0	0	0	0	0
	52. 25.0-32.9	7	5	2	0	0	0	0	0	0	0	0
	53. 33.0-42.9	8	8	0	0	0	0	0	0	0	0	0
	54. 43.0-54.9	3	3	0	0	0	0	0	0	0	0	0
	55. 55.0-69.9	0	0	0	0	0	0	0	0	0	0	0
	56. 70.0 PLUS	0	0	0	0	0	0	0	0	0	0	0
Service-Maintenance	57. 0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	58. 16.0-19.9	4	3	1	0	0	0	0	0	0	0	0
	59. 20.0-24.9	5	3	2	0	0	0	0	0	0	0	0
	60. 25.0-32.9	10	5	3	0	0	0	2	0	0	0	0
	61. 33.0-42.9	2	0	1	0	0	0	1	0	0	0	0
	62. 43.0-54.9	0	0	0	0	0	0	0	0	0	0	0
	63. 55.0-69.9	0	0	0	0	0	0	0	0	0	0	0
	64. 70.0 PLUS	0	0	0	0	0	0	0	0	0	0	0
65. TOTAL FULL TIME (LINES 1-64)	179	99	19	1	0	0	55	5	0	0	0	

24200180 - Function 16

To view historical reports [Click Here](#)

24200180 - SOMERSET COUNTY

D. EMPLOYMENT DATA AS OF JUNE 30 (Do not include elected/appointed officials. Blanks will be counted as zero)													
2. OTHER THAN FULL-TIME EMPLOYEES (Include Temporary employees)													
JOB CATEGORIES	ANNUAL SALARY (in thousands)	Total (Columns B-K)	MALE					FEMALE					
			NON-Hispanic origin		Hispanic	Asian or Pacific Islander	American Indian or Alaska Native	NON-Hispanic origin		Hispanic	Asian or Pacific Islander	American Indian or Alaska Native	
			White	Black				White	Black				
			A	B	C	D	E	F	G	H	I	J	K
66. OFFICIALS/ADMIN.		0	0	0	0	0	0	0	0	0	0	0	0
67. PROFESSIONALS		2	2	0	0	0	0	0	0	0	0	0	0
68. TECHNICIANS		1	1	0	0	0	0	0	0	0	0	0	0
69. PROTECTIVE SERV		4	4	0	0	0	0	0	0	0	0	0	0
70. PARA-PROFESSIONAL		4	3	0	0	0	0	0	0	0	0	0	0
71. ADMIN. SUPPORT		11	5	0	0	0	0	0	0	0	0	0	0
72. SKILLED CRAFT		11	6	2	0	0	0	0	0	0	1	0	0
73. SERV./ADMIN.		18	12	3	0	0	0	0	0	0	1	0	0
74. TOTAL OTHER THAN FULL TIME (LINES 66-73)		51	33	5	0	0	0	0	0	0	2	0	0
3. NEW HIRES DURING FISCAL YEAR - Permanent full time only JULY 1 -- JUNE 30													
75. OFFICIALS/ADMIN.		1	1	0	0	0	0	0	0	0	0	0	0
76. PROFESSIONALS		0	0	0	0	0	0	0	0	0	0	0	0
77. TECHNICIANS		1	1	0	0	0	0	0	0	0	0	0	0
78. PROTECTIVE SERV		5	3	0	0	0	0	0	0	0	0	0	0
79. PARA-PROFESSIONAL		1	0	0	0	0	0	0	0	0	0	0	0
80. ADMIN. SUPPORT		2	1	0	0	0	0	0	0	0	0	0	0
81. SKILLED CRAFT		4	3	0	1	0	0	0	0	0	0	0	0
82. SERV./ADMIN.		1	0	1	0	0	0	0	0	0	0	0	0
83. TOTAL NEW HIRES (LINES 75-82)		15	9	1	1	0	0	0	0	0	0	0	0

24200180 - Function 16

To view historical reports [Click Here](#)

24200180-SOMERSET COUNTY

Remarks		
Enter NCIC numbers MD0200000		
List agencies included on this form		
Enter authorized agencies Function 15 Dog Control Tourism Maintenance All Functions Somerset County Commissioners Somerset County Roads Board		
CERTIFICATION. I certify that the information given in this report is correct and true to the best of my knowledge and was reported in accordance with accompanying instructions. (Willfully false statements on this report are punishable by law, US Code, Title 18, Section 1001.)		
NAME OF PERSON TO CONTACT REGARDING THIS FORM SHARON MUIR		TITLE INTERNAL AUDITOR
ADDRESS (Number and Street, City, State, Zip Code) 11916 SOMERSET AVE PO Box, Suite, Room, Floor: PO BOX 37 City: PRINCESS ANNE State: MD Zip: 21853-0000		TELEPHONE NUMBER INCLUDING AREA CODE (410)651-0320 FAX NUMBER (410)651-0366
DATE 6/10/2008 6:42:26 PM E-MAIL: smuir@co.Somerset.md.us Jurisdiction Web Address: ENTER Jurisdiction Web Address	TYPED NAME/TITLE OF AUTHORIZED OFFICIAL SHARON MUIR INTERNAL AUDITOR	SIGNATURE 0000000000
EEOC FORM 164, FEB 97 (Previous Editions are Obsolete)		

24200180 - Function 16

To view historical reports [Click Here](#)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION STATE AND LOCAL GOVERNMENT INFORMATION (EEO-4) EXCLUDE SCHOOL SYSTEMS AND EDUCATIONAL INSTITUTIONS (Read attached instructions prior to completing this form)				APPROVED BY OMB 3046-0008 EXPIRES 12/31/2005		
DO NOT ALTER INFORMATION PRINTED IN THIS BOX				1101010011111011 MAIL COMPLETED FORM TO: State and Local Reporting Committee PO Box 62229 Virginia Beach VA 23466-2229		
2005- SOMERSET COUNTY 11916 SOMERSET AVE PO BOX 37 PRINCESS ANNE, MD 21853				CONTROL NUMBER: 24200180		
A. TYPE OF GOVERNMENT (Check one box only)						
<input type="checkbox"/> 1. State <input checked="" type="checkbox"/> 2. County <input type="checkbox"/> 3. City <input type="checkbox"/> 4. Township <input type="checkbox"/> 5. Special District <input type="checkbox"/> 6. Other (Specify)						
B. IDENTIFICATION						
1. NAME OF POLITICAL JURISDICTION (If same as label, skip to Item C) SOMERSET COUNTY						
2. Address--Number and Street 11916 SOMERSET AVE Suite, Room, Floor, Bldg. Name, ETC. PO BOX 37		CITY/TOWN PRINCESS ANNE	COUNTY NAME SOMERSET	STATE MD	ZIP 21853 Zip4 0000	EEOC USE ONLY A B
C. FUNCTION						
(Check one box to indicate the function(s) for which this form is being submitted. Data should be reported for all departments and agencies in your government covered by the function(s) indicated. If you cannot supply the data for every agency within the function(s) attach a list showing name and address of agencies whose data are not included.)						
<input checked="" type="checkbox"/>	1. FINANCIAL ADMINISTRATION. Tax billing and collection, budgeting, purchasing, central accounting and similar financial administration carried on by a treasurer's, auditor's or comptroller's office and GENERAL CONTROL. Duties usually performed by boards of supervisors or commissioners, central administration offices and agencies, central personnel or planning agencies, all judicial offices and employees (judges, magistrates, bailiffs, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	8. HEALTH. Provision of public health services, out-patient clinics, visiting nurses, food and sanitary inspections, mental health, alcohol rehabilitation service, etc.		
<input checked="" type="checkbox"/>	2. STREETS AND HIGHWAYS. Maintenance, repair, construction and administration of streets, alleys, sidewalks, roads, highways and bridges.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	9. HOUSING. Code enforcement, low rent public housing, fair housing ordinance enforcement, housing for elderly, housing rehabilitation, rent control.		
<input type="checkbox"/>	3. PUBLIC WELFARE. Maintenance of homes and other institutions for the needy; administration of public assistance. (Hospitals and sanatoriums should be reported as item 7.)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	10. COMMUNITY DEVELOPMENT. Planning, zoning, land development, open space, beautification, preservation.		
<input checked="" type="checkbox"/>	4. POLICE PROTECTION. Duties of a police department sheriff's, constable's, coroner's office, etc., including technical and clerical employees engaged in police activities.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	11. CORRECTIONS. Jails, reformatories, detention homes, half-way houses, prisons, parole and probation activities		
<input type="checkbox"/>	5. FIRE PROTECTION. Duties of the uniformed fire force and clerical employees. (Report any forest fire protection activities as item 6.)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12. UTILITIES AND TRANSPORTATION. Includes water supply, electric power, transit, gas, airports, water transportation and terminals.		
<input checked="" type="checkbox"/>	6. NATURAL RESOURCES. Agriculture, forestry, forest fire protection, irrigation drainage, flood control, etc., and PARKS AND RECREATION. Provision, maintenance and operation of parks, playgrounds, swimming pools, auditoriums, museums, marinas, zoos, etc.	<input type="checkbox"/>	<input type="checkbox"/>	13. SANITATION AND SEWAGE. Street cleaning, garbage and refuse collection and disposal. Provision, maintenance and operation of sanitary and storm sewer systems and sewage disposal plants.		
<input type="checkbox"/>	7. HOSPITALS AND SANATORIUMS. Operation and maintenance of institutions for in-patient medical care.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	14. EMPLOYMENT SECURITY STATE GOVERNMENTS ONLY		
<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	15. OTHER (Specify on Page Four)		

24200180 - Function 16

D. EMPLOYMENT DATA AS OF JUNE 30 (Do not include elected/appointed officials. Blanks will be counted as zero)												
1. FULL-TIME EMPLOYEES (Temporary employees are not included)												
JOB CATEGORIES	ANNUAL SALARY (in thousands)	Total (Columns B-K) A	MALE					FEMALE				
			NON-Hispanic origin		Hispanic D	Asian or Pacific Islander E	American Indian or Alaska Native F	NON-Hispanic origin		Hispanic I	Asian or Pacific Islander J	American Indian or Alaska Native K
			White B	Black C				White G	Black H			
OFFICIALS/ ADMINISTRATORS	1. 0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	2. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	3. 20.0-24.9	0	0	0	0	0	0	0	0	0	0	0
	4. 25.0-32.9	0	0	0	0	0	0	0	0	0	0	0
	5. 33.0-42.9	2	1	0	0	0	1	0	0	0	0	0
	6. 43.0-54.9	4	4	0	0	0	0	0	0	0	0	0
	7. 55.0-69.9	4	2	0	0	0	2	0	0	0	0	0
	8. 70.0 PLUS	2	1	0	0	0	1	0	0	0	0	0
PROFESSIONALS	9. 0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	10. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	11. 20.0-24.9	0	0	0	0	0	0	0	0	0	0	0
	12. 25.0-32.9	0	0	0	0	0	0	0	0	0	0	0
	13. 33.0-42.9	2	2	0	0	0	0	0	0	0	0	0
	14. 43.0-54.9	4	3	1	0	0	0	0	0	0	0	0
	15. 55.0-69.9	2	1	0	0	0	1	0	0	0	0	0
	16. 70.0 PLUS	0	0	0	0	0	0	0	0	0	0	0
TECHNICIANS	17. 0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	18. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	19. 20.0-24.9	4	3	0	0	0	1	0	0	0	0	0
	20. 25.0-32.9	2	2	0	0	0	0	0	0	0	0	0
	21. 33.0-42.9	2	0	0	0	0	2	0	0	0	0	0
	22. 43.0-54.9	1	1	0	0	0	0	0	0	0	0	0
	23. 55.0-69.9	0	0	0	0	0	0	0	0	0	0	0
	24. 70.0 PLUS	0	0	0	0	0	0	0	0	0	0	0
PROFESSIONAL SERVICE	25. 0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	26. 16.0-19.9	3	2	0	0	0	1	0	0	0	0	0
	27. 20.0-24.9	16	12	1	0	0	1	2	0	0	0	0
	28. 25.0-32.9	11	11	0	0	0	0	0	0	0	0	0
	29. 33.0-42.9	11	4	4	0	0	2	1	0	0	0	0
	30. 43.0-54.9	4	4	0	0	0	0	0	0	0	0	0
	31. 55.0-69.9	0	0	0	0	0	0	0	0	0	0	0
	32. 70.0 PLUS	0	0	0	0	0	0	0	0	0	0	0

24200180 - Function 16

D. EMPLOYMENT DATA AS OF JUNE 30 (Do not include elected/appointed officials. Blanks will be counted as zero)												
1. FULL-TIME EMPLOYEES (Temporary employees are not included)												
JOB CATEGORIS	ANNUAL SALARY (in thousands)	Total (Columns B-K)	MALE					FEMALE				
			NON-Hispanic origin		Hispanic	Asian or Pacific Islander	American Indian or Alaska Native	NON-Hispanic origin		Hispanic	Asian or Pacific Islander	American Indian or Alaska Native
			White	Black				White	Black			
A	B	C	D	E	F	G	H	I	J	K		
PARA - PROFESSIONALS	33. 0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	34. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	35. 20.0-24.9	0	0	0	0	0	0	0	0	0	0	0
	36. 25.0-32.9	4	1	0	0	0	0	3	0	0	0	0
	37. 33.0-42.9	2	1	0	0	0	0	1	0	0	0	0
	38. 43.0-54.9	0	0	0	0	0	0	0	0	0	0	0
	39. 55.0-69.9	0	0	0	0	0	0	0	0	0	0	0
	40. 70.0 PLUS	0	0	0	0	0	0	0	0	0	0	0
ADMINISTRATIVE SUPPORT	41. 0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	42. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	43. 20.0-24.9	15	3	0	0	0	0	12	0	0	0	0
	44. 25.0-32.9	5	0	0	0	0	0	5	0	0	0	0
	45. 33.0-42.9	16	4	0	0	0	0	12	0	0	0	0
	46. 43.0-54.9	3	0	0	0	0	0	2	1	0	0	0
	47. 55.0-69.9	0	0	0	0	0	0	0	0	0	0	0
	48. 70.0 PLUS	0	0	0	0	0	0	0	0	0	0	0
SKILLED CRAFT	49. 0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	50. 16.0-19.9	1	1	0	0	0	0	0	0	0	0	0
	51. 20.0-24.9	13	7	6	0	0	0	0	0	0	0	0
	52. 25.0-32.9	7	5	1	0	0	0	1	0	0	0	0
	53. 33.0-42.9	8	8	0	0	0	0	0	0	0	0	0
	54. 43.0-54.9	1	1	0	0	0	0	0	0	0	0	0
	55. 55.0-69.9	0	0	0	0	0	0	0	0	0	0	0
	56. 70.0 PLUS	0	0	0	0	0	0	0	0	0	0	0
SERV CE/MAINTENANCE	57. 0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	58. 16.0-19.9	6	4	2	0	0	0	0	0	0	0	0
	59. 20.0-24.9	6	3	2	0	0	0	1	0	0	0	0
	60. 25.0-32.9	7	4	3	0	0	0	0	0	0	0	0
	61. 33.0-42.9	2	1	0	0	0	0	1	0	0	0	0
	62. 43.0-54.9	0	0	0	0	0	0	0	0	0	0	0
	63. 55.0-69.9	0	0	0	0	0	0	0	0	0	0	0
	64. 70.0 PLUS	0	0	0	0	0	0	0	0	0	0	0
65. TOTAL FULL TIME (LINES 1-64)	170	96	20	0	0	0	50	4	0	0	0	

D. EMPLOYMENT DATA AS OF JUNE 30 (Do not include elected/appointed officials. Blanks will be counted as zero)												
2. OTHER THAN FULL-TIME EMPLOYEES (Include Temporary employees)												
JOB CATEGORIES	ANNUAL SALARY (in thousands)	Total (Columns B-K)	MALE					FEMALE				
			NON-Hispanic origin		Hispanic	Asian or Pacific Islander	American Indian or Alaska Native	NON-Hispanic origin		Hispanic	Asian or Pacific Islander	American Indian or Alaska Native
			White	Black				White	Black			
			A	B	C	D	E	F	G	H	I	J
66. OFFICIALS/ADMIN.		0	0	0	0	0	0	0	0	0	0	
67. PROFESSIONALS		0	0	0	0	0	0	0	0	0	0	
68. TECHNICIANS		1	0	0	0	0	0	0	0	0	0	
69. PROTECTIVE SERV		2	2	0	0	0	0	0	0	0	0	
70. PARA-PROFESSIONAL		2	2	0	0	0	0	0	0	0	0	
71. ADMIN. SUPPORT		10	4	0	0	0	5	1	0	0	0	
72. SKILLED CRAFT		10	6	2	0	0	2	0	0	0	0	
73. SERV./ADMIN.		18	12	3	0	0	2	0	0	1	0	
74. TOTAL OTHER THAN FULL TIME (LINES 66-73)		43	27	5	0	0	9	1	0	1	0	
3. NEW HIRES DURING FISCAL YEAR - Permanent full time only JULY 1 -- JUNE 30												
75. OFFICIALS/ADMIN.		1	1	0	0	0	0	0	0	0	0	
76. PROFESSIONALS		1	1	0	0	0	0	0	0	0	0	
77. TECHNICIANS		2	2	0	0	0	0	0	0	0	0	
78. PROTECTIVE SERV		5	4	0	0	0	0	1	0	0	0	
79. PARA-PROFESSIONAL		2	1	0	0	0	1	0	0	0	0	
80. ADMIN. SUPPORT		5	0	0	0	0	5	0	0	0	0	
81. SKILLED CRAFT		3	1	1	0	0	1	0	0	0	0	
82. SERV./ADMIN.		3	2	1	0	0	0	0	0	0	0	
83. TOTAL NEW HIRES (LINES 75-82)		22	12	2	0	0	7	1	0	0	0	

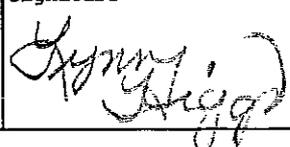
24200180 - Function 16

Remarks		
Enter NCIC numbers MD0200000		
List agencies included on this form		
Enter authorized agencies Function 15 Dog Control Tourism Maintenance All Functions Somerset County Commissioners Somerset County Roads Board		
CERTIFICATION. I certify that the information given in this report is correct and true to the best of my knowledge and was reported in accordance with accompanying instructions. (Willfully false statements on this report are punishable by law, US Code, Title 18, Section 1001.)		
NAME OF PERSON TO CONTACT REGARDING THIS FORM SHARON MUIR		TITLE INTERNAL AUDITOR
ADDRESS (Number and Street, City, State, Zip Code) 11916 SOMERSET AVE PO Box, Suite, Room, Floor: PO BOX 37 City: PRINCESS ANNE State: MD Zip: 21853-0000		TELEPHONE NUMBER INCLUDING AREA CODE (410)651-0320 FAX NUMBER (410)651-0366
DATE 10/3/2005 9:36:32 AM E-MAIL: smuir@co.somerset.md.us	TYPED NAME/TITLE OF AUTHORIZED OFFICIAL SHARON MUIR INTERNAL AUDITOR	SIGNATURE 0000000000
EEOC FORM 164, FEB 97 (Previous Editions are Obsolete)		

24200180 - Function 16

PART II. STAFF STATISTICS AS OF: 10/1/2006 (DATE)							DO NOT INCLUDE ELECTED/APPOINTED OFFICIALS (SEE DEFINITION IN APPENDIX)				
DISTRICT NAME: SOMERSET COUNTY SCHOOL DIST							DISTRICT ID #: 2400570				
ACTIVITY ASSIGNMENT CLASSIFICATION	OVERALL TOTALS (SUM OF COL B- K)	MALE					FEMALE				
		NON- HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE	NON- HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
		WHITE	BLACK				WHITE	BLACK			
		A	B	C	D	E	F	G	H	I	J
A. FULL-TIME EMPLOYEES											
1. Officials, Administrators, Managers	7	3	0	0	0	0	3	1	0	0	0
2. Principals	11	3	0	0	0	0	7	1	0	0	0
3. Assistant Principals Teaching	0	0	0	0	0	0	0	0	0	0	0
4. Assistant Principals, Non-teaching	2	1	0	0	0	0	0	1	0	0	0
5. Elementary Classroom Teachers	81	5	0	0	0	0	65	11	0	0	0
6. Secondary Classroom Teachers	103	33	9	0	0	0	45	16	0	0	0
7. Other Classroom Teachers	50	5	4	0	0	0	35	6	0	0	0
8. Guidance	17	2	0	0	0	0	9	6	0	0	0
9. Psychological	3	0	0	0	0	0	3	0	0	0	0
10. Librarians / Audio-Visual Staff	3	0	0	0	0	0	3	0	0	0	0
11. Consultants Supervisors Instruction	14	3	0	0	0	0	11	0	0	0	0
12. Other Professional Staff	18	3	0	0	0	0	13	2	0	0	0
13. Teacher Aids	51	2	5	0	0	0	19	25	0	0	0
14. Technicians	3	3	0	0	0	0	0	0	0	0	0
15. Clerical/Secretarial Staff	26	0	0	0	0	0	18	8	0	0	0
16. Service Workers	57	6	18	0	0	0	17	16	0	0	0
17. Skilled Crafts	7	5	2	0	0	0	0	0	0	0	0
18. Laborers, Unskilled	0	0	0	0	0	0	0	0	0	0	0
19. TOTAL (1-18)	453	74	38	0	0	0	248	93	0	0	0
B. PART-TIME STAFF											
20. Professional Instructional	2	0	0	0	0	0	1	1	0	0	0
21. All Other	2	0	1	0	0	0	0	1	0	0	0
22. TOTAL (20-21)	4	0	1	0	0	0	1	2	0	0	0
C. NEW HIRES (JULY THRU SEPT. OF THE SURVEY YEAR)											
23. Officials, Administrators, Managers	0	0	0	0	0	0	0	0	0	0	0
24. Principals/Asst. Principals	0	0	0	0	0	0	0	0	0	0	0
25. Classroom Teachers	24	6	0	0	0	0	16	2	0	0	0
26. Other Professional Staff	4	1	0	0	0	0	3	0	0	0	0
27. Non-professional Staff	20	0	6	0	0	0	8	6	0	0	0
28. TOTAL (23-27)	48	7	6	0	0	0	27	8	0	0	0

CERTIFICATION: I certify that the information given in this report is correct and true to the best of my knowledge and was prepared in accordance with accompanying instructions. Willfully false statements on this report are punishable by law, U.S. Code, Title 18, Section 1001.

Date 10/25/2006	Phone (Include Area Code) 410-621-6229 Fax (Including Area Code) 410-651-2931	Typed Name/Title of Person Responsible for Report LYNN HIGGS / HUMAN RESOURCES ASSOCIATE email: lhiggs@scmerset.k12.md.us	Signature 
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SOMERSET COUNTY SCHOOL DIST .2400570

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ELEMENTARY-SECONDARY STAFF INFORMATION (EEO-5) Public School Systems		FORM APPROVED BY OMB NO. 3046-0003 APPROVAL EXPIRES 12/31/2006		
		This is a joint requirement of EEOC, and the Office for Civil Rights and National Center for Education Statistics of the Department of Education.		
DO NOT ALTER INFORMATION PRINTED IN THIS BOX				
SOMERSET COUNTY SCHOOL DIST 7982A CRISFIELD HIGHWAY WESTOVER MD, 21871				
				
District ID: 24 00570				
NOTE: ALL EMPLOYEES IN YOUR SCHOOL DISTRICT MUST BE INCLUDED ON THIS FORM.				
MAIL TO: SCHOOL REPORTING COMMITTEE EEO-5 PO BOX 62229 VIRGINIA BEACH VIRGINIA 23466-2229				
PART I. IDENTIFICATION				
PART A. TYPE OF AGENCY WHICH OPERATES THE REPORTING SCHOOL SYSTEM				
<input checked="" type="checkbox"/> Local Public School System <input type="checkbox"/> Special or Regional Agency <input type="checkbox"/> State Education Agency <input type="checkbox"/> Other (Specify)				
B. SCHOOL SYSTEM IDENTIFICATION (OMIT IF SAME AS LABEL)				
NAME: SOMERSET COUNTY SCHOOL DIST				
STREET AND NO. OR POST OFFICE BOX 7982A CRISFIELD HIGHWAY	CITY/TOWN: WESTOVER	COUNTY: SOMERSET	STATE: MD	ZIP: 21871
C. GENERAL STATISTICS				
NUMBER OF SCHOOLS OPERATED: 9	NUMBER OF ANNEXES OPERATED: 1	OCTOBER 1ST ENROLLMENT: 2958		
D. REMARKS				
AUTHORIZATION THE NATIONAL CENTER FOR EDUCATION STATISTICS WILL PUBLISH INFORMATION APPEARING IN PART II, TOTAL COLUMN "A" UNLESS THE DISTRICT SPECIFICALLY WITHHOLDS AUTHORITY TO DO SO. IF THE DISTRICT WISHES TO WITHHOLD SUCH AUTHORITY, CHECK HERE.				
<input type="checkbox"/> AUTHORITY WITHHELD				
Somerset County Public Schools 7982A Crisfield Highway Westover, MD 21871				

B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

COALITION FOR EQUITY AND
EXCELLENCE IN MARYLAND
HIGHER EDUCATION, et al.,

Plaintiffs,

v.

MARYLAND HIGHER
EDUCATION COMMISSION, et al.,

Defendants.

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Trial Date: June 27, 2011

Case No.: CCB-06-CV-2773

* * * * *

DEFENDANTS' STATEMENT OF THE CASE AND ISSUES TO BE CONSIDERED AT TRIAL

October 29, 2010

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

COALITION FOR EQUITY AND
EXCELLENCE IN MARYLAND
HIGHER EDUCATION, et al.,

*
*
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Plaintiffs,

*

v.

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Case No.: CCB-06-CV-2773

MARYLAND HIGHER EDUCATION
COMMISSION, et al.,

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*
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Defendants.

* * * * *

**DEFENDANTS' STATEMENT OF THE CASE AND ISSUES
TO BE CONSIDERED AT TRIAL**

INTRODUCTION

Defendants Maryland Higher Education Commission, et al. ("MHEC" or "Maryland"), respectfully submit this Statement of the Case in response to Plaintiffs' filing on October 1, 2010. At the outset, Maryland is now proud of the racial diversity of its public universities but acknowledges that Maryland has a shameful history of operating its system of public higher education in a segregated manner, fostering one system of colleges and universities for white students and one for black students. This system officially ended in 1954 when the United States Supreme Court decided *Brown v. Board of Education* and the Board of Regents of the University of Maryland declared "every branch of the university was open to all residents of Maryland without regard to race."¹ For the University, this was technical progress only. For a number of years there continued to be, at best, benign neglect of the State's obligations to desegregate and,

¹ Minutes, Board of Regents, January 26, 1954, cited in *Podberesky v. Kirwan, et al*, 838 F.Supp. 1075, 1078 (D.Md. 1993).

at worst, outright hostility and footdragging. Eventually, the University administration, spurred on by concerned Maryland citizens, student activism and federal government pressure, started to take real steps to create a truly unitary system.

For more than four decades, the State of Maryland and its public universities have worked diligently and in good faith to increase diversity on its campuses, foster a welcoming and enriching environment for all students and staff at every institution, and enhance the historically black institutions (“HBIs”)². This was done in part to meet legal mandates to desegregate but, increasingly, because of the societal and pedagogical framework in which higher education was operating. Ultimately, the goal was and is to provide the widest array of institutional choice possible in the public university system for all prospective Maryland students.

Maryland has been successful in attracting diverse groups of students and staff to all of its public universities and providing them with a meaningful place to learn and work. For example, the University of Baltimore has approximately equal numbers of African-American and white undergraduates; rural Frostburg State University has an African-American enrollment of 22 per cent. Between 1992 and 2008, undergraduate- and graduate-level enrollments of African-American students both rose by more than 50%. White enrollments actually fell at the undergraduate level and basically were flat at the graduate level. As of 2009, 41% of African-American students attending Maryland’s public universities attended non-HBIs.

² Various terms have been used to describe institutions that were founded to serve students who were excluded from segregated universities and those formerly segregated schools. Consequently, documents in this case will variously use “historically black colleges and universities” or HBCUs, “historically black institutions” or HBIs, “historically black universities” or HBUs, “traditionally white institutions” or TWIs, or non-historically black institutions” or non-HBIs. We will use HBIs for those schools founded to serve African-Americans, and non-HBIs for those institutions that do not fall in this category. We do so because it is not accurate to refer to all of the other institutions as traditionally white. Some were founded or became a State institution after the end of segregation; at least one has minority students in the majority in its overall student population; the student bodies of a number of schools mirror the diverse demographics of the State; and all recruit and admit a diverse student body.

Given the amount of space which plaintiffs have devoted in their Statement of the Case to old historical documents and studies, they seem to want to put the shameful era of segregation itself on trial. But the question before this Court in 2010 is not whether and to what extent segregation is part of Maryland's history but, rather, whether Maryland has dismantled the formerly segregated higher education system so as to allow free choice, unimpeded by racial constraints, for prospective students today. *U.S. v. Fordice*, 505 U.S. 717, 742-43 (1992). This legal inquiry involves examining whether there remain any policies or practices traceable to that former system that have segregative effects at Maryland institutions today. *Id.*

MHEC will show that Maryland has met its legal obligation to dismantle its dual system of higher education by either purposefully eliminating all policies and practices that were traceable to that former system or because the passage of time and structural change within higher education have erased those connections permanently. The evidence will show that any racial identifiability present on Maryland campuses today is *not* attributable to the State's policies and practices. Either by filing a motion for summary judgment or, if necessary, presenting evidence at trial, MHEC will show that there are no policies or practices traceable to the shameful *de jure* segregation era that have continuing segregative effects and that Maryland satisfies the test in *Fordice*. Far from ashamed, Maryland is very proud of its diverse college campuses.

I. THE STRUCTURE OF HIGHER EDUCATION IN MARYLAND

In order to understand whether vestiges remain from the former segregated system, one must understand the structure of Maryland's public system of higher education both then and now. Immediately prior to a fundamental organizational change in 1988, three major units of higher education were governed by three distinct entities: (1) a Board of Regents governed the

Universities of Maryland at College Park, Baltimore, Baltimore County, Eastern Shore and University College; (2) a Board of Trustees of State Universities and Colleges, established in 1963, governed the five State Teachers Colleges at Bowie, Coppin, Frostburg, Salisbury and Towson, and later the University of Baltimore; and (3) a Board of Regents governed Morgan State University. There were four historically black colleges or universities: Morgan State University, the University of Maryland, Eastern Shore, and Bowie State and Coppin State Teachers Colleges.

In 1988, the Maryland legislature created the University System of Maryland by combining the University of Maryland schools with the Board of Trustees schools.³ These eleven institutions were governed by a Board of Regents, which continues today. Morgan State University in Baltimore and St. Mary's College, located in Southern Maryland, each chose to maintain its independence from the System and each has its own governing body. Morgan State also was designated as the State's public urban institution.

In addition to the four-year public universities, Maryland has 15 public community colleges whose boards of trustees are appointed by the Governor, but which operate principally as local entities. One additional community college, Baltimore City Community College, is a state entity, governed by its own Board of Trustees. Finally, Maryland enjoys an abundance of private universities, both non-profit and for-profit.

One last significant structural change occurred between 1988 and the present. In 1998, the Larson Commission, formally known as the Task Force to Study the Governance, Coordination and Funding of the University System of Maryland, was appointed to assess the first 10 years of the University System. It made these notable findings:

³ The University System of Maryland originally was called the University of Maryland System.

1. The System needed to be “fine-tuned,” not abandoned.
2. The University of Maryland, College Park, as the State’s “flagship” campus, should remain a high priority.
3. The Board of Regents had failed to delegate sufficient authority to the presidents of the institutions within the System and the presidents should be given “significant autonomy to manage their institutions.”
4. The System and individual campuses were encumbered by State regulations and procedures.
5. The Maryland Higher Education Commission’s involvement in the budget process for the System required clarification.

The General Assembly of Maryland enacted numerous changes in legislation as a result of the Larson Commission’s findings and recommendations. 1999 Laws of Maryland, ch. 515. It gave the university presidents the authority to establish policies related to each institution’s mission, size, location, and financial resources. *Md. Code, Ed. Art.*, §12-104 (k)(1)(ii). The Legislature limited MHEC’s role in the university budget process and establishment of the institutions’ missions to making recommendations in one narrow area. *Id.*, §11-105(h)(4)(iii); §11-302(c). The General Assembly generally exempted the System from State procurement rules. *Id.*, §12-112. Importantly, it recognized the uniqueness and value of all of the System institutions in affirming (1) the University of Maryland, College Park’s status as the flagship campus, (2) the State’s commitment to enhancing the historically black universities, (3) the enhancement of and support for all of the regional comprehensive universities (Bowie, Coppin, Frostburg, Salisbury, and Towson Universities), and (4) the University of Maryland, University College as a global leader in electronic (or distance) learning, and continuing education. *Id.*, §12-106 (a)(1).

Because neither Morgan State University nor St. Mary’s College of Maryland was, or is, a

part of the University System, the statutory changes that flowed from the Larson Commission did not affect them. Morgan State University and St. Mary's College, however, have obtained similar procurement authority (*Id.*, §§14-109 and 14-405(f) respectively), and the statutory changes limiting MHEC's role in budgets and missions apply to these institutions, as well. Since 1999, no relevant statutory changes have been made that affect the structure of the University System, Morgan State University, or St. Mary's College.

II. MARYLAND'S INVOLVEMENT WITH THE OFFICE FOR CIVIL RIGHTS

Maryland, along with 18 southern states with histories of segregated higher education systems, became involved with the Office for Civil Rights ("OCR") of the Department of Education, formerly of the Department of Health, Education and Welfare, more than 40 years ago to address OCR's concerns that these states had not completed the process of desegregating their colleges and universities. Under Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*, states have an affirmative obligation to remove any vestiges of segregation that remain from their formerly dual systems of higher education. OCR provides oversight and, eventually, approval of states' actions.

The time line of interaction between Maryland and OCR is as follows:

1974: OCR accepts Maryland's Plan for Completing the Desegregation of the Public Post-Secondary Education Institutions. Maryland begins to implement the Plan.

1976: Maryland successfully sues to enjoin the federal government from initiating an administrative enforcement action against Maryland unless and until it met certain prerequisites.

1980: Maryland adopts "A Plan to Assure Equal Postsecondary Educational Opportunity, 1980-1985," but without OCR involvement. The Plan, however, is expressly "consistent with the spirit" of OCR's 1978 Revised Criteria for acceptable plans.

1985: Maryland and OCR reach agreement on a second five-year plan which OCR

declared would satisfy Maryland's obligations under Title VI.

- 1990: OCR is silent on whether, at the end of the five-year term of the 1985 plan, Maryland met its obligations.
- 1994: OCR issues a written notice on the Supreme Court's decision in *U.S. v. Fordice*. The notice states that OCR will review the OCR-approved plans of the six states whose plans had expired, including Maryland.
- 1999: Nine years after completion of Maryland's second Plan, OCR contacts Maryland. The State agrees to enter into a third five-year plan for 2000-2005.
- 2006: Maryland submits its final report on the 2000-2005 Plan, describing its success in meeting its commitments.

The 2000-2005 Plan, known as the Partnership Agreement, was a "joint, cooperative effort" that did not "attempt[] to make legal findings" Plaintiffs' Statement, Exhibit B, at 22. Instead, OCR acknowledged Maryland's "strong commitment to eliminating the vestiges, if any, of the prior segregated system, as well as ensuring equal access to higher education." *Id.* at 23. (Emphasis added.) Thus, in entering into the Agreement, Maryland and OCR agreed to keep open the question of the existence of any vestiges remaining of the former dual system.⁴

Despite OCR's obligation to provide annual written feedback to Maryland on its progress in meeting the Agreement's obligations, OCR never gave Maryland any input. To date, OCR has not commented upon Maryland's final report of its actions and has not determined, one way or the other, if Maryland has met its Title VI obligation to dismantle its formerly segregated system of higher education. Now, the decision on whether Maryland is in compliance with Title VI, and the determination of what evidence and benchmarks should be used for making this judgment,

⁴ The University of Maryland, College Park actually had attempted to convince the federal courts that College Park still retained some vestiges of the segregated system as late as the early 1990s, primarily related to admissions, retention, and campus climate. The University was hoping to continue a challenged race-based scholarship program. College Park was unable to show any such vestiges and the scholarship program was eliminated. *Podberesky v. Kirwan, et al.*, 38 F.3d 147 (4th Cir. 1994).

are in the hands of this Court. While the Partnership Agreement reflects OCR's position on Maryland compliance with Title VI and may provide useful guidance on some aspects of this case, it is not determinative of the legal issues in the case.

III. THE LEGAL ISSUES

The fundamental question for the Court is whether Maryland has met its obligations under Title VI to affirmatively dismantle its formerly segregated system of public higher education so as to give prospective students sufficient choice for their college experience. The answer to the question requires a three-step analysis: (1) do any policies or practices currently exist that are traceable to the former segregated system of higher education; (2) if they do exist, do they continue to foster segregation; and (3) if they exist and are segregative, is it practicable or educationally sound to eliminate them. If at any point in the analysis the answer is "no," the policy at issue is allowed to stand and cannot be a basis for a Title VI violation.⁵ The guiding principle at the end of this analysis, as the *Fordice* Court said, is "whether existing racial identifiability is attributable to the State" *Fordice*, 505 U.S. at 728.

The Mississippi - based *Fordice* case of 1992 is the only relevant Supreme Court case after *Brown v. Board of Education* that involves a State's obligation to desegregate its entire system of higher education. The *Fordice* decision arose from circumstances existing in Mississippi in 1989, i.e., 21 years ago. The decision addressed four aspects of Mississippi's system: admissions requirements, the assignment by the State of a specific mission to each university, the duplication of academic programs between HBIs and non-HBIs, and the continued existence of all of its universities. *Fordice*'s usefulness is limited, given its age, narrow factual

⁵ Plaintiffs appear to have abandoned their Equal Protection claims as they do not allege any intentional discrimination in their Statement of the Case. Accordingly, Maryland will not address this issue.

scope, ambiguities, and the massive changes which have occurred in higher education and society in the nearly 20 years since it was decided.

A. The Alleged Vestiges of Segregation.

In framing the issues for trial, Plaintiffs describe three principal issues - academic program duplication and “inequality,” disparity in facilities, and financial disparity. (Plaintiffs’ Statement of the Case at 5.)⁶ In discussing the three principal issues, Plaintiffs jump to the second step of the required analysis, failing to identify any current segregative policy or practice and merely assuming that the imbalances alleged are themselves the vestiges of a discriminatory system. Their analysis is, thus, legally incorrect. As the concurring opinion of Justice Thomas in *Fordice* emphasized, it is proper to “focus on the specific policies alleged to produce racial imbalance, rather than on the imbalance itself.” *Fordice*, 505 U.S. at 746. (Emphasis in original.)

In *Freeman v. Pitts*, 503 U.S. 467 (1992), the Court stated that a vestige of *de jure* segregation is a current or latent racial imbalance that is “traceable, in a proximate way, to the prior violation of the Fourteenth Amendment.” 503 U.S. at 494. The *Fordice* case provides little guidance on the required proximity of a policy to an alleged imbalance. The decision pointed out that one of the issues raised by plaintiffs, program duplication, historically was a part of the segregated system. The Court, however, found it necessary to remand the question because the lower court “treat[ed] the issue in isolation” and “failed to consider the combined effects of unnecessary program duplication with other policies, such as differential admissions standards, in evaluating whether the State had met its duty to dismantle its prior *de jure* segregated system.” *Fordice*, 505 U.S. at 739. The *Fordice* decision did not address at all any differences in funding

⁶ In footnote 10 of their Statement (at 3-4), Plaintiffs mention three additional general complaints but do not further elaborate.

or facilities.

It is indisputable that, in order to violate Title VI, the policy must be a vestige of past discrimination by the University, as opposed to present or past discrimination by society at large. *Freeman*, 503 U.S. at 494; *Podberesky v. Kirwan, et al.*, 38 F.3d 147, 154 (4th Cir.1994). The connection, or lack thereof, between policies and practices of the 1960s or earlier in Maryland to those of the 21st Century will be the overarching issue of this case.⁷ MHEC will show that, in 2010, there are no vestigial and/or segregative policies or practices in Maryland's public universities.

B. "Comparable and Competitive"

Plaintiffs scatter numerous references to the alleged lack of comparability and competitiveness of the historically black institutions with the non-historically black institutions throughout their Statement, seeming to claim that this alleged deficiency is a violation of Title VI. Plaintiffs' reliance on this term as the operative legal standard is unjustified. The phrase "comparable and competitive" is not used in any statute, regulation, or case law. No court has adopted it as a requirement in desegregation cases or elsewhere. The phrase has not been defined in any authoritative text. Except for the Maryland Partnership Agreement, OCR did not use these words in desegregation agreements with other states. Reminiscent of the prohibited "separate, but more equal" standard rejected in *Fordice*, 505 U.S. at 743, the phrase "comparable and competitive" is not a viable legal standard and serves no useful purpose in the legal analyses needed in this case.

⁷ Plaintiffs have presented excerpts of some deposition testimony in which certain deponents opined that facilities differences or program approval decisions are current vestiges of the former dual system. The quotations are not placed in context and the issue is one for the Court, not conclusive by lay opinion holders. See *Fordice*, 505 U.S. at 733.

In Maryland's pursuit of the public policy of enhancing the historically black universities, the concept that *all* of Maryland's universities should be of high quality and generally competitive within the higher education community is unassailable. As the Funding Commission's HBI Panel noted, Maryland has reached for "a higher and more exacting" standard for determining comparable quality among its institutions. Plaintiffs' Statement, Exhibit C, at 5. In other words, MHEC voluntarily seeks to achieve a higher standard for overall improvement above and beyond the legal standard. Maryland has made great strides in this direction and is proud of its array of higher education options in all thirteen of its public four-year institutions.

IV. FACTUAL ISSUES

Plaintiffs focus on alleged inequalities between HBIs and non-HBIs in three areas: academic program inventories, public funding, and facilities. While emphatic in their claims of those inequalities, Plaintiffs do not identify any *de jure* era policies or practices that persist and create these disparities, let alone create a segregative impact. Plaintiffs will be unable to do so either in opposition to a possible motion for summary judgment filed by MHEC or at trial.

MHEC cannot proceed with its Statement on the factual issues involved in this case without a brief preliminary discussion about institutional missions, a topic that touches on all other factual disputes. Each university determines its own written mission, subject to limited review and comment by MHEC. The kind of mission a university develops influences many aspects of its operations. It affects the kinds of programs it offers, the funding it receives, the buildings it constructs, and the students it attracts. In Maryland, the presidents of the public universities have the authority and autonomy to create their own institutions' missions with minimal oversight. *Md. Code, Ed. Art.*, §§11-302; 12-104; 14-104(k)(3). The reasons for adopting certain missions, the process used to arrive at an approved mission, the institutions'

unique missions, and their impact on university operations all affect the following three broad issues of program duplication, funding, and facilities.

A. Program Duplication

Plaintiffs allege that there is widespread unnecessary duplication of programs within Maryland's higher education system. Under the *Fordice* analysis, "unnecessary program duplication" is the existence of the same nonessential, or noncore, programs at two or more institutions, a practice that *Fordice* found would be a vestige of a dual system of higher education in States where "separate but equal" sets of schools were maintained. 505 U.S. at 738. In *Fordice*, the Court held that the lower court erred in not considering whether there was any educational justification for continuing any duplication and whether duplication could be "practicably eliminated." *Id.* at 739. It also stated that the lower court should "consider the combined effects of unnecessary program duplication with other policies, such as differential admissions standards, in evaluating whether the State had met its duty to dismantle its prior *de jure* segregated system." *Id.*

The standards set forth in the *Fordice* analysis govern the program duplication analysis. Dr. Clifton Conrad, Plaintiffs' expert witness, has failed to correctly apply this analysis. He has considered only the presence of duplication itself, stating that there are numerous examples of HBI programs that have been duplicated at geographically proximate non-HBIs over the years. In so concluding, he has applied the incorrect definition of "geographically proximate," found completely distinct programs to be identical, and inappropriately used as examples of improper program duplication programs at non-HBUs which predated those at HBUs.

It is also necessary to consider that the number of programs offered at all of Maryland's public higher education institutions has increased dramatically in the past two decades. In

addition, due to advances in technology, the manner of delivery of such programs has changed. Many courses, and in some cases entire programs, are now offered on-line via computer access, thus allowing students to enroll regardless of their geographic proximity to an institution. One university within the University System of Maryland - the University of Maryland, University College - is devoted entirely to distance and electronic learning. Today's higher education environment is thus vastly different from that considered by the *Fordice* Court in 1992 and may render that Court's analytical framework regarding program duplication incomplete at best, and arguably obsolete.

Regardless of the Plaintiffs' expert's reports and deposition testimony, it is indisputable that in the past ten years, MHEC has approved only one proposed program at a public non-HBI over the objections of an HBI. Morgan State University objected to the proposed expansion of the University of Baltimore's existing Master's in Business Administration program into a joint program with Towson University in 2005.⁸ Plaintiffs allege that MHEC's approval of this program is an example of unnecessary program duplication that violates Title VI.⁹

Plaintiffs' exclusive focus on the alleged widespread duplication of programs in Maryland misses the forest for the trees. In order to determine whether the limited number of duplicative programs in Maryland creates a Title VI violation, this Court must employ the

⁸ Although MHEC recently approved University of Maryland, University College's on-line Community College Leadership Program over Morgan State University's objections, it was approved only as offered to non-Maryland students; UMUC's request to offer it to Maryland students was denied.

⁹ Plaintiffs attempt to support their point by arguing that a former Maryland Assistant Attorney General who at that time represented MHEC wrote an advice memorandum stating that approval of the Towson/UB MBA program would amount to unnecessary program duplication. That memorandum, however, was not the opinion of the Maryland Attorney General, who stated in a published opinion:

[T]he State may legitimately assert a range of educational justifications for duplicate programs. If the justification is consistent with the State Plan for Higher Education or the current OCR agreement and supported by sound reasoning and empirical evidence, we believe that it has satisfied the criterion of educational soundness. The question then is whether those legitimate educational objectives can be met without the same segregative effect. 90 Op. Md. Att'y Gen. 153,177-783 (2005).

analysis set forth in *Fordice*, which first requires a determination of whether this practice flows from policies traceable to the State's formerly segregated system of higher education. The continued existence of Maryland's HBIs is based, in part, on policies traceable to the prior era of Maryland's segregated system of public education. The State's current process for approval of institutional programs, however, is not traceable to the era of segregation. Indeed, the existing program approval process was specifically designed to prevent any deleterious effects on Maryland's HBIs by allowing any HBI to challenge a proposed program at a non-HBI on the basis that permitting the program to be offered could harm the HBI.

In addition to the question of whether the current program approval process flows from Maryland's formerly segregated system, the second element of the *Fordice* analysis, the segregative effects of the policy under consideration, is missing from Plaintiffs' argument. The evidence will show that, in fact, the limited existing program duplication in Maryland, as a whole, does not have segregative effects. For example, prior to the approval of the allegedly duplicative University of Baltimore/Towson University MBA program over Morgan State University's objections, Morgan's MBA program was already segregated. Any continuation of this situation cannot be attributed to duplication.

Finally, under *Fordice*, even program duplication that is traceable to a formerly segregated system and that has current segregative effects does not violate Title VI if it is educationally justified or cannot be practicably eliminated. Plaintiffs and their expert have wholly failed to consider these factors; thus, their analysis is legally flawed. As an initial matter, Plaintiffs have failed to distinguish between core undergraduate courses in basic liberal arts and sciences disciplines on the one hand, and vocational/technical, occupational, graduate and professional programs, on the other hand. Generally, the core undergraduate courses are never

considered unnecessarily duplicative because it is understood that most universities should offer such courses. Further, although programs in the latter categories may have the potential for being unnecessarily duplicative, MHEC will offer undisputed evidence that, before it approves any proposed program, it requires a showing of educational justification. The institution seeking to add the program must provide evidence that the program is necessary to meet specific local and statewide workforce needs.

Incredibly, Plaintiffs assert that “MHEC has *never* considered whether proposed academic programs unnecessarily duplicate programs at existing Maryland public colleges and universities.” Plaintiffs’ Statement at 17 (emphasis in original). As support for this position they take deposition testimony out of context, they seem unaware of myriad documents provided by MHEC in discovery that use this terminology, and they ignore MHEC regulations that address this point.

Their own expert, Dr. Conrad, used the *Fordice* “unnecessarily duplicative” analysis in 2004 on MHEC’s behalf with respect to a program proposal submitted by the private College of Notre Dame.¹⁰ See Exhibit 1, attached. In addition to the Conrad analysis, in 2000 OCR and MHEC agreed in the Partnership Agreement that “the State commits to developing high-demand academic programs at [its historically black institutions] and ensuring that they are not unnecessarily duplicated at nearby institutions.” (Agreement at 33). The Agreement then defined “unnecessary program duplication,” *id.*, and included numerous exhibits, which amply demonstrated MHEC’s use and understanding of “unnecessary” program duplication.

Moreover, Plaintiffs misinterpret the State’s statutory and regulatory framework for program approval. Their focus upon the supposed lack of analysis of “unnecessary duplication”

¹⁰ Dr. Conrad served as a consultant to MHEC for this matter.

is misplaced. Under Maryland's Education Article, MHEC at any time on its own initiative or at the request of an institution may determine whether an existing program is unreasonably duplicative of a program at another institution. *Md. Code, Ed. Art.*, §11-206 (e)(4). MHEC has the power to revoke the authority of an institution to offer an unreasonably duplicative program. §11-206 (e)(5).

When a new program is proposed, MHEC and other institutions may object to a proposal on four grounds: (1) inconsistency with the proposing institution's approved mission; (2) not meeting a regional or statewide need consistent with the State Plan for Postsecondary Education; (3) unreasonable duplication which would cause demonstrable harm to another institution; or (4) violation of the State's equal educational opportunity obligations under State and federal law. §11-206.1 (e). The "unnecessary program duplication" analysis is made under the fourth ground for objection: violation of the State's equal educational opportunity obligations. Application of the "unreasonable duplication" analysis and "unnecessary duplication" analyses are thus closely aligned and serve the same ultimate goal.

The program duplication regulations make this clear. Several phrases in the regulations mirror the language of the *Fordice* decision. See Code of Maryland Regulations 13B.02.03.09. These regulations guide MHEC's decision-making process and demonstrate, contrary to Plaintiffs' assertions, that MHEC is using the correct standard for assessing program duplication. Furthermore, in all the years the State and OCR have been engaged in discussions of program duplication, OCR has never suggested that Maryland's relevant statutes and regulations were infirm or created a barrier to proper application of Title VI, its 1978 Revised Criteria Specifying the Ingredients of Acceptable Plans to Desegregate State Systems of Higher Education or its 1994 Notice of Application of Supreme Court Decision.

The State of Maryland, in good faith, has worked with OCR rigorously over the past thirty years to dismantle Maryland's prior segregated system of higher education. Particular attention has been paid to the issue of program duplication, including the State's addition of numerous high-demand, unique programs at each of Maryland's HBIs designed, in part, to draw white students to these institutions. To conclude that there is no educational justification for the relatively limited degree of program duplication that currently exists within Maryland's higher education system is to ignore both these good faith efforts and the concrete results that the State has achieved in dismantling its formerly segregated system.

B. Funding

Plaintiffs will be unable to show that there is a policy traceable to the disavowed segregated system that dictates or even influences the funding provided by the State of Maryland to its public universities. Plaintiffs' own Statement recognizes that changes were made in the funding formulae approximately 20 years ago, well after segregation ended.¹¹ More revisions to the funding process have been made since that time. Testimony from employees of State agencies will reveal how the funding systems have evolved over decades, what factors are used to determine appropriations, and how much money, in fact, has been given to Maryland universities.

Maryland's funding expert is Allan Lichtman, Ph.D., Professor of History at American University for 37 years and a consultant or expert witness for plaintiffs and defendants in over 75 civil and voting rights cases. He strongly disagrees with Plaintiffs' expert's conclusion, arguably immaterial, that there is a "cumulative deficiency" in the funding of HBIs. (Plaintiffs' Statement of the Case at 31.) On the contrary, Maryland will show that by any reasonable and valid

¹¹ Plaintiffs' Statement, footnote 89, at 31.

measure, the HBIs have been funded more generously than the non-HBIs since at least 1984, the earliest year for which there is conclusive data. And, if one excludes from the calculations the University of Maryland, College Park, the unique research-intensive and expensive campus designated by statute as the State's "flagship" university, the historically black universities have been appropriated more dollars per student than the non-historically black universities. Over 25 years, this funding differential has greatly benefited the HBIs compared to the non-HBIs and amounts to hundreds of millions of dollars.

There is a broad spectrum of differences among Maryland's public universities in terms of size of student bodies and course offerings. To make valid comparisons among small, medium, and large institutions, Professor Lichtman used a standard measurement of full-time-equivalent student ("FTE student") to compare the smaller enrollments to large enrollments and to adjust for the presence of part-time students. The use of FTE student counts provides an accurate measure of Maryland's comparative funding among institutions and the "bang for the buck" that the funding provides.

The results of Professor Lichtman's comparative funding analysis include the following:

- An appropriate analysis using FTE students shows that, since 1984, the State of Maryland has provided substantially more support through annual appropriations and capital allocations to the four historically black public four-year institutions than to the non-historically black institutions. In each of these two critical state-supported categories, Maryland's additional financial support amounts to several hundred millions of dollars for historically black institutions during the past quarter century.
- Both annual appropriations and capital funding to historically black four-year institutions have risen at a faster rate than to non-historically black schools in recent years. Present day support is substantially higher per FTE student for the historically black institutions among public universities in Maryland.
- By another comparative measure, the State of Maryland provides more state appropriations and capital funding per FTE for black students than for non-black

students, regardless of the four-year public institutions they attend in Maryland.

Among the Maryland public institutions, currently the University of Maryland, College Park receives the highest level of annual funding, at \$13,072 per full-time-equivalent student. It is followed by Coppin State, at only \$700 per student less than College Park's funding; Morgan State, at \$1600 less than College Park; and then the University of Maryland, Baltimore County, trailing Morgan State by \$2,700 and College Park by \$4,300 per student. The five lowest funded universities are University of Maryland, University College, Towson University, Salisbury University, the University of Baltimore, and Frostburg State University, none of which is a historically black institution.

One of the arguments Plaintiffs use to support their claim that the HBIs are entitled to more funding is that they serve a costly "dual mission" to educate not only high-achieving students but also those with remedial education needs and financial disadvantages. The decision to admit these students and offer them the opportunity for post-secondary learning is within the complete discretion of each university. This decision has been made by all of Maryland's public universities, which all have cohorts of students with additional needs. All of these institutions provide extra academic support, summer bridge programs for entering freshmen, need-based financial aid, and other remedial assistance to that cohort.¹²

But setting aside whether this dual mission disproportionately affects the HBIs, there is no evidence that it is a vestige of the segregated system of higher education. There is no evidence that there was a policy or practice decades ago, continuing as a vestige today, to admit under-prepared high school students to college. There is no evidence that their under-

¹²At trial, if one is necessary, MHEC will address the effectiveness of these efforts on the issues of recruitment, admissions, retention, and graduation: pending issues that are mentioned in Plaintiffs' Statement but not further described.

preparedness today has been proximately caused by segregation in higher education, as opposed to inadequate K-12 schools, poverty, or societal discrimination. This problem, that is, the gap in college readiness between white and African-American students that is known as the achievement gap, is a national problem, not one that is limited to formerly segregated states. The practice of educating these students today is not traceable to any policy or practice from that segregated system nor does it have a segregative effect. Plaintiffs' ultimate goal, to show that funding for remedial programs must be increased in order to eliminate a segregative vestige, is not supported by the facts or the law.

MHEC will provide detailed evidence on the level of funding that all universities have received over the years. The Court will be able to see that similar institutions have been treated at least similarly, and that the historically black universities have received more funding per student than their non-HBI counterparts in size and mission.

Even if the Court were to conclude that disparities have been shown to exist and that they were caused by a vestigial policy, the challenge for Plaintiffs does not end. The *Fordice* court specifically rejected the idea of addressing any funding disparities between HBIs and non-HBIs for their own sake when it said that an HBI is not entitled to be a "separate but more equal" school. *Fordice*, 505 U.S. at 743.¹³ If, for the sake of argument, there exists inequitable funding, and it is caused by a policy that is traceable to segregation, and the inequity is found to foster present-day segregation on campus, only then might the Court find that more money is needed to dismantle the former system. *Fordice*, 505 U.S. at 743. There is no Constitutional mandate or even suggestion that remediation for historical funding differences alone is appropriate.

¹³ Institutions have no rights themselves, of course; only people are guaranteed civil rights. *Sweatt v. Painter*, 339 U.S. 629, 635 (1950).

C. Facilities

Plaintiffs' Statement of the Case presents very little factual support concerning the relative quality of campus buildings and other facilities at Maryland's HBIs compared to non-HBIs, other than quotations from various historical documents, some deposition testimony without proper context, and plaintiffs' broad assertions that the HBIs are generally inferior. How "quality" is to be measured is not addressed, nor do plaintiffs present, in any quantitative or measurable way, how the facilities are inferior. Instead, both Plaintiffs' Statement and the unauthorized expert report of Dr. Harvey Kaiser have an "eye of the beholder" approach – they contend the facilities look older and less technologically impressive, therefore they must be inferior and vestiges of the bygone segregated era.

Plaintiffs' expert on higher education funding, Dr. Robert Toutkoushian, did not express any opinions on the funding of capital improvements at Maryland's public universities in either his initial or supplemental expert reports. MHEC's funding expert, Professor Lichtman, criticized Dr. Toutkoushian for not evaluating a large category of State financing – capital improvements – in comparing the State's overall treatment of HBIs to non-HBIs.¹⁴

Plaintiffs' unauthorized facilities expert, Dr. Kaiser, stated that he does "not contest the [capital improvement] calculations in Dr. Lichtman's report." Facilities Expert Report of Dr. Harvey Kaiser ("Kaiser Report") (Doc. 172-3), at p. 9. Because Dr. Kaiser's report was not authorized, MHEC filed a Motion for Extension of Time to Respond to Plaintiffs' Unauthorized Filing of a New Expert Report on College Facilities on October 14, 2010 (Doc. 175). The Court

¹⁴ With this Statement of the Case, MHEC also is filing the "Reply Expert Report of Allan J. Lichtman: Response to the Supplemental Report of Robert K. Toutkoushian," dated October 28, 2010.

granted the motion (Doc. 177) and MHEC will respond by filing a motion to strike and/or MHEC's own rebuttal expert report on facilities by December 10, 2010.

If plaintiffs are truly serious about attacking the relative quality of the HBIs' facilities, the evaluation cannot be based merely on Dr. Kaiser's "site visits to selected [and never identified] campuses" that were "unguided" campus tours. Kaiser Report (Doc. 172-3) at p. 8. A meandering visit to pre-selected target campuses of Coppin State University and, possibly, Bowie State University (i.e., two HBIs) tells the viewer little, if anything, about the relative quality of those universities' facilities compared to Frostburg, the University of Baltimore, Towson University, or even the State's flagship university, College Park.

Is the green and leafy campus at Bowie State really inferior to the downtown urban campus of the University of Baltimore? Is an old but classically proportioned Greek revival building inferior to concrete "Soviet realist" architecture prevalent in the 1970s that afflicts some non-HBI campuses in Maryland and others throughout the nation? Are all chemistry labs comparable in quality regardless of size, research focus, and other parameters? The evidence will show that perhaps the worst dormitory buildings at the four-year public universities in Maryland are at the University of Maryland, College Park, the State's flagship university. Surely "quality" is not merely in the eye of the beholder. Neither Plaintiffs' Statement of the Case nor Dr. Kaiser's expert report provides any useful guidance on how to compare quality in facilities.

What can be stated in quantifiable, measurable terms is the amount of money that Maryland has appropriated for capital improvements at the thirteen Maryland public universities. Understandably, Plaintiffs avoid that sort of comparison. But MHEC's funding expert, Professor Lichtman, found that, over the last 25 years, Maryland has generously built and renovated the HBI facilities compared to non-HBIs, measured on a FTE student basis:

- Since 1984 the state has devoted well more than two billion dollars to capital projects for historically black and non-historically black four-year public institutions. During that period, Maryland has provided the four historically black institutions more than \$400 million above the capital allocations proportional to their share of FTE students.
- Maryland's historically black institutions have more square feet per FTE student than non-historically black institutions.
- Historically black institutions have less deficiency in research laboratory space than non-historically black institutions.

Overall, Professor Lichtman found that Maryland has generously funded its historically black institutions since 1984. That overall conclusion is true whether the University of Maryland, College Park is excluded, due to its size and special status in Maryland, or, in the alternative, College Park is included in the comparisons. Expert Report of Allan J. Lichtman, dated May 17, 2010. Despite the fact that the Court's pretrial schedule permitted time for plaintiffs' experts to rebut Professor Lichtman's expert opinions, neither the supplemental report of Dr. Toutkoushian nor the unauthorized report of Dr. Kaiser addressed the above conclusions of Professor Lichtman concerning Maryland's very substantial capital improvements at HBIs compared to non-HBIs on a FTE student basis over the past 25 years.

CONCLUSION

Maryland's system of public higher education has overcome its shameful distant past through strong leadership, diligent effort, sincere commitment, best academic practices, and many millions of dollars. While some might suggest that Maryland has too many public universities, no one can credibly argue that there are inadequate options available for Maryland residents. From a campus with 30,000 students to one with 2,000 students; from the western to eastern ends of the State; from the population centers of Baltimore City and Prince George's County to rural Frostburg and Princess Anne, and from residential schools to those serving

nontraditional students, the array is both admirable and ambitious.

As a part of this collection of institutions, the historically black universities hold a valued position. It is the public policy of the State to enhance its historically black institutions, as memorialized in statute and the State Plan for Higher Education. The changes that Maryland continues to implement for these institutions flow from its commitment to identifying and undertaking the best educational initiatives, not from any legal obligation. MHEC will show that, today, there are no policies or practices with segregative effects that are traceable to the rejected *de jure* era of segregation, that plaintiffs cannot meet their legal burden under the *Fordice* decision, and that judgment should be entered for MHEC.

Respectfully Submitted,

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MARYLAND CONTINUES ITS VOTER SUPPRESSION EFFORTS

October 4, 2006

Sabrina Williams, Advancement Project 202/728-9557 or 305/904-3960

Michael Slater, Project Vote 617-282-3666

Today, Advancement Project and Project Vote sent a letter to Linda Lamone, administrator of the Maryland State Board of Elections. The letter demanded the state discontinued its unlawful practice of refusing to process, and in some cases canceling, voter registration applications where the applicant's personal identification number could not be verified through the Motor Vehicle Administration (MVA) or Social Security Administration (SSA) databases.

"It seems like Maryland is taking a page from Florida's voter suppression playbook, which also attempted to use technology to match 2 different databases and ultimately disenfranchised thousands of voters in 2000 because the database wrongly identified them as a felon," said Andrew Rivera, senior attorney, Advancement Project, a national civil rights organization. "Matching an applicant's registration number with information in a database is an error prone and unreliable process."

Voter protection groups have been monitoring Maryland's voter registration processes, and have learned that election officials have:

- Refused to register voter registration applicants whose personal identification number could not be verified in the MVA or SSA databases and placed such applicants on a "pending" status, in violation of HAVA;
- Sent "pending" applicants a misleading letter stating that their identification number could not be verified, but did not indicate that they could in fact vote in the primary election as long as they produced identification;
- Removed "pending" applicants whose notice letter was returned as undeliverable from Maryland's statewide voter registration database, which is in direct violation of the NVRA; and
- Required "pending" applicants, whose applications should have been processed, to vote by provisional ballot in violation of HAVA, NVRA and the VRA.

"Maryland has created needless and unlawful barriers to voter registration and voting in the state," said Colin Pierce, Project Vote spokesperson. "These hurdles are unauthorized, unwise, unjust, and unnecessary, and they are contrary to federal law and the interests of the state in promoting fair elections. We urge the state to take immediate steps to remove these hurdles and protect the rights of eligible persons to participate in our democracy."

Maryland's matching requirements have been causing problems for thousands of eligible voters. For example, a citizen registering as "William" might not "match" if his driver's license is issued under "Bill"; a woman's married name might not match against an outdated database containing her maiden name. Moreover, common data entry errors cause matches to fail. According to court documents in a recent Washington case, one woman was barred from the rolls when her birthday was mistakenly entered into the system as "1976" instead of "1975". A federal court in Washington State recently blocked enforcement of a Washington state statute that required the rejection of voter registration applications if the applicant's ID number could not be verified.

Perhaps even more troubling, while Maryland's matching procedures not only disenfranchise numerous eligible voters, they may disproportionately impact certain racial and ethnic groups. For example, it is common for individuals of Latino descent to use both maternal and paternal last names or to use one or the other inconsistently. If an individual uses a different version of her name on her application than is used in the database, she will not be registered to vote. In African-American communities, it is common to modify spellings of names traditionally spelled differently in other cultures. In fact, one recent study reported that Jazmine, Jasmin, and Jazmin are all common names in African-American communities. Any of these names could easily be misspelled by a data enterer as Jasmine.

"These sources of error will confront election officials with tens of thousands of

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Keywords

Pierce. “Even under the best case scenario, disenfranchisement will be widespread. The only question is how many voters will be denied.”

If Maryland does not discontinue its practice of placing applicants whose personal ID number cannot be verified on pending status rather than registering such applicants, it will lead to the inevitable and unlawful disenfranchisement of thousands of eligible voters throughout the state. Voter protection groups are not asking for the state to unilaterally reverse the operation of state regulations, unlawful as they are; rather, they are asking for the state to exercise discretion in implementing them as to minimize their unfair and regressive impact on voter registrants. At a minimum, groups recommend:

- That if a voter whose ID number has not been verified provides ID at the polls on Election Day, the voter should be permitted to vote by regular ballot; and
- The state should notify all applicants, well in advance of Election Day, whose applications are pending because of Maryland’s inability to verify their ID number of their right to present ID at the polls and prior to the canvassing of provisional ballots.

“Maryland is relying on computers to accurately identify eligible voters in a way that exceeds the limits of human error in entering data,” concluded Rivera. “A ‘no match, no vote’ rule will mistakenly reject too many registration applications, too close to the election. If Maryland continues down the current path of requiring an ID match as a precondition to registration, a close examination of the intersection between Maryland’s current approach and federal laws will be in order.”

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Republican 'doctrine' on suppressing black vote is key to Md. case, and maybe to 2012

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By Aaron C. Davis, Published: June 17

In a room last summer, the brain trust behind the only Republican governor to lead Maryland since Spiro Agnew sat thumbing through a campaign strategy to suppress turnout among the state's black voters.

It was a document that could have seemed like a relic, more likely to be found in a campaign office during the time of Agnew and the 1960s civil rights movement than during a campaign in 2010 to reelect former governor Robert L. Ehrlich Jr.

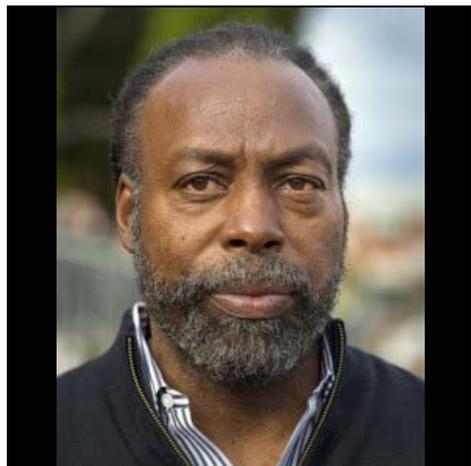
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Now, the document in the hands of the Office of the Maryland State Prosecutor. It constitutes the centerpiece of indictments issued this week that that accuse one of Ehrlich's most trusted aides, as well as a campaign consultant, of conspiring to suppress the black vote last year.

For the defense, the document is no less important. The voter suppression strategy was flatly rejected by those present at the meeting last summer, according to an attorney for Paul Schurick, Ehrlich's de facto campaign manager, and the apparent inspiration for the document's namesake, "The Schurick Doctrine."

"So, they've got this document, which was rejected and they are trying to look at all

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(Karl Merton Ferron / Baltimore Sun) - Julius Henson, owner of Universal Elections, is accused of being involved in "robo-call" that played erroneous information to at least 50,000 potential voters on Election Day. He is to be arraigned July 18.

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the remaining activity through this filter, as if it was their blueprint, which it absolutely was not," said Schurick's attorney, Peter Zeidenberg, who said it was likely the meeting last summer took place at Ehrlich's campaign headquarters in Annapolis.

"There was a meeting and any suggestion of voter suppression was flatly and unequivocally rejected at that time," he said. "The fact that the prosecutor has chosen to leave that in the indictment is going to be vigorously protested at trial."

The indictments, handed up by a grand jury in Baltimore on Thursday, allege that the strategy was carried out.

The effort culminated, according to the indictments with Election Night robo-calls to mostly black neighborhoods in Baltimore and Washington's eastern Maryland suburbs. The calls told tens of thousands of

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residents to "relax" and not worry about voting, because Democrats had already won.

State Prosecutor Emmet C. Davitt, said he has the document, and that authorities seized it from the Baltimore home of

Schurick's alleged co-conspirator, Julius Henson, late last year. Henson did not return a phone call on Friday.

Davitt, an appointee of Gov. Martin O'Malley (D), declined to elaborate further on the document or to directly address Zeidenberg's claims about the meeting.

Davitt noted the indictment alleges the staff of Ehrlich's campaign, which was cash-strapped at the time, rejected the voter-suppression plan at the meeting principally out of concern for its cost. The indictment says Henson and Schurick acted on the robo-calls on Election Day, when Ehrlich was on his way to losing to O'Malley by a double-digit margin.

Davitt said Friday that the defendants will be arraigned July 18 and that a trial could be set within 60 days.

But even before Schurick or Henson appear in court, political analysts and leading members of Maryland's black community said Friday that the image painted in the indictment of a Republican strategy session to target Maryland's black voters could resonate in the 2012 presidential race, and possibly long after in state politics.

"We know this goes on behind closed doors and this is going to make us more aware for a long time," said Gerald Stansbury, president of the Maryland state conference of the NAACP. "It's an appalling situation and it's going to open a lot of people's eyes, not just here, but everywhere."

Todd Eberly, a political science professor at St. Mary's College, said the notion that there may be a Republican "doctrine" to suppress black votes, will almost surely be used by Democrats in Maryland and beyond to bolster claims that Republican efforts to require voters to show ID or to shorten early-voting initiatives are part of a broader conspiracy to help GOP candidates.

"There is already a narrative out there that this is really an effort to reduce turnout among traditionally Democratic constituencies," he said. "By itself, the Maryland case doesn't do much, but tied into these others, it becomes one of many."

Asked why he chose to seek indictments in Baltimore, which is heavily Democratic, Davitt said Henson is based there and it is where many of the robo-calls were placed.

"The calls went to both Baltimore and Prince George's County, so there is somewhat of a choice," Davitt said. "We had the basis to bring it in Prince George's as well . . . I suppose there are also arguments to be made for Anne Arundel County because that's where the campaign was located."

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MarilynManson wrote:

6/18/2011 12:02 PM EDT

Ehrlich should of been prosecuted for illegally hiring bussed in homeless people from Philly to work the polls on election day during his previous losing campaign. I'm glad someone is finally being held accountable for the dirty tricks Ehrlich always seems to resort to.

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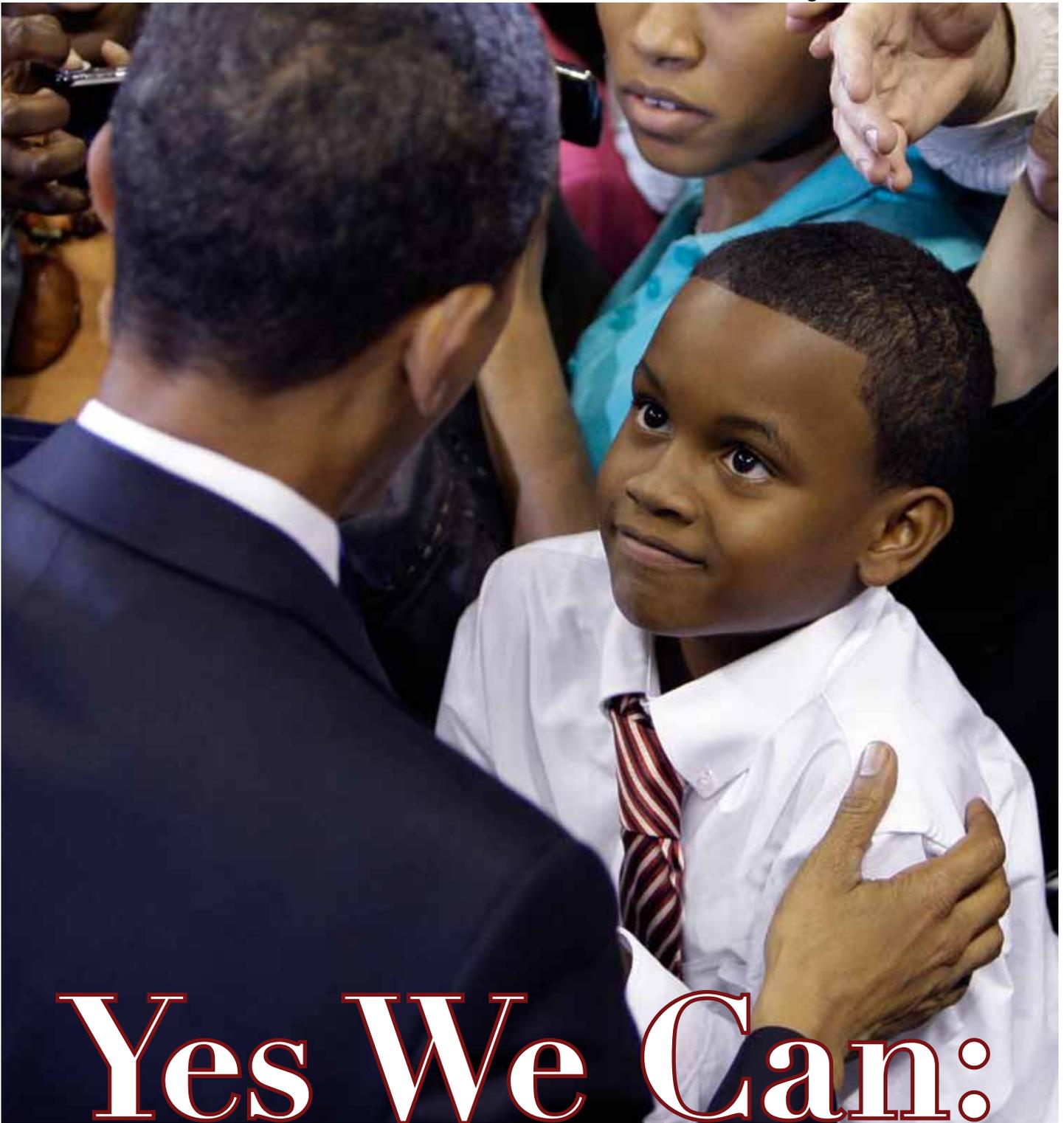
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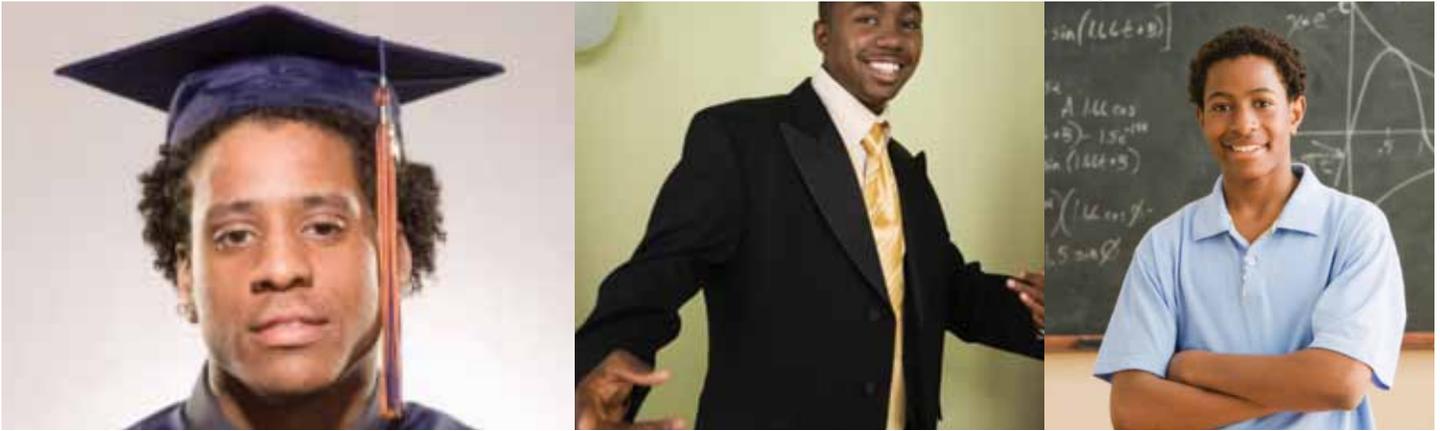


Yes We Can:

The Schott 50 State Report
on Public Education and Black Males

2010

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What
Opportunities
are more prevalent
in Your
Community?

Yes We Can

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Yes We Can

PREFACE



All children can learn! The Institute for Student Achievement's outcomes working in traditional public schools in Brooklyn, Atlanta, Union City, and Baton Rouge prove that we can work within public schools and provide all students a substantive opportunity to learn. Geoffrey Canada's Harlem Children's Zone proves that we can create community systems where all students have the supports needed to have a substantive opportunity to learn. New Jersey's commitment to implement its Abbott plan and ensure equitable resources to all students proves that it can be done at the state level—as New Jersey is the only state with a significant Black male population with a greater than 65% high school graduation rate. We are no longer in the laboratory asking: “Is it possible? Can we do it?” The answer is a clear and resounding “Yes we can!”

Yet, the harsh reality is that systemically most states and too many districts don't provide the necessary, targeted resources or supports for all students' educational success. Unfortunately, too often we find ourselves focused on beacons of light with outstanding leaders that are doing a great job saving hundreds of children—like Urban Prep in Chicago, Eagle Academy in New York—while not aggressively moving to systemically institutionalize, for all students, the resources and supports which make those schools successful. We cannot become so affixed on the spotlights that we constructively ignore the larger headlights from the train wreck facing our country by the 1.2 million we are losing each year. We have too often settled for the sweet taste of minor success over stomaching the bitter taste of the reality that without systemic reform we are winning some battles, but largely still losing the war.

Recognizing that increasing the number of Americans with college credentials is a necessity for America to be globally competitive in the 21st century, President Barack Obama set as a national goal to become a global leader in post-secondary attainment by 2020. *Yes We Can, The Schott 50 State Report on Public Education and Black Males*, starkly illustrates that only 47% of Black males graduate from high school—far short of the trajectory and post-secondary credentials needed for our nation to be globally competitive by 2020. It indicates that systemic disparities evident by race, social class, or zip code are influenced more by the social policies and practices that WE put in place to distribute educational opportunities and resources and less by the abilities of Black males. Currently, the rate at which Black males are being pushed out of school and into the pipeline to prison far exceeds the rate at which they are graduating and reaching high levels of academic achievement. A deliberate, intense focus is needed to disrupt and redirect the current educational trajectory for Black males.

Research shows that, from one generation to the next, equitable access to high-performing public educational systems can break down the barriers to success and change the future trajectory of historically disadvantaged students. Providing all students a fair and substantive opportunity to learn is critical for our goals of systemic education reform, transformative innovation, consistent progress, increased participation in our democratic society and global leadership in a knowledge-based economy. We cannot, as a nation, achieve those goals while Black male students continue to be concentrated in schools and classrooms where there are few opportunities for them to excel.

Simply stated, *Yes We Can* is a clear indication that the face and fate of Black males largely depends on the systemic opportunities provided in your state or community. Does your community provide opportunities to become a physician or to be pushed out? Opportunities to be locked up or opportunities to learn? Opportunities to have a state or locally sponsored mentor or a state or locally sponsored parole officer?

*Yes We Can***Yes We Can***Yes We Can*

Yes We Can is a reminder to communities, parents, and faith and business leaders that it can be done and a message to districts, states, and the federal government that the opportunities needed to secure this as the reality for Black males, rather than the exception, should be protected and promoted.

Schott's goal is to provide a basis for evaluating the success of national, state, and local public systems in educating Black males. *Yes We Can* is meant to challenge states and districts to institutionalize the policy recommendations needed to change outcomes for the overwhelming majority of Black males in this country, as well as construct the community programmatic supports needed to sustain the pipeline for progress and success for all youth in urban and rural settings.

Yes We Can highlights the work that must be continued—beyond saving a few—to ensure educational outcomes are not identifiable by race or gender. Ensuring access to high quality early education, access to highly effective teachers, college preparatory curricula, and equitable instructional resources. Ensuring safe and educationally sound living and learning communities through community wraparound supports and multi-sector partnerships like the National CARES Mentoring program. By working together, we can build the movement needed to guarantee every child, regardless of race and gender, a fair and substantive opportunity to learn and fully participate in our democratic society. We can answer the call of a generation who wonders whether our hopes and dreams for them will drive us to boldly put in place systems to secure a better future, and a better America with the response, “Yes we can!”

John H. Jackson, J.D., Ed.D.

President and CEO

Schott Foundation for Public Education

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- Henry Levin, Professor of Economics and Education, Teachers College-Columbia University
- Michael Wotorson, Executive Director, Campaign for High School Equity

FOREWORD



Taken together, the numbers in The Schott Foundation for Public Education’s report form a nightmarish picture—one that is all the more frightening for being both true and long-standing. This scenario does not exist for a lack of trying by many well-meaning, talented people. I have worked with young Black men for over 30 years and I have seen many people doing what I call “superhero work,” rescuing boys who are on the brink of disaster or who have gone over the edge.

The key to real success, to averting the majority of these disasters, has always been the same: education. The problem for our country, though, is that we have been taking too narrow a perspective on education. We need to broaden the way we see education so our efforts begin before kindergarten and extend beyond the classroom. We also need to engage these boys—and their parents—earlier and more comprehensively, and stay with them for the long haul.

To get there we must radically transform the centerpiece of these boys’ educational lives: the public school system. While this country’s entire education system needs to be reformed, the schools serving poor minority children are in the most urgent need of reinvention. Their failure is literally destroying innocent lives. Disenfranchised youth cannot afford even one bad teacher—their families don’t have the resources to compensate for that—yet they routinely get the short end of the stick year after year.

Everything in my professional career has pointed to the fact that there is no reason that the same Black boys who are heading for prison cannot be heading for college and to the workplace. At my organization, we are seeing remarkable results that really should not be remarkable. The difference is that we are getting to children early and staying with them through college with a seamless pipeline of high-quality programs. As a country we need to do the same and we will have the same success.

Yes, we need better schools, but we also need to address the problems outside the classroom that derail the educational achievement of too many Black boys. The achievement gap starts almost from birth, so we need to educate parents to take the simple steps to engage and develop their children’s brains in the first years of life. We also need to strengthen communities so boys have a safe, enriching environment in which they can learn and develop, where college and success is just in the air as it is in middle-class communities.

These boys are failing, but I believe that it is the responsibility of the adults around them to turn these trajectories around. All of us must ensure that we level the playing field for the hundreds of thousands of children who are at risk of continuing the cycle of generational poverty.

There are both economic and moral reasons to help these boys, more so because of the scale of the problem that this report lays out in detail. As daunting as the challenge is, I am more optimistic than ever. We have a President who gets it and Americans everywhere are not just eager for change, but increasingly calling for change. It will be a long, difficult process, but I have faith in America and its incredible ability to reinvent itself for the better.

Geoffrey Canada

President and CEO

Harlem Children’s Zone

Public Education and Black Males



Yes We Can: The 2010 Schott 50 State Report on Black Males in Public Education reveals that there are indeed communities, school districts, and even states doing relatively well in their efforts to systemically enhance the opportunity to learn and raise the achievement levels for Black male students.¹ However, *Yes We Can* also highlights that the overwhelming majority of U.S. school

districts and states are failing to make targeted investments to provide the core resources necessary to extend what works for Black male students. Thus, in the majority of U.S. states, districts, communities, and schools, the conditions necessary for Black males to systemically succeed in education do not exist. Unfortunately, today's data indicates that a Black male student who manages to achieve high school graduation speaks more for that individual's ability than for benefits he may have received from the system. In fact, the data indicates that most systems contribute to the conditions in which Black males have nearly as great a chance of being incarcerated as graduating.

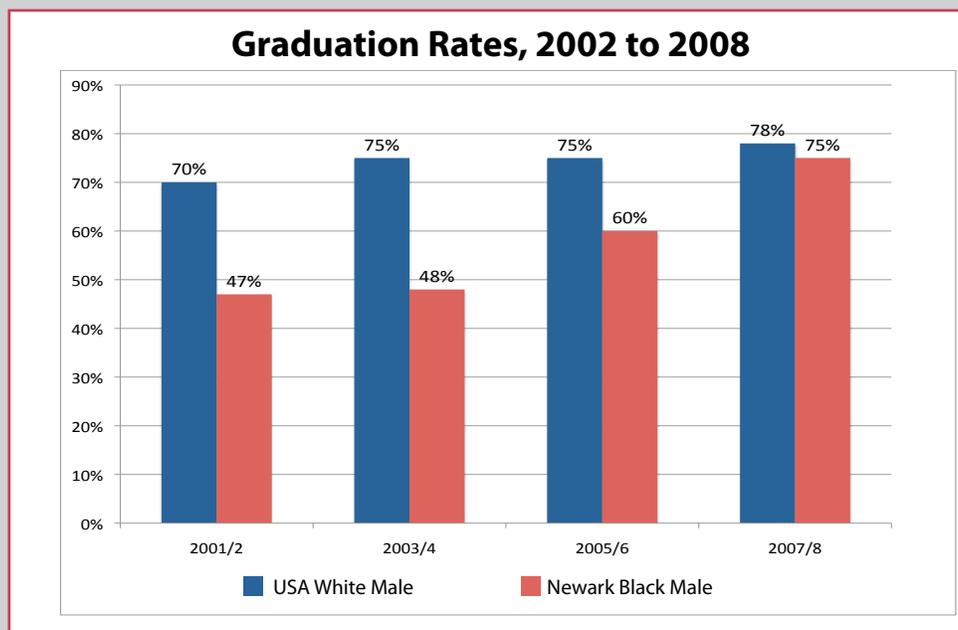
Stacks of research reports have indicated for years that Black male students are not given the same opportunities to participate in classes offering enriched educational offerings. They are more frequently inappropriately removed from the general education classroom due to misclassifications by Special Education policies and practices. They are punished more severely for the same infractions as their White peers. On average, more than twice as many White male students are given the extra resources of gifted and talented programs by their schools as Black male students. Advanced Placement classes enroll only token numbers of Black male students, despite The College Board urging that schools open these classes to all who may benefit. In districts with selective, college-preparatory high schools, it is not uncommon to find virtually no Black male students in those schools. Finally, the national percentage of Black male students enrolled at each stage of schooling declines from middle school through graduate degree programs.

Simply stated, the message in *Yes We Can* is that Black male students can achieve high outcomes—states, districts, and communities can create the conditions in which all students have an opportunity to learn—the tragedy is, even against the historic backdrop of the U.S. having a Black male president, most states and districts in the U.S. choose not to do so.

¹ Black students are defined by the U.S. Department of Education as “students having origins in any of the black racial groups of Africa as reported by their school.”

Example of State Success—New Jersey

The New Jersey graduation statistics show the progress in closing the achievement gap that can be made if Black male students have an equal opportunity to learn. For example, the increased resources from *Abbott v. Burke* funding in New Jersey, which became effective about 2003, have allowed the much-maligned Newark school district to nearly close the gap for Black males with national White male graduation rates.



Unfortunately, states like New Jersey and outstanding districts like Montgomery County, MD, are still the exceptions. If current national trends continue to the 2020 target year for education reform, although both Black male and White male graduation rates will be higher, the gap between them rather than closing will have slightly increased (from 28% to 29%).

In addressing this critical problem, it's essential to note that Black male students do not do poorly in all states, districts, communities, and schools; if they did, the solutions to their achievement gaps might plausibly focus on the students themselves. The same approach might apply if, in schools with majority Black enrollments, Black students did poorly while other students significantly outperformed them. But the data in this report—as well as that in earlier Schott report editions—consistently illustrate that Black male students in good schools do well and, at the same time, that White, non-Hispanic students in schools where most of the students are Black and have low graduation rates (such as Indianapolis) also have poor achievement outcomes. As Linda Darling-Hammond has noted, schools and districts that have the highest percentages of disadvantaged students tend to have the least access to the resources needed for all students to succeed. Thus, White males in schools and districts with large percentages of Black male students are also likely to experience poor outcomes because of systemic decisions not to commit resources to those districts and schools.

All too many districts and states in the U.S. are allowed to maintain the intolerable situation in which they highlight and stand behind single academies or schools that are doing well, while the masses of Black male students most in need of equal educational opportunities are the least likely to have them. The presence of the few schools, districts, and states that have made the investments to create conditions to increase the success of all students are proof points that we can educate all students. Black male students in one state—New Jersey—do well across most districts, rich and poor alike. The results in New Jersey could improve even more, and we hope they will, but they demonstrate what can be done, as Dr. Darling-Hammond has explained, by increased funding for schools in low-income communities and a system of high quality preschool programs.

New Jersey's "Abbott" districts invest in their children by providing them with increased hours of education each day, on weekends, and in the summer. They also invest in continuous professional development for teachers and other staff and, crucially, in 0-4 preschool preparation for learning to learn. The Abbott schools, the schools in New York City's Harlem Children's Zone, in Maryland's Montgomery and Baltimore counties, in Fort Bend, Texas, and in the U.S. Department of Defense system, demonstrate that all children can learn. Yet, unfortunately, the graduation rate for Black male students for the nation as a whole in 2007/8 was only 47%; that is, most Black male students *did not* graduate with their cohort.²

² Graduation rates are calculated as the percentage of the students enrolled in ninth grade receiving diplomas with their cohort at the end of twelfth grade. This straight-forward measure is similar to those used by many researchers, states, and districts. It allows "apple to apple" comparisons of varied districts and states. Enrollment statistics are from the National Center for Education Statistics, unless otherwise noted. Diploma statistics are from state or local sources or estimated from 2007/8 Grade 12 enrollments on the basis of three-year averages of ratios between Grade 12 enrollments and diplomas.

Yes We Can Yes We Can Yes We Can

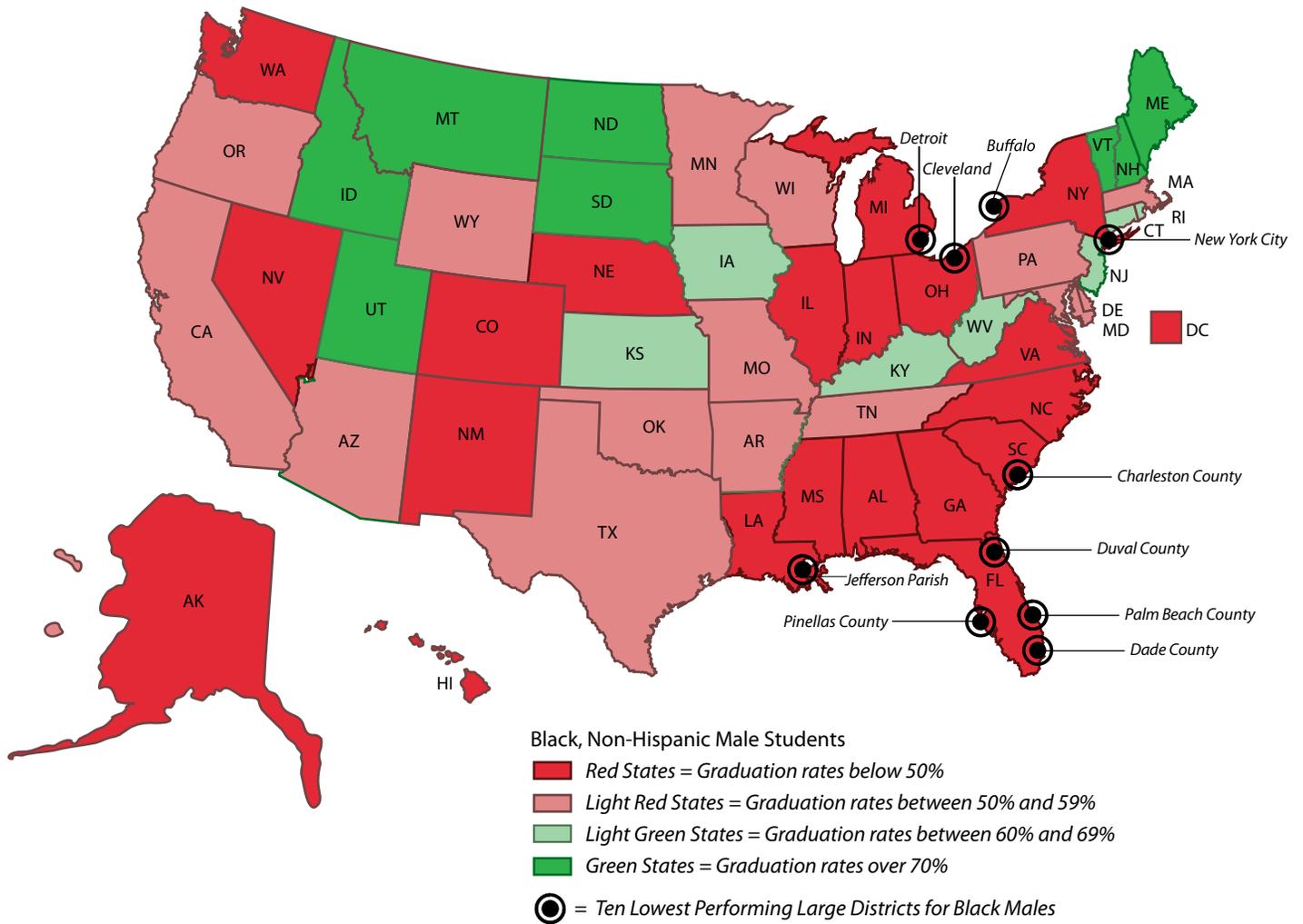
Systemic data underscores a U.S. system of denied opportunities for Black males; an unwillingness to target existing resources to universally extend what works for them, like early education and access to highly effective teachers to provide students with an education that prepares them for college, career, and full participation in our democracy. *Yes We Can* calls on the federal government and states to ensure that all students have a right to an opportunity to learn, not as a matter of competition or location, but as a civil and human right.

Conditions for Success ³	Conditions for Failure
<ul style="list-style-type: none"> • Equitable resources to support students to master rigorous, content standards-based education • Universal, well-planned, and high quality preschool education for all three- and four-year-olds • Programs to address student and school needs attributable to high-poverty, including intensive early literacy, small class size, after-school and summer programming, and social and health services • New and rehabilitated facilities to adequately house all programs, relieve overcrowding, and eliminate health and safety violations • State accountability to ensure progress in improving student achievement 	<ul style="list-style-type: none"> • Watered-down curriculum for disadvantaged students in schools inadequately supported by funding far below that in successful suburban schools • Insufficient access to well-planned and high quality preschool education for disadvantaged three- and four-year-olds • Little intensive early literacy instruction, large class sizes, short school days, no weekend and summer programs, and few social and health services • Old, over-crowded, and ill-maintained facilities • Inexperienced and ill-trained teachers • Little or no state accountability to ensure progress in improving student achievement • Lack of educationally sound living and learning environments • Lack of parent and community engagement in the reform process

³ Adapted from www.edlawcenter.org/ELCPublic/AbbottvBurke/AboutAbbott.htm



STATE BY STATE GRADUATION RATES FOR BLACK, NON-HISPANIC MALE STUDENTS



States of Emergency

Yes We Can Yes We Can Yes We Can

Throughout this report, graduation rates **below** the national averages, and gaps **above** the national average, are shown in **red**.

TABLE 1
THE TEN BEST PERFORMING STATES FOR BLACK MALES

State	GRADUATION RATES 2007/8 COHORT		Gap ⁴
	Black Male	White Male	
Maine	98%	81%	-17%
North Dakota	93%	86%	-7%
New Hampshire	83%	78%	-5%
Vermont	83%	77%	-6%
Idaho	75%	77%	2%
Montana	73%	83%	10%
Utah	72%	81%	9%
South Dakota	71%	91%	20%
New Jersey	69%	90%	21%
Iowa	63%	85%	22%

TABLE 2
THE TEN BEST PERFORMING LARGE DISTRICTS FOR BLACK MALES

District	Total Black Male Enrollment	GRADUATION RATES 2007/8 COHORT		Gap
		Black Male	White Male	
Newark (NJ)	11,991	75%	62%	-13%
Fort Bend (TX)	11,136	68%	82%	14%
Baltimore County (MD)	21,362	67%	74%	7%
Montgomery County (MD)	16,074	65%	87%	22%
Gwinnett County (GA)	20,312	58%	66%	8%
Prince George's County (MD)	49,211	55%	57%	2%
Cumberland County (NC)	12,700	54%	64%	10%
Cobb County (GA)	16,216	51%	73%	22%
East Baton Rouge Parish (LA)	18,925	49%	47%	-2%
Guilford County (NC)	15,073	48%	79%	31%

⁴ Gap numbers here and elsewhere in this report are rounded.

Yes We Can Yes We Can Yes We Can

TABLE 3
THE TEN LOWEST PERFORMING STATES FOR BLACK MALES

State	GRADUATION RATES 2007/8 COHORT		Gap
	Black Male	White Male	
Georgia	43%	62%	19%
Alabama	42%	60%	18%
Indiana	42%	71%	29%
District of Columbia	41%	57%	16%
Ohio	41%	78%	37%
Nebraska	40%	83%	43%
Louisiana	39%	59%	20%
South Carolina	39%	58%	19%
Florida	37%	57%	20%
New York	25%	68%	43%

TABLE 4
THE TEN LOWEST PERFORMING LARGE DISTRICTS FOR BLACK MALES

District	Total Black Male Enrollment	GRADUATION RATES 2007/8 COHORT		Gap
		Black Male	White Male	
Jefferson Parish (LA)	10,950	28%	44%	16%
New York City (NY)	167,277	28%	50%	22%
Dade County (FL)	46,536	27%	56%	29%
Cleveland (OH)	18,419	27%	30%	3%
Detroit (MI)	47,181	27%	19%	-8%
Buffalo (NY)	10,217	25%	55%	30%
Charleston County (SC)	10,875	24%	51%	27%
Duval County (FL)	27,749	23%	42%	19%
Palm Beach County (FL)	25,029	22%	50%	28%
Pinellas County (FL)	10,703	21%	50%	29%

Yes We Can

Yes We Can

Yes We Can



STATE DATA ON BLACK MALES

Despite President Obama's bold desire to place the country on a trajectory to a 2020 goal of being a global leader in post-secondary credential attainment, extraordinarily few Black male students are set on the road to college, while many remain in the school-to-prison pipeline. *Yes We Can* shows that it is clear that when provided a fair and substantive opportunity to learn, Black male students can and actually do succeed.

TABLE 5
BLACK/WHITE MALE GRADUATION RATES BY STATE

State	GRADUATION RATES 2007/8 COHORT		Gap
	Black Male	White Male	
Alabama	42%	60%	18%
Alaska	47%	66%	19%
Arizona	54%	61%	7%
Arkansas	54%	70%	16%
California	54%	78%	24%
Colorado	47%	77%	30%
Connecticut	60%	83%	23%
Delaware	50%	66%	16%
District of Columbia	41%	57%	16%
Florida	37%	57%	20%
Georgia	43%	62%	19%
Hawaii	44%	47%	3%
Idaho	75%	77%	2%
Illinois	47%	83%	36%
Indiana	42%	71%	29%
Iowa	63%	85%	22%
Kansas	60%	85%	25%
Kentucky	60%	65%	5%
Louisiana	39%	59%	20%
Maine	98%	81%	-17%

Yes We Can Yes We Can Yes We Can

State	GRADUATION RATES 2007/8 COHORT		Gap
	Black Male	White Male	
Maryland	55%	77%	22%
Massachusetts	52%	78%	26%
Michigan	47%	76%	29%
Minnesota	59%	88%	29%
Mississippi	46%	59%	13%
Missouri	56%	79%	23%
Montana	73%	83%	10%
Nebraska	40%	83%	43%
Nevada	45%	59%	14%
New Hampshire	83%	78%	-5%
New Jersey	69%	90%	21%
New Mexico	49%	63%	14%
New York	25%	68%	43%
North Carolina	46%	66%	20%
North Dakota	93%	86%	-7%
Ohio	41%	78%	37%
Oklahoma	52%	73%	21%
Oregon	56%	74%	18%
Pennsylvania	53%	83%	30%
Rhode Island	61%	72%	11%
South Carolina	39%	58%	19%
South Dakota	71%	91%	20%
Tennessee	52%	71%	19%
Texas	52%	74%	22%
Utah	72%	81%	9%
Vermont	83%	77%	-6%
Virginia	49%	73%	24%
Washington	48%	66%	18%
West Virginia	63%	70%	7%
Wisconsin	50%	92%	41%
Wyoming	50%	74%	24%
USA	47%	78%	31%



Alarming Gap States
 High Graduation Rates for
 White Males
 Low Graduation Rates
 for Black Males



Gap Closer
 Only state with significant Black male
 enrollment and greater than 65% Black
 male graduation rate

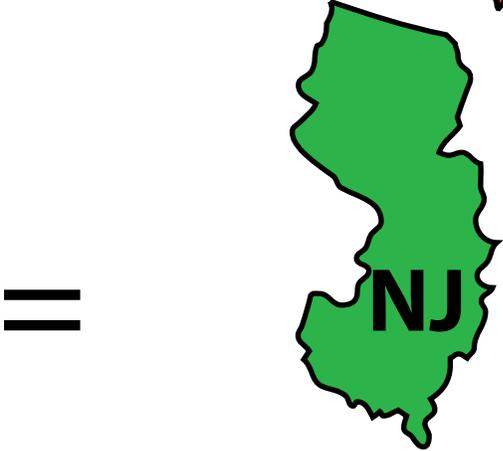


Table 6 on the following page shows that a group of states with small Black populations (Vermont, North Dakota, New Hampshire, and Maine) had graduation rates for their Black male students higher than the national average graduation rate for White, non-Latino male students.⁵ New Jersey and Arizona also had relatively high graduation rates for Black male students. Unfortunately, Nebraska, New York, and Wisconsin, which provide their White students with adequate opportunities to learn, do not do so for their Black students and consequently had conspicuously large gaps between their graduation rates for Black and White male students. Most alarmingly, New York City, lauded for its education reforms, is one of the least successful districts and New York state has the lowest Black male graduation rate in the nation.

⁵ Graduation rates use the number of graduates obtained from state data, estimated from state data and NCES data⁷ and estimated from historical data trends or from 2006/7 data as follows: state data: Arizona, Arkansas, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Maryland, New Jersey, Ohio, Oregon, Pennsylvania, Rhode Island; estimated from state data and NCES data: California, Connecticut, Georgia, Massachusetts, Missouri, Montana, New York, North Carolina, Texas, Utah, Vermont, Virginia, Washington; estimated from historical data trends: Alabama, Alaska, Delaware, District of Columbia, Hawaii, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, South Carolina, South Dakota, Wisconsin, Wyoming; estimated from 2006/7 data: Maine, Nevada, New Mexico, North Dakota, Oklahoma, Tennessee, West Virginia.

Yes We Can Yes We Can Yes We Can

TABLE 6
STATES RANKED BY BLACK MALE GRADUATION RATES

State	GRADUATION RATES 2007/8 COHORT		Gap
	Black Male	White Male	
Maine	98%	81%	-17%
North Dakota	93%	86%	-7%
New Hampshire	83%	78%	-5%
Vermont	83%	77%	-6%
Idaho	75%	77%	2%
Montana	73%	83%	10%
Utah	72%	81%	9%
South Dakota	71%	91%	20%
New Jersey	69%	90%	21%
Iowa	63%	85%	22%
West Virginia	63%	70%	7%
Rhode Island	61%	72%	11%
Connecticut	60%	83%	23%
Kansas	60%	85%	25%
Kentucky	60%	65%	5%
Minnesota	59%	88%	29%
Missouri	56%	79%	23%
Oregon	56%	74%	18%
Maryland	55%	77%	22%
Arizona	54%	61%	7%
Arkansas	54%	70%	16%
California	54%	78%	24%
Pennsylvania	53%	83%	30%
Massachusetts	52%	78%	26%
Oklahoma	52%	73%	21%
Tennessee	52%	71%	19%
Texas	52%	74%	22%

Yes We Can Yes We Can Yes We Can

State	GRADUATION RATES 2007/8 COHORT		Gap
	Black Male	White Male	
Delaware	50%	66%	16%
Wisconsin	50%	92%	41%
Wyoming	50%	74%	24%
New Mexico	49%	63%	14%
Virginia	49%	73%	24%
Washington	48%	66%	18%
Alaska	47%	66%	19%
Colorado	47%	77%	30%
Illinois	47%	83%	36%
Michigan	47%	76%	29%
USA	47%	78%	31%
Mississippi	46%	59%	13%
North Carolina	46%	66%	20%
Nevada	45%	59%	14%
Hawaii	44%	47%	3%
Georgia	43%	62%	19%
Alabama	42%	60%	18%
Indiana	42%	71%	29%
District of Columbia	41%	57%	16%
Ohio	41%	78%	37%
Nebraska	40%	83%	43%
Louisiana	39%	59%	20%
South Carolina	39%	58%	19%
Florida	37%	57%	20%
New York	25%	68%	43%



When we compare graduation rates and the gap in graduation rates between Black male and White, non-Latino students by state, arranged by total Black male enrollment in descending order, we find that Maryland has the highest graduation rate for Black male students among the ten states with the largest Black enrollments, while New York and Florida have the lowest. Texas, which has the largest Black enrollment, graduates Black male students at rates slightly above the national average and at more than twice New York's rate, with a gap half that of New York. New York provides a good opportunity to learn to its White male students, while giving its Black male students only half the chance they would have had in Texas.

TABLE 7
BLACK/WHITE MALE STATE GRADUATION RATES BY TOTAL BLACK MALE ENROLLMENT

State	Total Black Male Enrollment	GRADUATION RATES 2007/8 COHORT		Gap
		Black Male	White Male	
Texas	341,219	52%	74%	22%
Georgia	316,342	43%	62%	19%
Florida	313,887	37%	57%	20%
New York	274,659	25%	68%	43%
California	236,503	54%	78%	24%
Illinois	207,619	47%	83%	36%
North Carolina	206,289	46%	66%	20%
Michigan	169,042	47%	76%	29%
Maryland	163,054	55%	77%	22%
Virginia	162,679	49%	73%	24%
Louisiana	158,730	39%	59%	20%
Ohio	152,530	41%	78%	37%
Pennsylvania	142,910	53%	83%	30%
South Carolina	141,792	39%	58%	19%
Alabama	134,533	42%	60%	18%
Mississippi	125,883	46%	59%	13%
New Jersey	121,934	69%	90%	21%
Tennessee	121,244	52%	71%	19%
Missouri	83,315	56%	79%	23%
Indiana	64,936	42%	71%	29%

Yes We Can Yes We Can Yes We Ca

State	Total Black Male Enrollment	GRADUATION RATES 2007/8 COHORT		GAP
		Black Male	White Male	
Arkansas	54,418	54%	70%	16%
Wisconsin	46,508	50%	92%	41%
Connecticut	40,839	60%	83%	23%
Massachusetts	40,419	52%	78%	26%
Minnesota	40,297	59%	88%	29%
Kentucky	36,388	60%	65%	5%
Oklahoma	35,629	52%	73%	21%
Arizona	31,164	54%	61%	7%
Washington	29,338	48%	66%	18%
Colorado	24,461	47%	77%	30%
Nevada	24,350	45%	59%	14%
District of Columbia	23,896	41%	57%	16%
Kansas	21,304	60%	85%	25%
Delaware	20,558	50%	66%	16%
Iowa	13,949	63%	85%	22%
Nebraska	12,050	40%	83%	43%
Oregon	8,269	56%	74%	18%
West Virginia	7,757	63%	70%	7%
Rhode Island	6,654	61%	72%	11%
Utah	4,601	72%	81%	9%
New Mexico	4,500	49%	63%	14%
Maine	2,613	98%	81%	-17%
Alaska	2,552	47%	66%	19%
Hawaii	2,188	44%	47%	3%
New Hampshire	2,029	83%	78%	-5%
Idaho	1,611	75%	77%	2%
South Dakota	1,237	71%	91%	20%
North Dakota	999	93%	86%	-7%
Vermont	778	83%	77%	-6%
Montana	716	73%	83%	10%
Wyoming	697	50%	74%	24%

Yes We Can

Yes We Can

Yes We Can

SCHOTT EDUCATION INEQUITY INDEX

Some states are ranked high in comparison to others in regard to Black male graduation rates, while maintaining large gaps between the graduation rates of Black male and White male students. Others have narrow gaps, but low graduation rates. The Schott Education Inequity Index (SEII) seeks to balance concerns about the absolute level of graduation rates with those for the gap between Black male and White, non-Latino graduation rates.

The SEII is calculated by subtracting the graduation rate for Black male students from 100%, the result of which is then added to the difference between the graduation rates of White and Black male students. Schools, districts, or states with the highest non-graduation rates for Black male students and the largest gap between the graduation rates of White and Black male students therefore receive the highest (worst) SEII scores. The SEII, indicating the degree of racial inequity between those groups, illustrates the absolute effectiveness—or lack thereof—in the education of Black male, non-Latinos and the difference between the success of schools with that population and their White peers. (For more information on SEII, see *Lost Opportunity: A 50 State Report on the Opportunity to Learn in America* at www.otlstatereport.org.)

The poor performance of New York state, is evident in its unusually high SEII. Those for Nebraska, Ohio, Wisconsin, Illinois, and Indiana are also above (that is, worse than) the national average. In the case of all these, aside from New York, the driving force is the gap between a near-average graduation rate for Black male students and an above average graduation rate for White male students.



Yes We Can Yes We Can Yes We Can

TABLE 8
STATES RANKED BY THE SCHOTT EDUCATION INEQUITY INDEX

State	SEII 2007/8	GRADUATION RATES 2007/8 COHORT		GAP
		Black Male	White Male	
New York	1.19	25%	68%	43%
Nebraska	1.04	40%	83%	43%
Ohio	0.95	41%	78%	37%
Wisconsin	0.91	50%	92%	41%
Illinois	0.88	47%	83%	35%
Indiana	0.87	42%	71%	29%
USA	0.84	47%	78%	31%
Colorado	0.83	47%	77%	30%
Florida	0.83	37%	57%	20%
Michigan	0.82	47%	76%	29%
Louisiana	0.81	39%	59%	20%
South Carolina	0.80	39%	58%	19%
Pennsylvania	0.77	53%	83%	30%
Alabama	0.76	42%	60%	18%
Georgia	0.76	43%	62%	19%
District of Columbia	0.75	41%	57%	16%
Virginia	0.75	49%	73%	24%
Wyoming	0.75	50%	74%	24%
Massachusetts	0.74	52%	78%	26%
North Carolina	0.74	46%	66%	20%
Alaska	0.71	47%	66%	18%
California	0.70	54%	78%	24%
Minnesota	0.70	59%	88%	29%
Texas	0.70	52%	74%	22%
Washington	0.70	48%	66%	18%
Nevada	0.69	45%	59%	14%
Oklahoma	0.69	52%	73%	21%
Missouri	0.68	56%	79%	23%
Maryland	0.67	55%	77%	22%

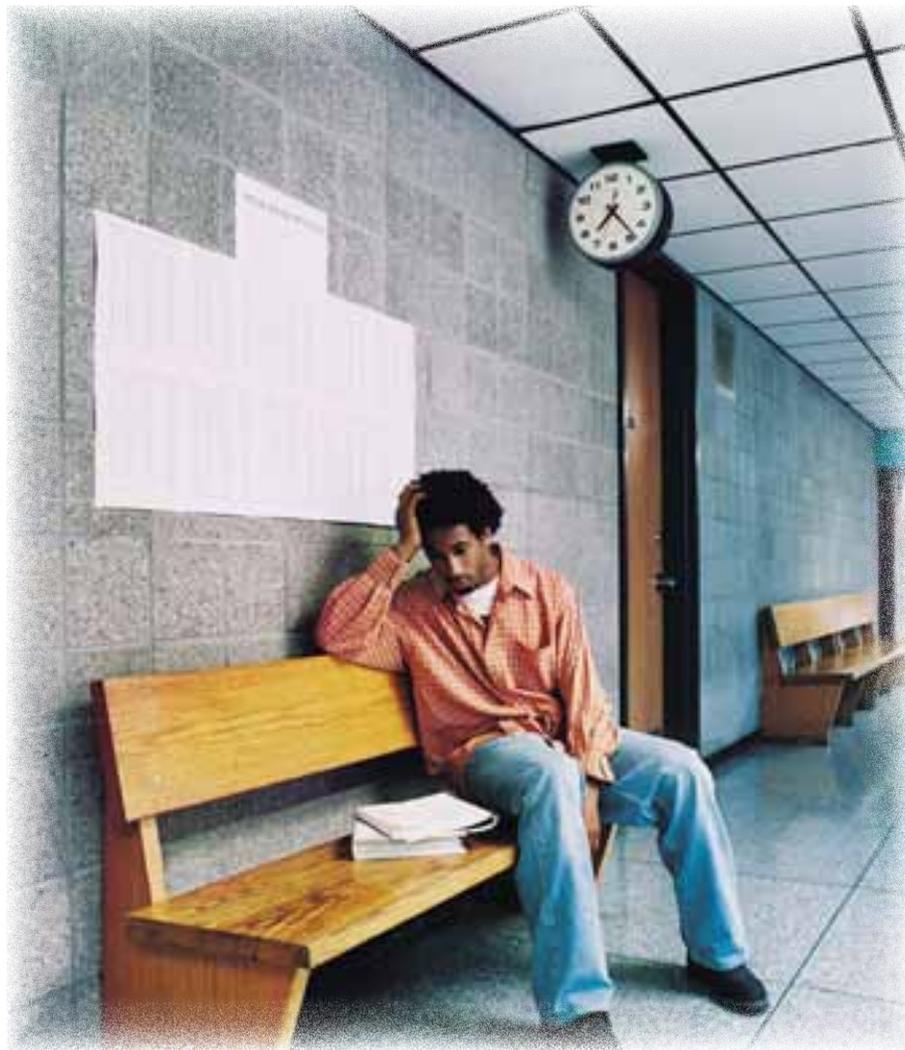
Yes We Can Yes We Can Yes We Can

State	SEII 2007/8	GRADUATION RATES 2007/8 COHORT		GAP
		Black Male	White Male	
Mississippi	0.67	46%	59%	13%
Tennessee	0.67	52%	71%	19%
Delaware	0.66	50%	66%	16%
Kansas	0.65	60%	85%	25%
New Mexico	0.65	49%	63%	14%
Connecticut	0.64	60%	83%	24%
Oregon	0.63	56%	74%	19%
Arkansas	0.61	54%	70%	16%
Iowa	0.60	63%	85%	23%
Hawaii	0.58	44%	47%	2%
Arizona	0.54	54%	61%	7%
New Jersey	0.52	69%	90%	21%
Rhode Island	0.50	61%	72%	11%
South Dakota	0.49	71%	91%	20%
Kentucky	0.46	60%	65%	6%
West Virginia	0.44	63%	70%	7%
Montana	0.38	73%	83%	10%
Utah	0.37	72%	81%	9%
Idaho	0.26	75%	77%	1%
New Hampshire	0.12	83%	78%	-5%
Vermont	0.10	83%	77%	-6%
North Dakota	0.00	93%	86%	-7%
Maine	-0.15	98%	81%	-17%



LARGE DISTRICT DATA ON BLACK MALES

Turning to the results for districts with enrollments of 10,000 or more Black male students, Newark performs the best in regard to Black male graduation rates, showing steady progress due to increased per student funding under the “Abbott” decision.⁶ Newark, Fort Bend and Montgomery and Baltimore counties all have substantial Black enrollments. Three districts in Florida have the nation’s lowest graduation rates for Black male students. Certain northern districts, such as Detroit, Buffalo, Cleveland, and New York City, also have particularly low graduation rates for Black male students.



⁶ There are very few White students in the district.

Yes We Can Yes We Can Yes We Can

TABLE 9
LARGE DISTRICTS RANKED BY BLACK MALE GRADUATION RATES

District	Black Male Enrollment	ESTIMATED 2007/8 GRADUATION RATES		GAP
		Black Male	White Male	
Newark (NJ)	11,991	75%	62%	-13%
Fort Bend (TX)	11,136	68%	82%	14%
Baltimore County (MD)	21,362	67%	74%	7%
Montgomery County (MD)	16,074	65%	87%	22%
Gwinnett County (GA)	20,312	58%	66%	8%
Prince George's County (MD)	49,211	55%	57%	2%
Cumberland County (NC)	12,700	54%	64%	10%
Cobb County (GA)	16,216	51%	73%	22%
East Baton Rouge Parish (LA)	18,925	49%	47%	-2%
Guilford County (NC)	15,073	48%	79%	31%
Virginia Beach (VA)	10,350	48%	63%	15%
Nashville (TN)	17,860	47%	59%	12%
Boston (MA)	11,514	47%	60%	13%
DeKalb County (GA)	39,461	46%	66%	20%
Fulton County (GA)	18,224	45%	80%	35%
Chicago (IL)	94,639	44%	63%	19%
Houston (TX)	28,737	44%	65%	21%
Wake County (NC)	17,987	44%	79%	35%
Birmingham City (AL)	14,227	44%	-	-
Memphis (TN)	50,281	43%	53%	10%
Jackson (MS)	15,300	42%	26%	-16%
Montgomery County (AL)	12,359	42%	47%	5%
Fort Worth (TX)	10,325	42%	64%	22%
District of Columbia	23,896	41%	57%	16%
Mobile County (AL)	16,392	41%	53%	12%
Los Angeles Unified (CA)	37,379	40%	62%	22%
Milwaukee (MN)	25,047	40%	54%	14%
Broward County (FL)	49,271	39%	58%	19%
Charlotte-Mecklenburg (NC)	27,747	39%	70%	31%
Dallas (TX)	22,570	39%	52%	13%

Yes We Can Yes We Can Yes We Ca

District	Black Male Enrollment	ESTIMATED 2007/8 GRADUATION RATES		GAP
		Black Male	White Male	
Richmond (VA)	10,383	39%	75%	36%
Caddo Parish (LA)	13,849	38%	57%	19%
St. Louis City (MO)	11,382	38%	47%	9%
Clayton County (GA)	19,792	37%	28%	-9%
Jefferson County (KY)	17,603	36%	43%	7%
Indianapolis (IN)	10,339	36%	26%	-10%
Baltimore City (MD)	36,023	35%	38%	3%
Hillsborough County (FL)	21,680	35%	60%	25%
Columbus (OH)	17,141	35%	44%	9%
Atlanta City (GA)	20,737	34%	70%	36%
Orange County (FL)	24,176	33%	58%	25%
Cincinnati (OH)	12,459	33%	54%	21%
Rochester (NY)	10,921	33%	44%	11%
Clark County (NV)	22,575	32%	53%	21%
Richmond County (GA)	12,095	31%	36%	5%
Norfolk (VA)	11,371	31%	47%	16%
Chatham County (GA)	11,197	29%	45%	16%
Polk County (FL)	10,644	29%	50%	21%
New York City (NY)	167,277	28%	50%	22%
Philadelphia (PA)	53,720	28%	33%	5%
Jefferson Parish (LA)	10,950	28%	44%	16%
Detroit (MI)	47,181	27%	19%	-8%
Dade County (FL)	46,536	27%	56%	29%
Cleveland (OH)	18,419	27%	30%	3%
Buffalo (NY)	10,217	25%	55%	30%
Charleston County (SC)	10,875	24%	51%	27%
Duval County (FL)	27,749	23%	42%	19%
Palm Beach County (FL)	25,029	22%	50%	28%
Pinellas County (FL)	10,703	21%	50%	29%

Yes We Can

Yes We Can

Yes We Can

When we sort these districts by the size of the gap between graduation rates for White and Black male students we find that most of the districts with negative gaps (that is, higher graduation rates for Black male students than for White male students) have very few White students, although Indianapolis has a substantial White minority. The large gaps in the Atlanta metropolitan area districts are notable.

TABLE 10
LARGE DISTRICTS RANKED BY SIZE OF GAP

District	Black Male Enrollment	ESTIMATED 2007/8 GRADUATION RATES		GAP
		Black Male	White Male	
Birmingham City (AL)	14,227	44%	-	-
Jackson (MS)	15,300	42%	26%	-16%
Newark (NJ)	11,991	75%	62%	-13%
Indianapolis (IN)	10,339	36%	26%	-10%
Clayton County (GA)	19,792	37%	28%	-9%
Detroit (MI)	47,181	27%	19%	-8%
East Baton Rouge Parish (LA)	18,925	49%	47%	-2%
Prince George's County (MD)	49,211	55%	57%	2%
Baltimore City (MD)	36,023	35%	38%	3%
Cleveland (OH)	18,419	27%	30%	3%
Philadelphia (PA)	53,720	28%	33%	5%
Montgomery County (AL)	12,359	42%	47%	5%
Richmond County (GA)	12,095	31%	36%	5%
Baltimore County (MD)	21,362	67%	74%	7%
Jefferson County (KY)	17,603	36%	43%	7%
Gwinnett County (GA)	20,312	58%	66%	8%
Columbus (OH)	17,141	35%	44%	9%
St. Louis City (MO)	11,382	38%	47%	9%
Memphis (TN)	50,281	43%	53%	10%
Cumberland County (NC)	12,700	54%	64%	10%
Rochester (NY)	10,921	33%	44%	11%
Nashville (TN)	17,860	47%	59%	12%
Mobile County (AL)	16,392	41%	53%	12%
Dallas (TX)	22,570	39%	52%	13%
Boston (MA)	11,514	47%	60%	13%
Milwaukee (WI)	25,047	40%	54%	14%
Fort Bend (TX)	11,136	68%	82%	14%

Yes We Can

Yes We Can

Yes We Can

District	Black Male Enrollment	ESTIMATED 2007/8 GRADUATION RATES		GAP
		Black Male	White Male	
Virginia Beach (VA)	10,350	48%	63%	15%
District of Columbia	23,896	41%	57%	16%
Norfolk (VA)	11,371	31%	47%	16%
Chatham County (GA)	11,197	29%	45%	16%
Jefferson Parish (LA)	10,950	28%	44%	16%
Chicago (IL)	94,639	44%	63%	19%
Broward County (FL)	49,271	39%	58%	19%
Duval County (FL)	27,749	23%	42%	19%
Caddo Parish (LA)	13,849	38%	57%	19%
DeKalb County (GA)	39,461	46%	66%	20%
Houston (TX)	28,737	44%	65%	21%
Clark County (NV)	22,575	32%	53%	21%
Cincinnati (OH)	12,459	33%	54%	21%
Polk County (FL)	10,644	29%	50%	21%
New York City (NY)	167,277	28%	50%	22%
Los Angeles Unified (CA)	37,379	40%	62%	22%
Cobb County (GA)	16,216	51%	73%	22%
Montgomery County (MD)	16,074	65%	87%	22%
Fort Worth (TX)	10,325	42%	64%	22%
Orange County (FL)	24,176	33%	58%	25%
Hillsborough County (FL)	21,680	35%	60%	25%
Charleston County (SC)	10,875	24%	51%	27%
Palm Beach County (FL)	25,029	22%	50%	28%
Dade County (FL)	46,536	27%	56%	29%
Pinellas County (FL)	10,703	21%	50%	29%
Buffalo (NY)	10,217	25%	55%	30%
Charlotte-Mecklenburg (NC)	27,747	39%	70%	31%
Guilford County (NC)	15,073	48%	79%	31%
Fulton County (GA)	18,224	45%	80%	35%
Wake County (NC)	17,987	44%	79%	35%
Atlanta City (GA)	20,737	34%	70%	36%
Richmond (VA)	10,383	39%	75%	36%

Yes We Can Yes We Can Yes We Can

Four of the five districts with the largest enrollment of Black male students have graduation rates under the national average for Black male students. These districts are of particular concern. Improving their educational outcomes for Black male students would have a substantial effect on the national picture.

TABLE 11
LARGE DISTRICTS RANKED BY BLACK MALE ENROLLMENT

District	Black Male Enrollment	ESTIMATED 2007/8 GRADUATION RATES		GAP
		Black Male	White Male	
New York City (NY)	167,277	28%	50%	22%
Chicago (IL)	94,639	44%	63%	19%
Philadelphia (PA)	53,720	28%	33%	5%
Memphis (TN)	50,281	43%	53%	10%
Broward County (FL)	49,271	39%	58%	19%
Prince George's County (MD)	49,211	55%	57%	2%
Detroit (MI)	47,181	27%	19%	-8%
Dade County (FL)	46,536	27%	56%	29%
DeKalb County (GA)	39,461	46%	66%	20%
Los Angeles Unified (CA)	37,379	40%	62%	22%
Baltimore City (MD)	36,023	35%	38%	3%
Houston (TX)	28,737	44%	65%	21%
Duval County (FL)	27,749	23%	42%	19%
Charlotte-Mecklenburg (NC)	27,747	39%	70%	31%
Milwaukee (WI)	25,047	40%	54%	14%
Palm Beach County (FL)	25,029	22%	50%	28%
Orange County (FL)	24,176	33%	58%	25%
District of Columbia	23,896	41%	57%	16%
Clark County (NV)	22,575	32%	53%	21%
Dallas (TX)	22,570	39%	52%	13%
Hillsborough County (FL)	21,680	35%	60%	25%
Baltimore County (MD)	21,362	67%	74%	7%
Atlanta City (GA)	20,737	34%	70%	36%
Gwinnett County (GA)	20,312	58%	66%	8%
Clayton County (GA)	19,792	37%	28%	-9%
East Baton Rouge Parish (LA)	18,925	49%	47%	-2%

Yes We Can

Yes We Can

Yes We Can

District	Black Male Enrollment	ESTIMATED 2007/8 GRADUATION RATES		GAP
		Black Male	White Male	
Cleveland (OH)	18,419	27%	30%	3%
Fulton County (GA)	18,224	45%	80%	35%
Wake County (NC)	17,987	44%	79%	35%
Nashville (TN)	17,860	47%	59%	12%
Jefferson County (KY)	17,603	36%	43%	7%
Columbus (OH)	17,141	35%	44%	9%
Mobile County (AL)	16,392	41%	53%	12%
Cobb County (GA)	16,216	51%	73%	22%
Montgomery County (MD)	16,074	65%	87%	22%
Jackson (MS)	15,300	42%	26%	-16%
Guilford County (NC)	15,073	48%	79%	31%
Birmingham City (AL)	14,227	44%	-	-
Caddo Parish (LA)	13,849	38%	57%	19%
Cumberland County (NC)	12,700	54%	64%	10%
Cincinnati (OH)	12,459	33%	54%	21%
Montgomery County (AL)	12,359	42%	47%	5%
Richmond County (GA)	12,095	31%	36%	5%
Newark (NJ)	11,991	75%	62%	-13%
Boston (MA)	11,514	47%	60%	13%
St. Louis City (MO)	11,382	38%	47%	9%
Norfolk (VA)	11,371	31%	47%	16%
Chatham County (GA)	11,197	29%	45%	16%
Fort Bend (TX)	11,136	68%	82%	14%
Jefferson Parish (LA)	10,950	28%	44%	16%
Rochester (NY)	10,921	33%	44%	11%
Charleston County (SC)	10,875	24%	51%	27%
Pinellas County (FL)	10,703	21%	50%	29%
Polk County (FL)	10,644	29%	50%	21%
Richmond (VA)	10,383	39%	75%	36%
Virginia Beach (VA)	10,350	48%	63%	15%
Indianapolis (IN)	10,339	36%	26%	-10%
Fort Worth (TX)	10,325	42%	64%	22%
Buffalo (NY)	10,217	25%	55%	30%

Yes We Can

Yes We Can

Yes We Can

National Assessment of Educational Progress

Graduation rates are only one lens through which to view the education of Black male students. The National Assessment of Educational Progress (NAEP), “the Nation’s Report Card,” measures student achievement at various grade levels in a variety of subject and skill areas. Table 8 shows results of the 2009 NAEP for Grade 8 Reading, numbers which should set off alarm bells indicating a national crisis. The “best” score is a dramatically low 15%, and several states average only in the single digits.

TABLE 12

NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP) 2009, GRADE 8 READING PERCENTAGES AT OR ABOVE PROFICIENT: SORTED BY STATE

State	Black Male	White Male	Gap
Alabama	6%	28%	22%
Alaska	‡	‡	--
Arizona	13%	30%	17%
Arkansas	7%	30%	23%
California	10%	25%	15%
Colorado	14%	34%	20%
Connecticut	13%	44%	31%
Delaware	11%	35%	24%
District of Columbia	7%	‡	--
Florida	12%	33%	21%
Georgia	10%	30%	20%
Hawaii	12%	27%	15%
Idaho	12%	30%	18%
Illinois	8%	36%	28%
Indiana	11%	34%	23%
Iowa	6%	28%	22%
Kansas	8%	36%	28%
Kentucky	15%	32%	17%
Louisiana	8%	23%	15%
Maine	11%	29%	18%
Maryland	10%	45%	35%
Massachusetts	14%	44%	30%
Michigan	6%	31%	25%

‡ Reporting standards not met.

Yes We Can Yes We Can Yes We Can

State	Black Male	White Male	Gap
Minnesota	6%	38%	32%
Mississippi	5%	29%	24%
Missouri	10%	32%	22%
Montana	‡	34%	--
Nebraska	12%	32%	20%
Nevada	5%	23%	18%
New Hampshire	12%	33%	21%
New Jersey	15%	44%	29%
New Mexico	9%	29%	20%
New York	11%	36%	25%
North Carolina	8%	32%	24%
North Dakota	‡	30%	--
Ohio	8%	39%	31%
Oklahoma	12%	25%	13%
Oregon	13%	32%	19%
Pennsylvania	14%	41%	27%
Rhode Island	10%	27%	17%
South Carolina	7%	25%	18%
South Dakota	‡	33%	--
Tennessee	9%	29%	20%
Texas	7%	34%	27%
Utah	6%	31%	25%
Vermont	‡	24%	--
Virginia	10%	32%	22%
Washington	13%	36%	23%
West Virginia	11%	18%	7%
Wisconsin	6%	31%	25%
Wyoming	‡	32%	--
USA	9%	33%	24%

Yes We Can

Yes We Can

Yes We Can

Sorting this data by the percentage of Black male students scoring at or above proficient shows that three of the five best-performing states have gaps larger than the national average and even in Kentucky, with a relatively small gap, the percentage of proficient White male eighth graders is more than twice that of the percentage of proficient Black male students in Grade 8. Minnesota, Nevada, and Mississippi appear to have particular difficulty in providing their Black male students in Grade 8 with a basic education.

TABLE 13

NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP) 2009, GRADE 8 READING PERCENTAGES AT OR ABOVE PROFICIENT: SORTED BY BLACK MALE PROFICIENCY

State	Black Male	White Male	Gap
Kentucky	15%	32%	17%
New Jersey	15%	44%	29%
Colorado	14%	34%	20%
Massachusetts	14%	44%	30%
Pennsylvania	14%	41%	27%
Arizona	13%	30%	17%
Connecticut	13%	44%	31%
Oregon	13%	32%	19%
Washington	13%	36%	23%
Florida	12%	33%	21%
Hawaii	12%	27%	15%
Idaho	12%	30%	18%
Nebraska	12%	32%	20%
New Hampshire	12%	33%	21%
Oklahoma	12%	25%	13%
Delaware	11%	35%	24%
Indiana	11%	34%	23%
Maine	11%	29%	18%
New York	11%	36%	25%
West Virginia	11%	18%	7%
California	10%	25%	15%
Georgia	10%	30%	20%
Maryland	10%	45%	35%
Missouri	10%	32%	22%
Rhode Island	10%	27%	17%

Yes We Can Yes We Can Yes We Can

State	Black Male	White Male	Gap
Virginia	10%	32%	22%
New Mexico	9%	29%	20%
Tennessee	9%	29%	20%
USA	9%	33%	24%
Illinois	8%	36%	28%
Kansas	8%	36%	28%
Louisiana	8%	23%	15%
North Carolina	8%	32%	24%
Ohio	8%	39%	31%
Arkansas	7%	30%	23%
District of Columbia	7%	‡	--
South Carolina	7%	25%	18%
Texas	7%	34%	27%
Alabama	6%	28%	22%
Iowa	6%	28%	22%
Michigan	6%	31%	25%
Minnesota	6%	38%	32%
Utah	6%	31%	25%
Wisconsin	6%	31%	25%
Mississippi	5%	29%	24%
Nevada	5%	23%	18%
Alaska	‡	‡	--
Montana	‡	34%	--
North Dakota	‡	30%	--
South Dakota	‡	33%	--
Vermont	‡	24%	--
Wyoming	‡	32%	--



The largest gaps in achievement on the Grade 8 NAEP Reading assessment are in states where White male students score higher than the national average for White male students. Two of the states with the largest gaps—Massachusetts and New Jersey—are the two with the largest percentage of Black male students scoring at or above “Proficient.” Minnesota, Ohio, Illinois, and Kansas have comparatively large gaps resulting from particularly low Black male scores and above average White male scores. Oklahoma and West Virginia have narrow gaps and above average Black male proficiency.

TABLE 14

NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP) 2009, GRADE 8 READING PERCENTAGES AT OR ABOVE PROFICIENT: SORTED BY SIZE OF GAP

State	Black Male	White Male	Gap
Maryland	10%	45%	35%
Minnesota	6%	38%	32%
Connecticut	13%	44%	31%
Ohio	8%	39%	31%
Massachusetts	14%	44%	30%
New Jersey	15%	44%	29%
Illinois	8%	36%	28%
Kansas	8%	36%	28%
Pennsylvania	14%	41%	27%
Texas	7%	34%	27%
Michigan	6%	31%	25%
New York	11%	36%	25%
Utah	6%	31%	25%
Wisconsin	6%	31%	25%
Delaware	11%	35%	24%
Mississippi	5%	29%	24%
North Carolina	8%	32%	24%
USA	9%	33%	24%
Arkansas	7%	30%	23%
Indiana	11%	34%	23%
Washington	13%	36%	23%
Alabama	6%	28%	22%
Iowa	6%	28%	22%

Yes We Can Yes We Can Yes We Can

State	Black Male	White Male	Gap
Missouri	10%	32%	22%
Virginia	10%	32%	22%
Florida	12%	33%	21%
New Hampshire	12%	33%	21%
Colorado	14%	34%	20%
Georgia	10%	30%	20%
Nebraska	12%	32%	20%
New Mexico	9%	29%	20%
Tennessee	9%	29%	20%
Oregon	13%	32%	19%
Idaho	12%	30%	18%
Maine	11%	29%	18%
Nevada	5%	23%	18%
South Carolina	7%	25%	18%
Arizona	13%	30%	17%
Kentucky	15%	32%	17%
Rhode Island	10%	27%	17%
California	10%	25%	15%
Hawaii	12%	27%	15%
Louisiana	8%	23%	15%
Oklahoma	12%	25%	13%
West Virginia	11%	18%	7%
Alaska	‡	‡	--
District of Columbia	7%	‡	--
Montana	‡	34%	--
North Dakota	‡	30%	--
South Dakota	‡	33%	--
Vermont	‡	24%	--
Wyoming	‡	32%	--

Yes We Can

Yes We Can

Yes We Can

NAEP: Large Districts

NAEP measures achievement in selected urban areas, as well as the states. All but Boston, Charlotte, and Jefferson County (Louisville), Kentucky, show below average achievement levels for White male students. Only Boston shows above average achievement levels for Black male students. All but Boston, Charlotte, and Milwaukee show below average gaps. Cleveland and Philadelphia have particularly low levels of Black male and below average levels of White male achievement. In general, the urban achievement gaps vary with the level of White male achievement, as the variation among the cities is much wider in regard to the achievement of White male students. The gap is particularly large for Boston and Charlotte, districts that showed higher than average White male achievement, and Milwaukee, where Black male achievement was particularly low.

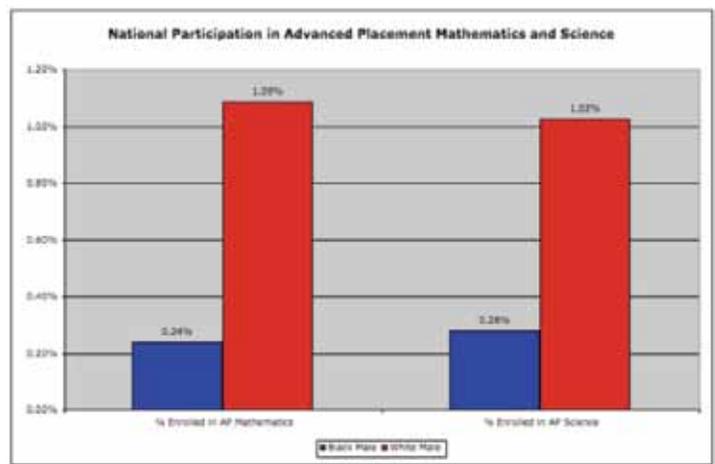
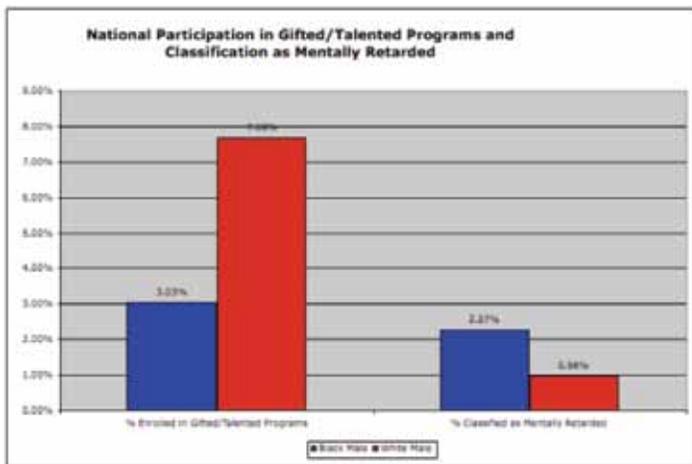
TABLE 15

NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP) 2009, GRADE 8 READING PERCENTAGES AT OR ABOVE PROFICIENT

District	Black Male	White Male	Gap
Atlanta	7%		-7%
Boston	10%	36%	26%
Charlotte	9%	36%	27%
Chicago	9%	24%	15%
Cleveland	4%	14%	10%
Detroit	4%	‡	-
District of Columbia (DCPS)	6%	‡	-
Houston	9%	25%	16%
Jefferson County (KY)	10%	33%	23%
Los Angeles	10%	15%	5%
Milwaukee	2%	29%	27%
New York City	9%	25%	16%
Philadelphia	6%	25%	19%

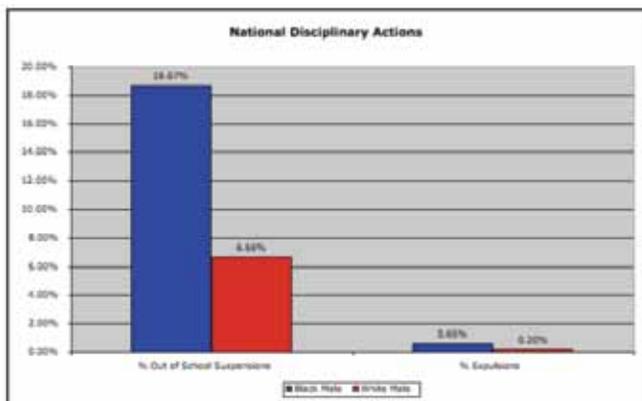
Participation in Special Programs and School Discipline Rates

White male students are more than twice as likely to be placed in Gifted/Talented programs as are Black male students, while the latter are more than twice as likely to be classified as Mentally Retarded as White male students, in spite of research demonstrating that the percentages of students from all groups are approximately the same at each intelligence level. The persistent over-classification of Black male students as mentally retarded reflects, at best, a lack of professional development in this area for teachers and other staff.



U.S. Department of Education, Office for Civil Rights, 2006/7

The College Board has stated that enrollment in advanced placement classes should be encouraged for all students. Nonetheless, more than four times as many White male students take Advanced Placement Mathematics and Science classes as Black male students.

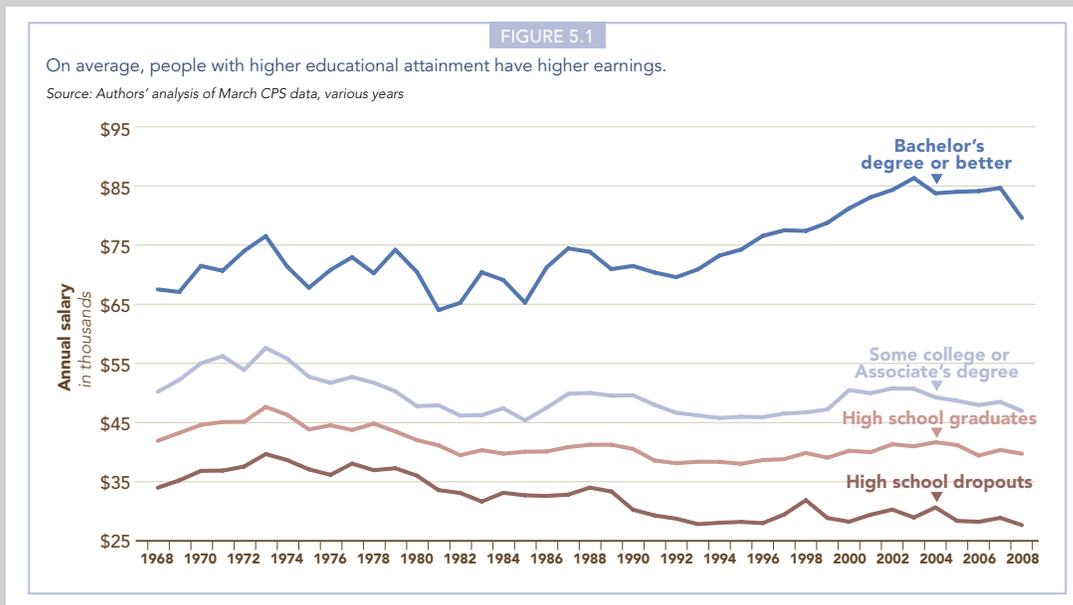


More than twice as many Black male students as White male students receive out of school suspensions and three times as many Black male students as White male students are expelled. Out of school suspensions in many cases lead to students ending their school careers before graduation.

These school discipline disparities may account for a significant portion of the Black male students who do not graduate with their cohort.

Economic Consequences

The recent report from the Center on Education and the Workforce, *Help Wanted: Projections of Jobs and Education Requirements Through 2018*, shows the historic absolute and relative decline of the earning power of those who do not receive high school diplomas. The unacceptably low high school graduation rate of Black male students condemns them to a lifetime of below average earnings. Projecting present trends into the future provides a dismal picture of increasing educational disparities, damaging the overall potential of the American economy and American society and continuing to limit the life chances of succeeding generations of our country's Black male citizens.



Yes We Can

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Yes We Can

Conclusion

The American educational system is systemically failing Black males. Out of the 48 states reporting, Black males are the least likely to graduate from high school in 33 states, Black and Latino males are tied for the least likely in four states, with Latino males being the least likely in an additional four states.⁷

To add insult to injury, Black male students are punished more severely for similar infractions than their White peers. They are not given the same opportunities to participate in classes with enriched educational offerings. They are more frequently inappropriately removed from the general education classroom due to misclassifications by the Special Education policies and practices of schools and districts. By Grade 8, relatively few are proficient in reading and, finally, as a consequence of these deficiencies in educational practice, less than half graduate with their cohort.

The great variation in these factors among districts and states indicates that the driver is not individual students, but the adults responsible for the policies and practices of the educational systems in which they study. In our democracy, a child's access to the resources necessary to have a fair and substantive opportunity to learn should not depend on the zip code in which he resides. America cannot be globally competitive in the 21st century and achieve the President's goal of being a global leader in post-secondary education attainment when we are able to identify by race, ethnicity, gender, and zip code who is more likely to have an opportunity to learn.

Yes We Can seeks to provide the platform for federal, state, and local governments, parents, faith partners, community organizers, and advocates to institutionalize the comprehensive plans and policies necessary to provide all students an opportunity to learn. Building one America, educationally strong, is our best shot at giving the U.S. and its youth an opportunity for success in the 21st century.

⁷ Black females are the least likely in five states; American Indian/Alaskan Native female students in two states and American Indian/Alaskan Native male students in two states, with White males and Latino females being at the bottom in one state, respectively.

Methodology

State and district enrollment statistics are from the U.S. Department of Education's National Center for Education Statistics (NCES) Common Core of Data (CCD) (www.ed.gov/nces/ccd).

Graduation rates are provided as a nationally comparable measure of the effectiveness of schools. Americans are accustomed to thinking of students graduating on time as those entering with a ninth grade cohort and graduating four years later with that cohort. Thus, this report calculates graduation rates as the number of students receiving diplomas acceptable for further education divided by the number of students beginning high school four years earlier.

Data Source

NCES does not publish diploma information with the current year (e.g., grade level enrollment information is currently available for 2007-2008, but diploma recipient information is only available through 2006-2007). This report primarily uses published state or district (or school) data for the number of graduates for districts and states. Therefore the number of graduates is obtained from state sources or estimated. Some states provide graduation data that is timely and in great detail. Maryland, for example, posts on the website www.mdreportcard.org numbers of graduates by district for gender within race/ethnicity, by year, for the current decade. Other states do not provide similar comprehensive and publicly available information. Where this is not available, state and/or district officials have been contacted, sometimes repeatedly. When this procedure has not provided the number of diplomas for the state or district, historical records and grade-to-grade attrition data serve as the basis for the graduation estimates.

Some districts and states have grade nine "gateway" examinations, which, for some populations, increases grade nine enrollments with "repeaters." Various modifications of grade nine enrollment numbers to be used in graduation calculations have been devised.⁸ As such devices are not used everywhere and as the underlying situation is not universal either geographically or in terms of student socio-economic status, NCES CCD grade nine enrollment is used as the most uniform data source for grade nine enrollment.

Types of Diplomas

This report counts only those diplomas usually accepted by the states own post-secondary institutions with the least remedial requirements and does not count GEDs. Some states (again, Maryland is an

⁸ It is notable that the parallel inflation of grade 12 enrollments and diplomas with students taking more than four years to complete high school has not led to similar adjustments.

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example) offer only two types of diplomas: Regular and Special Education. Others, such as New York and Florida, offer a wide variety of documents, which may include Advanced, Regular, Local, and Special diplomas for students with disabilities. For example, this report does not count Local diplomas for New York state—a diploma the state plans to phase out in the next two years—because the City University of New York and other post-secondary institutions identify the Regents diploma, over the Local diploma, as requiring significantly less remedial coursework.

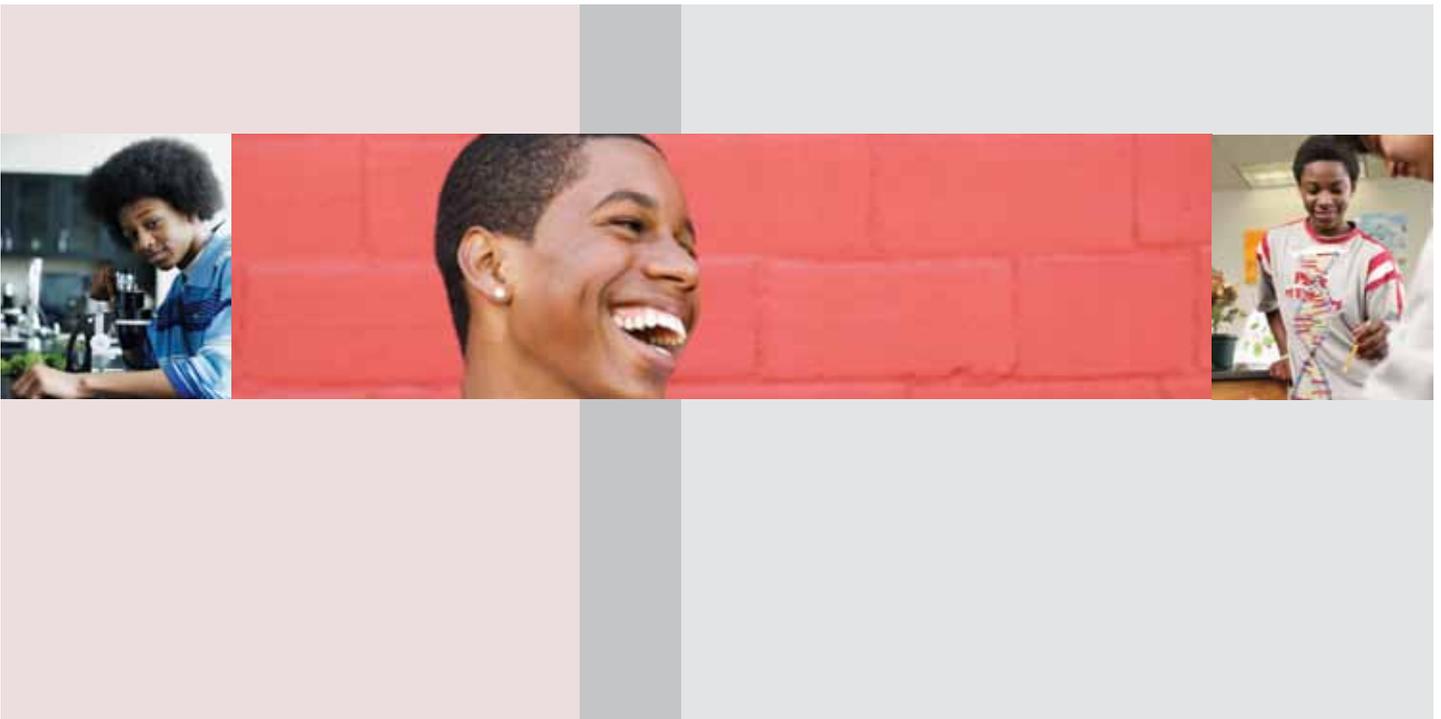
Researchers occasionally use U.S. Bureau of the Census educational achievement data, which is self-reported and includes GEDs. This is not satisfactory. Achievement of a GED is not considered to be the equivalent of a college preparatory high school diploma and it does not necessarily occur within a high school context.

The data concerning the National Assessment of Educational Progress (NAEP) is from the most recent NAEP reports (see: www.ed.gov/nces/naep). The data concerning Special Education, discipline, gifted/talented, and Advanced Placement assignments is from the U. S. Department of Education's Office for Civil Rights Data Collection (www.ed.gov/ocr).

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This online database is designed to allow policymakers, school officials, community-based organizations, philanthropic partners, and individuals to access achievement measurements and other reports for specific state and major urban centers. In addition to graduation rates, the online report provides, where available, National Assessment of Educational Progress, Special Education, school discipline, and Advanced Placement data. Through this mode of distribution, The Schott Foundation seeks to provide more communities with access to the critical data needed to lead reform efforts to change the educational experiences and trajectory for Black males.



Credit for b/w photo on inside front cover: "Altercation," by Christian, 11th grade.
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'Party trumps race' for Steele foes

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By The Washington Times

Tuesday, November 1, 2005

Text Size: + -

Black Democratic leaders in Maryland say that racially tinged attacks against Lt. Gov. Michael S. Steele in his bid for the U.S. Senate are fair because he is a conservative Republican.

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QUESTION OF THE DAY

Will Republican presidential contender Herman Cain drop out of the race?

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Such attacks against the first black man to win a statewide election in Maryland include pelting him with Oreo cookies during a campaign appearance, calling him an "Uncle Tom" and depicting him as a black-faced minstrel on a liberal Web log.

Operatives for the Democratic Senatorial Campaign Committee (DSCC) also obtained a copy of his credit report — the only Republican candidate so targeted.

But black Democrats say there is nothing wrong with "pointing out the obvious."

"There is a difference between pointing out the obvious and calling someone names," said a campaign spokesman for Kweisi Mfume, a Democratic candidate for U.S. Senate and former president of the National Association for the Advancement of Colored People.

State Sen. Lisa A. Gladden, a black Baltimore Democrat, said she does not expect her party to pull any punches, including racial jabs at Mr. Steele, in the race to replace retiring Democratic U.S. Sen. Paul S. Sarbanes.

"Party trumps race, especially on the national level," she said. "If you are bold enough to run, you have to take whatever the voters are going to give you. It's democracy, perhaps at its worse, but it is democracy."

Delegate Salima Siler Marriott, a black Baltimore Democrat, said Mr. Steele invites comparisons to a slave who loves his cruel master or a cookie that is black on the outside and white inside because his conservative political philosophy is, in her view, anti-black.

"Because he is a conservative, he is different than most public blacks, and he is different than most people in our community," she said. "His

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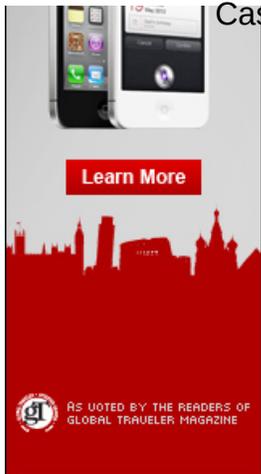
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politics are not in the best interest of the masses of black people.



During the 2002 campaign, Democratic supporters pelted Mr. Steele with Oreo cookies during a gubernatorial debate at Morgan State University in Baltimore.

In 2001, Senate President Thomas V. Mike Miller Jr. called Mr. Steele an "Uncle Tom," when Mr. Steele headed the state Republican Party. Mr. Miller, Prince George's County Democrat, later apologized for the remark.

"That's not racial. If they call him the 'N' word, that's racial," Mrs. Marriott said. "Just because he's black, everything bad you say about him isn't racial."

This week, the News Blog — a liberal Web log run by Steve Gilliard, a black New Yorker — removed a doctored photo of Mr. Steele that depicted him as a black-faced minstrel.

However, the blog has kept its headline "Simple Sambo wants to move to the big house." A caption beneath a photo of the lieutenant governor reads: "I's Simple Sambo and I's running for the Big House."

A spokesman for the Maryland Democratic Party denounced the depiction as being "extremely offensive" and having "no place in politics or in any other aspect of public discourse," The Washington Post reported. Democrats have denied any connection to the News Blog.

Still, Mfume spokesman Joseph P. Trippi said Mr. Steele opens himself to such criticism by defending Gov. Robert L. Ehrlich Jr. for holding a Republican fundraiser in July at the all-white Elkridge Club in Baltimore.

"The facts are the facts. Ehrlich went to that country club, and Steele said it didn't bother him," Mr. Trippi said. "I think that says something ... and should be part of this debate."

Several club members told the Baltimore Sun that, though blacks are welcome as guests and there is no policy banning blacks from membership, the club never has had a black member in its 127-year history.

Democrats also have used the club for various events, including Peter O'Malley, brother of and adviser to Baltimore Mayor Martin O'Malley, a Democratic candidate for governor. Peter O'Malley held his wedding reception there in 2003.

State Sen. Verna Jones, Baltimore Democrat and vice chairman of the General Assembly's legislative black caucus, said black Republicans deserve criticism because the Republican Party has not promoted the interests of the black community.

"The public policies supported by Democratic principles are the ones that most impact the African-American community," she said. "I'm not saying [Mr. Steele] is a sell-out. That's not for me to say."

In July, however, Mr. Mfume noted how Republicans were rallying for Mr. Steele but his party had ignored his historic candidacy. "More voters in Maryland are carrying the impression that the Democratic Party talks the talk, but doesn't always walk the walk. People may find a way to cross over in the fall," he said.

Steele campaign spokesman Leonardo Alcivar said state Democrats are afraid of losing the black vote to Mr. Steele.

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"That has caused a great tremble throughout the Maryland Democratic Party," he said. "Of course [they are] going to condone racism. It's nothing new, and it's not surprising."



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Editorial Board Opinion

Maryland redistricting maps are comical and controversial

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By Editorial, Published: October 29

MARYLAND'S NEW congressional district map won't shift the U.S. House of Representatives to Democratic control. At most, it could add a seventh Democrat to the six who dominate the state's eight-member House delegation. Nonetheless, it may make Democratic Gov. Martin O'Malley a candidate for what might be called the Tom DeLay Honorary Gerrymandering Medal, named for the former House majority leader whose brazen manipulation of the electoral map in Texas made roadkill of incumbents from the rival party.

The map, drafted under Mr. O'Malley's watchful eye, mocks the idea that voting districts should be compact or easily navigable. The eight districts respect neither jurisdictional boundaries nor communities of interest. To protect incumbents and for partisan advantage, the map has been sliced, diced, shuffled and shattered, making districts resemble studies in cubism.

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A fountainhead of reliable Democratic votes, Montgomery County, was carved into three jagged pieces, each used to offset and outweigh Republican territory elsewhere. This may fortify the county's clout, enabling it to send two residents to Congress rather than one. But the resulting cartological contortions are comic.

From a chunk of northern Maryland near Pennsylvania, Rep. Chris Van Hollen's 8th District will snake south into Montgomery

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to pick up precincts around the Capital Beltway. The 6th District will stretch almost 200 miles from the state's westernmost hinterlands nearly to Bethesda — the better to remove Rep. Roscoe G. Bartlett, a 20-year Republican incumbent. Rep. John Sarbanes's 3rd District will link a crooked splinter of

northwestern Montgomery with random scraps of land in and around Baltimore and Annapolis, plus disconnected peninsulas along Chesapeake Bay.

This is a disservice to residents. A separate matter is whether it's an injustice to the state's minorities. That question has been raised by 4th District Rep. Donna Edwards and Montgomery County Council President Valerie Ervin, both African American Democrats, as well as by the state's Republican Party. They argue that by balkanizing Montgomery, where minorities make up a narrow majority, as well as other minority-heavy areas, the new map dilutes the influence of black and Hispanic voters and prevents establishing a third district dominated by minorities.

Granted, the argument is a bit rich coming from Republicans, who have done everything possible in other states to minimize the influence of minority voters. It's also self-interested, since packing minority voters into three relatively undiluted Democratic districts would likely also add one Republican seat. Still, the Justice Department, which has been asked to examine the complaint, should do so on the merits.

Ms. Edwards is understandably upset to lose her minority-rich base in Silver Spring and receive instead the mostly white, more conservative precincts in Anne Arundel County. Nonetheless, the 4th will remain a majority-black district.

What's more, it will consolidate more voters in Prince George's County, meaning that the state's largest majority-black jurisdiction may be able to speak with a louder voice on Capitol Hill, one reason County Executive Rushern L. Baker III supports the map.

Federal officials or the courts will ultimately judge whether Mr. O'Malley's plan is illegal under the Voting Rights Act. The broader question is whether it promotes fair and rational democracy. Anyone looking at the map can answer that one.

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Mfume sees plot to block candidacy

'Democratic operatives' lining up rivals, he claims
Argues black votes may be lost

July 14, 2005 | By David Nitkin and Andrew A. Green | David Nitkin and Andrew A. Green, SUN STAFF

Senate hopeful Kweisi Mfume said yesterday that unnamed Democratic Party "operatives" were trying to block his nomination by orchestrating which candidates ran against him, and he said the party risked losing traditional support from black voters as a result.

"I think there may be some Democratic operatives in and out of the official party that would like to guide the process, much like they have guided other processes in the past," Mfume said in an interview last night.

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The party, he said, could lose its long-standing support from minority groups if leaders actively work against the candidacy of a prominent black politician, he said.

This week, Rep. Chris Van Hollen of Montgomery County, who is white, announced he would not enter the race. That leaves Rep. Benjamin L. Cardin and Mfume as the most prominent Democrats in the contest.

Many political observers have said Mfume's best chance at victory would be if several white candidates were in the race, dividing the non-African-American vote.

Mfume, a former Baltimore congressman and past president and chief executive officer of the National Association for the Advancement of Colored People, made his comments after similar remarks at a conference of minority media executives in Chicago yesterday. There, Mfume said he senses "a huge effort to sort of guide the process" in next year's Senate race, to "create the perception that I can't win."

"I don't take it personal," Mfume said, according to the Associated Press. "However, many voters in the state who are black or progressive might."

State Democratic leaders rejected the allegations, saying the party's nomination for the U.S. Senate seat being vacated by longtime incumbent Paul S. Sarbanes would be a hard-fought contest among well-qualified candidates.

Kweisi Mfume
Enter The Race

Maryland is pleased to have two candidates of the caliber of Kweisi Mfume and Ben Cardin," said Perry Lierman, the state party chairman. "I would be proud to have either one of those candidates represent me."

Republicans are rallying around Lt. Gov. Michael S. Steele, Maryland's first black statewide elected official.

Mfume was the first candidate to enter the race this year after Sarbanes' announcement that he would not run again. But his candidacy has been hampered by reports that he fostered a hostile work environment as head of the Baltimore-based NAACP, creating a perception that women who dated him or his son who worked there would receive promotions and favorable treatment.

Mfume acknowledges briefly dating an NAACP worker and later adopting her son, but he calls the relationship with a subordinate a "bone-headed" mistake. He said he has a strong record of hiring and promoting women, and denies any other allegations.

The allegations - contained in a confidential legal document - have slowed his fund-raising. Mfume raised \$150,000 in the most recent filing period, compared with Cardin's \$1 million.

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Mfume would not name which operatives were working against him, but he said that Lierman, the chairman, has been supportive of his candidacy. Asked about two other top Democrats active in Maryland politics, state Senate President Thomas V. Mike Miller and Rep. Steny Hoyer, the House minority whip, Mfume said: "I'm not talking Mike Miller, but I cannot speak for Steny Hoyer."

A call to Hoyer's office was not returned last night.

Former Maryland Democratic Party Chairman Isiah Leggett, who is African-American, said he thinks Mfume's allegations are born out of frustration, not reality.

"I wish the Democratic Party was so well-organized it could choose top-to-bottom leaders and what they're running for," he said.

Arthur W. Murphy, a political consultant who has managed Mfume's congressional races, said he sees no conspiracy.

"I think the democratic process is just what it is," Murphy said. "This is for the brass ring, and everybody wants the brass ring."

Both Murphy and Leggett said Cardin needed no urging to get in the race.

With Steele's potential candidacy as a Republican, "more voters in Maryland are carrying the impression that the Democratic Party talks the talk but doesn't always walk the walk," Mfume said in the Chicago comments. In an interview, Mfume said the Democratic Party cannot repeat its roster of 2002, when it did not present a statewide African-American candidate.

GOP officials agreed with the sentiment. "The Democratic Party has just spent the last week slamming [Gov. Robert L. Ehrlich Jr.] and Lieutenant Governor Steele on racial issues," said Audra Miller, spokeswoman for the Maryland Republican Party, referring to news accounts of an Ehrlich fund-raiser at an all-white country club. "Yet one of their own candidates acknowledges the Democratic Party does not promote African-Americans."

Sun staff writer William Wan contributed to this article.

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Senator Muse's "Senate Floor" Remarks on Redistricting

October 18, 2011

Mr. President, esteemed colleagues... I do not get up often to speak... But I feel compelled to stand and speak about this critical issue. I must say that it saddens me deeply that I must stand and speak against this bill. Although I do not always agree with my party...I am a loyal Democrat. I have great respect for many of our ideals and for this process.

However, I sincerely do not believe that the plan that we have been presented with reflects the best interests of the people I was sent here to represent....or the people many of YOU are here to represent.

We have been told that this plan is a "great" plan for the party... and I certainly understand the role that party politics plays. However, it is most unfortunate that the choices placed before us, I believe, not only put the good of the "party" over the good of the "people." In fact I believe it PITS the party AGAINST the people, against a minority population that has down through the decades been the party's most loyal supporters. Yet we stand at this moment in history determined to reward that loyalty by diluting their political power, weakening their voices and shrinking their districts.

It's no secret that our state's minority population has grown. And I believe our citizens deserve representation that is "fair and equal."

Counties like Prince George's are often counted on to deliver the votes that will ensure victory for the democratic party. But I ask you, have the rewards matched the loyalty?

According to the Washington Post and other sources... esteemed professors, etc. Unlike any other time in the state's recent history, THIS year minorities deserve not just TWO...but THREE...and maybe even FOUR congressional seats, based on sheer numbers. However....the party claims that if we carve out those districts and create even ONE additional minority seat...then the "party" could suffer. Well, I must ask myself and I believe you should ask YOURSELVES, were we sent here solely to serve the party...or are we here to serve the "people" who make UP the party?...people whose VOICES will be severely weakened if we accept this plan as it's been presented.

The true democratic process is designed to ensure that the VOICES of ALL of our citizens are heard.

And and as my colleague from District 5 said (Sen. Getty)... "we are ONE Maryland, but a "diverse" Maryland... which means ALL voices should be heard.

Let's just be frank. As it stands...this plan dilutes minority power and parcels out minority populations...VOTERS... to other very different communities in order to strengthen the chances of a Democrat being elected... and not a minority Democrat. Yes, we ALL want to strengthen our party...but WHY must it be strengthened at the expense of the very people who have been the party's backbone??? Why must these strong and growing minority populations be weakened and diluted? Yes the party walks away with maybe seven seats. But what do our minority populations walk away with?

Their needs and concerns are growing right along with their numbers. Why shouldn't there be more equitable representation. How can we just determine that 2 are enough???

Minorities now make up approximately 40% of the state's population... and more than 50% of the Democratic Party. And yes, WE helped reelect our Governor as well as others in the "party." And what do we get in return? We get not only the same two seats we already have...but we get smaller, WEAKER seats and watered-down representation. And this is acceptable to you?? It's acceptable that you vote to force your minority constituents to go from "bread" to "political crumbs?" And you expect them to be satisfied?

Two out of 8 seats are what you will get. And a few years from now, who knows. Those 2 could be reduced to 1. 50% of the party gets "used" ...divvied up...pushed around...MANIPULATED...for the good of the "party."

My esteemed colleagues, politics is indeed all about "give and take." But I ask you. What are you really getting? What is the party really giving us? Once again, as has happened so many times before in our history, minorities are being asked to please step back...and take another one... for the party.

I cannot support this map! It may well live up to the LETTER of the law...but SURELY not the SPIRIT of the law... nor the spirit of the Democratic process. I think minorities lose with this map. Yes the party gains. But honestly, I believe the PEOPLE, not the PARTY are the "losers."

As a Democrat... I will continue to do all that I can for the good of my party....but NOT at the expense of my people who deserve not to be rendered VOICELESS...but who DESERVE to have their voices heard, loudly, clearly...and FAIRLY!

J



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Black Vote May Have Strong Impact on Maryland Gov. Race



Washington Afro, News Report, Shernay Williams, Posted: Oct 19, 2010

Gregg Bernstein's sweep over Pat Jessamy for state's attorney in the Maryland primaries is a warning for Gov. Martin O'Malley not to take the Black vote for granted, say many Baltimore politicians and political strategists.

They argue that Black voters will determine the outcome of the gubernatorial race, waving 2006 exit poll stats as proof. "Bob Ehrlich is not counting on the Black vote but O'Malley is completely dependent on it," said Del. Jill P. Carter, D-41st. Records from the first O'Malley and Ehrlich standoff indicate the current governor won the Black vote 4-1.

"In the last 20 years, Maryland's African Americans have played a factor in the outcome of who will be governor," said Charles Robinson, political journalist for Maryland Public Television. "Large turnouts have continually favored Democrats and mediocre showings at the polls allowed for so called 'conservative candidates' to succeed."

"You are going to see massive efforts from Black politicians and Black media to drive Black voters," added Carter.

And that game has already begun.

O'Malley's campaign ads are running consistently on minority-owned radio stations. He recently hosted a visit by President Barack Obama at Bowie State University, and he even released a radio spot mimicking autotune, a sound effect common in hip-hop songs.

Many community leaders are urging Black voters to ignore the gimmicks and make O'Malley earn their vote. "The question is do Black people know that we have the power and with this power, we don't have to give our votes away for free," the Rev. Heber Brown III blogged on his site, "Faith in Action," last month. "We can make conditional demands on O'Malley in return for our support. If he won't support our community goals than we don't have to support him."

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According to some strategists, O'Malley has several reasons to be nervous about the upcoming election, just 20 days away.

The virtually unknown Bernstein crossed racial boundaries to unseat Jessamy, a Black Democrat who has served 15 years as the state's head prosecutor. Pundit and radio host Catalina Byrd says Bernstein's win may show political dissatisfaction among all races. "What I see more than a statement by Black voters from the low turnout is a ... discontent with the status quo all across the board," she said.

A mere 19.2 percent of registered voters came out for the Sept. 14 primaries. At one voting location in East Baltimore, only 19 people voted. And Black voters came out well below the city average, at an estimated 13 percent.

Black voter turnout appears to concern political candidates across the nation as we approach mid-terms, especially Democrats who are attempting to recreate the excitement from the 2008 elections, which brought record-number young people and minorities to election booths. "Bringing in a popular president, I believe 'jacks up' the traditional mobilizer, but the question is sustainability. Is it enough?" Robinson questioned.

Some say more Black voters will turn out for the general election, but must choose the "lesser of two evils."

"In terms of either one generating enthusiasm in our community, people think it's Tweedledee or Tweedledum," said attorney A. Dwight Pettit.

"I just don't think people are excited this time around," said Angela Burneko, a voter from Baltimore. She did not get around to voting in the primaries. "I'm going to vote for O'Malley in the generals ... but he could have done a lot more for Baltimore if he wanted to keep his job."

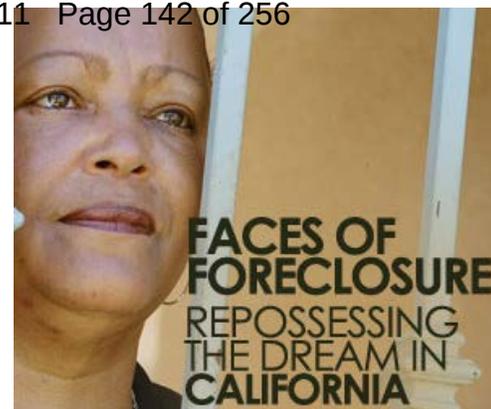
A recent poll from Rasmussen shows O'Malley is up 8 percent in popularity, earning 49 percent of votes, while Ehrlich receives 41 percent.

Registered voter Garnett Green, 44, said as long as Blacks get the basics of what they want, they will vote for O'Malley. "Any Democrat is subject to taking us for granted because they know Black people will vote for them," he said. "Even if it's Pee-Wee Herman out there, we are going to vote Democrat because consider the alternative."

Byrd says Black voters should ultimately come to a decision based on the issues. "People of color should look at the entire body of work of these candidates and vote for the one whose work most identifies with their goals for their community," she said.

"Choosing to not vote is never an option for me, but voting because ... other Black folks like them isn't either."

No matter who Black voters choose, strategists can't deny that Maryland's next governor depends on the Black community and whether or not they show up on Nov. 2.



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**OVERSIGHT OF THE 2000 CENSUS: EXAMINING
THE BUREAU'S POLICY TO COUNT PRISONERS,
MILITARY PERSONNEL, AND AMERICANS
RESIDING OVERSEAS**

HEARING

BEFORE THE

SUBCOMMITTEE ON THE CENSUS

OF THE

COMMITTEE ON

GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

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JUNE 9, 1999
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Mr. DAVIS. Thank you, Mr. Chairman.

Mr. MILLER. Mr. Ryan.

Mr. RYAN. I would like to ask Mr. Green a couple of questions. Just to clarify. What happens to a prisoner if the term expires while they are incarcerated in another State?

Mr. GREEN. The term of sentence?

Mr. RYAN. Yes.

Mr. GREEN. They have to return to the home State for processing. They are still currently paroled in Wisconsin; they have to go back.

Mr. RYAN. That is an important point, I think, as well. What do you think about the Bureau's response to your legislation that there is not enough time to implement the program for testing and evaluation?

Mr. GREEN. With the case of Wisconsin, that simply isn't true. All the information that would be necessary for the Census Bureau to complete its work is already compiled and is updated weekly by the department of corrections.

Again, since the State bears legal and financial responsibility, that information is absolutely accurate and is readily available.

Mr. RYAN. Thank you.

Mr. MILLER. Did you have a concluding comment?

Mr. GREEN. Mr. Chairman, if I could respond to a question raised by Mrs. Maloney before we broke just to clarify. She appropriately raised a question that I believe will be raised by the Census Bureau as to what the county of residence would be, and that is actually already determined under State law. It is the county of incarceration, or if there isn't a determinable county of incarceration, it is the county where those prisoners are processed.

In Wisconsin, that is Dodge County. If the committee would be more comfortable by spelling it out explicitly in this legislation, we could do so; and I don't believe that would substantively change current law.

Mr. MILLER. Thank you. I have seen in articles, I think it was the Pine Bluff Arkansas, the annex for prisons into the county or city in order to increase their population.

Some cities don't want the prisoners. It becomes a local issue too. Well, thank you very much for your presentation here today, Mr. Green and Mr. Ryan, as part of the panel. Thank you very much. We will proceed to the next panel. Director Prewitt will be coming up and we will proceed.

[Witness sworn.]

Mr. MILLER. Let the record show that Dr. Prewitt answered in the affirmative.

We have three issues brought up by the Members and I would like to let you proceed and enlighten us.

Mr. PREWITT. Thank you very much, Mr. Chairman, and to Mr. Davis, Mr. Ryan.

Mr. MILLER. Put the microphone a little bit closer to you.

**STATEMENT OF KENNETH PREWITT, DIRECTOR, BUREAU OF
THE CENSUS**

Mr. PREWITT. I started with the obligatory thank you. I would like to rerecord my thank you to the chairman, to Mr. Davis, Mr.

Ryan, and Mrs. Maloney for this opportunity to testify this morning.

I want to emphasize at the outset that the issues that have been put on the table are difficult and complex, as has already been alluded to. But they are also ones with which it is very easy to sympathize and appreciate the motivations behind the bringing these three pieces of legislation to the table.

They are difficult and they do, we think, deserve a thorough study before we would change major policy, especially policy with respect to usual resident concepts, either with regard to prisoners or U.S. military personnel outside their home State. It is extremely important that any policy changes are consistent with the original intent of the census to determine the whole number of persons in each State for purposes of apportionment.

And if the Congress believes that all America's private overseas citizens should be included in the decennial, then we would urge that, at first commission, some indepth studies that would shed light on these complexities, and I will get to these complexities momentarily.

Let me address first the issue of Americans overseas, as it has been recommended by Mr. Gilman. The Census Bureau staff did meet with representatives of the Census 2000 Coalition on this issue in early May to discuss their reactions to our concerns and their proposals for overcoming these concerns.

And after carefully reviewing the coalition's proposals and studying the viability of the technical aspects involved, the Bureau has concluded that it cannot credibly enumerate the population of American citizens living abroad for census 2000. There are conceptual issues, such as whether to count retirees and other persons unlikely to return to the United States. We have serious concerns about our inability to validate responses and, of course, about the complex operation of such a worldwide enumeration.

I would like to, at this moment, simply draw your attention to the form which has been presented here for our attention. And I would like to say for the record, sir, that I would urge that before these forms are circulated any wider, that they say in bold print that this is not an official government document.

It does not say so now. It gives every resemblance to something that is an official U.S. document. It uses the official U.S. Bureau Website. If you turn over to the address page, anyone picking this up would presume they should mail this back to the U.S. Bureau of Census. I only use this to suggest how complex this issue is and how very well-intentioned efforts to cooperate can run up against some difficulties, even the presentation of forms which would suggest that the U.S. Census Bureau has decided to count the population and already has designed a form and distributed it.

So, I would urge our friends and colleagues who are concerned about this issue to please not circulate this document without identifying it as not an official government document. Thank you.

Let me then turn to the question of accuracy and why we have such concerns about the accuracy of the information we could obtain from any attempt to enumerate private American citizens overseas. The difficulty is we cannot accurately estimate the size of the universe of this population, so we do not have the means of

controlling and checking its progress as we do here at home, where we use the master address file to control the enumeration.

Embassy and consulate lists of American citizens living in their jurisdictions generally are outdated or incomplete, since there is no requirement for citizens to register with them upon entering or leaving the country.

What we do, as you appreciate in the census, of course, is we do ask people to mail in the questionnaire. For those who don't, we have very precise processes of doing a non-response followup. Up to six return calls, three personal calls, three telephone calls, making all kinds of efforts and then close-out procedures because we start with some sense of the universe that we are trying to reach. And we use the address file as the marker or the denominator for what we think the universe is.

With respect to the Americans overseas, we simply have no way of knowing what that universe is and, therefore, no method of trying to find the non-respondents. So, in effect, it converts the overseas census into a voluntary census, which is fundamentally different from the stateside census which is not a voluntary, but a mandatory census. And the Census Bureau does everything it can to reach everyone.

We are not sure what the procedures are by which we would try to reach everyone. As Mr. Gilman said, his resolution calls for us to count all Americans overseas. It is not clear how we will do that, and that is why I want to stress that there is something fundamentally different between the proposal that's on the table and the stateside census which starts with a control factor, the master address file, and then uses non-response followup to try to reach as complete a count as it possibly can.

Now, what are the implications of that? Congressman Miller, in your covering memo, you used the estimate of 3 million Americans and then suggested that perhaps we would count as many as 1 million of them. That is, you would recognize that there could be an undercount of 66 percent, fairly high undercount as a census goes.

Ms. Schooneveld says that perhaps the number of American citizens abroad is 5 to 6 million. Let us say 5. If we counted a million of the 5, we would have an undercount of 80 percent. There are other documents, their own newsletter that says the overseas count may be up to 10 million, which means we would have an undercount of 90 percent.

So whether it is a 66 percent undercount or an 80 percent undercount or a 90 percent undercount or only a 50 percent undercount, we have every reason to presume it is a fairly high undercount. Without the capacity to go out and check on it, we don't have a control factor like we have with the master address file stateside.

Now, why is that consequential? There is no a priori reason to presume that this high undercount would be distributed across home of record proportionate to the true distribution of home of record for the overseas Americans. Let me give you a simple example, hypothetical.

Let us say that we did a particularly good job in Mexico where many, many Americans live in retirement communities and so forth. We did a very poor job in Canada, where there are also a

very large number of overseas Americans. The reason we did a poorer job in Canada, of course, is Canadian-Americans. Americans living in Canada are not required to have passports. Whereas in Mexico, let us say we did a better job.

Now, if that were to happen, we do better in some parts of the world than other parts of the world, the question we would have to ask ourselves: Are the people, the Americans who live in those different parts of the world, randomly distributed or proportionately distributed according to home of record? My guess is that the Americans living in Canada are much, much more likely to come from the northern tier of the States, and the Americans living in Mexico are much more likely to come from the southwestern tier of the States.

So, if we did a very good job counting in Mexico and a very poor job counting in Canada, then we would have produced a distortion to the apportionment accounts. It is a distortion to the magnitude that we could not estimate, nor could we correct for it. I think the implications of not being able to reach 1 out of 3, or 1 out of 5, or 1 out of 10, or 1 out of 2, the magnitude of the undercount would be such that we would necessarily introduce some distortions into the apportionment account.

That would, of course, invite litigation and all the other kinds of concerns that have already been expressed by this Congress with respect to the implications of the undercount. When the undercount is 1.5 percent and we have mechanisms to try to reduce it, then it is a very different phenomena than if it is a 50, 60, or 70 percent undercount because the level of distortion and apportionment numbers is accordingly large.

We take very seriously this question of accuracy and completeness, as you appreciate. And we have a particular problem with the overseas Americans. We simply do not have a current solution to that problem. If we had one, we'd put it on the table, and we would be happy to talk to the U.S. Congress about how to respond to this legitimate concern; but, we do not have a solution to this issue.

Second, we do not have a ready solution to the problem of validation and verification. We very much appreciate the work by the counting citizens abroad group, in terms of trying to use passports as a validation and verification process.

We feel there is real hope in that strategy. We'd like to investigate it further. There is a big difference between how we count U.S. military overseas and how we would have to count the private citizens overseas. The U.S. military overseas count is based upon administrative records and the Federal employees overseas is based upon administrative records.

We have every reason to presume that we get a complete count or a reasonably complete count, and certainly a highly valid count, from working with the Department of Defense and the Department of State, with respect to their own employees.

The military and Federal employees differ from the private citizens. One is mandatory because you are using administrative records. It is not that someone could self-select themselves out of the count if you are in the U.S. military on a military base, but if you are a private citizen, because it is voluntary, you could decide

not to be counted and we would have no way of knowing the magnitude of that.

Second, for the military Federal employees, we use administrative records. For private citizens, they are recommending we use a postcard, the sort I already identified. For military and Federal employees, we have well-established procedures to make sure there is no possibility of fraudulent responses. With respect to the private citizens overseas, it would be extremely difficult to validate and make sure every record did match the people that had responded in the way they responded.

For military and Federal employees overseas, we have a low to zero undercount problem. I have already suggested for the private citizens, we'd have a very high undercount problem. And I have suggested for the military and Federal employees overseas, we had reasonably good precise ways of allocating them back to their home of record because the administrative records make this very clear.

With respect to the private citizens, we have the potential for high levels of misallocation, therefore the possibility of distorting the apportionment accounts. So, the problem of accuracy and validation really does beset this very complicated problem when we simply don't know whether it is 2 to 3 million or 8 to 9 million residents.

Let me then just quickly turn to the operation of complexity. Even if we could solve the problems of accuracy, validation and verification, we would run into, as we appreciate, very complicated operational problems. Processing results from this enumeration would require the matching of files, development of procedures for resolving matching problems, and deciding how to handle unmatched cases.

Where would these matching problems come from? Well, with respect to the military and the Federal employees living overseas, we use the administrative record to count them and their dependents. They don't know they've been counted. We work that out with the Department of Defense.

And so then, we would suddenly have a form like this floating around. There is absolutely no reason to imagine that a dependent for the State Department or military dependent wouldn't see this and say, oh, my goodness, we want to be counted in the census, therefore we better send this in. We've already counted them in the administrative records from the Department of Defense.

We have a serious matching problem, and we don't have a mechanism by which we could unduplicate those forms, so we would be introducing double counts, as well as undercounts, in the overseas population.

Indeed, to make an earnest and effective attempt to reach this population, the Census Bureau would need to obtain the commitment of considerable staff support from the State Department. The State Department would have to provide address lists of embassies and consulates by countries worldwide, along with the current estimates of the number of American citizens living in each embassy and consular jurisdiction. We all know those records are defective and incomplete.

The State Department would be the primary agent for most of the logistics associated with the overseas publicity of the enumera-

tion along with the distribution of the bulk of the census forms. And, indeed, if the overseas form asked for passport numbers, as has been recommended, the State Department would have to match a file of passports on the overseas forms with their official passport files.

And, indeed, we have been in contact with the State Department. They do suggest to us that there are very complicated things involved in this and it would be costly. The Census Bureau, of course, would have to compensate the State Department for its efforts in this regard.

Indeed, I can conclude my comments on this with simply mentioning the cost. We would need 1999 funds because we would have to start doing preparatory work immediately, which means another supplemental. As we appreciate, it would not be difficult to get it through the Congress at present. Of course, we would have to increase our 2000 budget. I can't offer if it is a large number or small number, but certainly we'd have to redesign our budget and redesign our master activity schedule. There would be a very large number of procedures at this stage which we would have to introduce if we wanted to do this right.

Now, could we do a poor job, a sloppy job, an inaccurate job, a job which might risk distorting the apportionment numbers? Certainly. Would the Census Bureau want to do that kind of job? Of course not.

So, we would urge Congress that if we want to change policy with respect to this very, very serious issue, that it is done so only on the basis of some systematic work that has yet to be done. I can only apologize that it has not been done, but it will itself be costly and require some serious investigation of how to do it.

Let me turn quickly to H.R. 1632, which relates to how we would count prisoners abroad. Now, many of the Census Bureau's concerns have already been voiced by questions from Mr. Davis, from yourself, and from Mrs. Maloney, when she was here. The way that we count prisoners and other institution populations of the State in which the institution or facility is located is, of course, consistent with the usual residence concept the Census Bureau has used to decide where to count people in the census. This is a principal first used by the Congress for the census of 1790. It is defined as the place where the person lives and sleeps most of the time.

Usual residence is not necessarily the same as the person's legal residence. The usual residence concept was approved by a U.S. Court of Appeals in 1971 and reconfirmed in a 1992 decision by the District Court for the District of Columbia, where some of these questions of counting prisoners were addressed in the court system. The judgment has been that the way we do usual residence is neither capricious nor arbitrary.

This legislation, if passed, would mandate an exception to the judicially approved usual residence concept and doing so, as the questions have already indicated, could open up a Pandora's box or pressures for other exceptions to our residency rules.

It has already been noted by Mr. Davis and Mrs. Maloney that there are other out-of-State programs. I very much appreciate the distinction that Mr. Green made with respect to whether they are contractually obligated to come back to the State. That may be a

workable distinction. Mr. Green himself, in his testimony, spoke compellingly of Wisconsin's level of information on this, though Mr. Green did say that their home of record in Wisconsin only took them back to the county.

Now, as you appreciate, a major oversight committee for the census, that coding someone back to the county of residence is inadequate, of course, for redistricting purposes and Federal funding purposes. We have to simply code them back to a lower geographic detail than the county.

We appreciate the fact that Wisconsin may have very good records, but we could not use them. We would have to get a home address that we could geocode down to the block level, of course, to be consistent with the rest of our census.

As Mr. Green himself acknowledged, he cannot even get a good count of how many other States export prisoners, let alone how many other States have data of the quality that Wisconsin has, which is already defective for our purposes.

So even though we can acknowledge that there could well be this data available, we would now have to visit all 50 States to find out the quality of their recordkeeping for their exported prisoners, even before we get to the issues that Mr. Davis raises, which are non-prisoner exported personnel.

It raises all of the issues that have already been put on the table, and I don't have to try to repeat them yet again. We would have to also develop new procedures for working with prison administrators on a case-by-case basis. Without testing and evaluation, we could not know whether prison officials would have good records that would show the 50 percent marker, that is, is this particular prisoner's incarceration paid for at a 50 percent level.

A contract between States may indicate that one State has to pay another a certain lump sum per prisoner, but not indicate the total cost of custodial care. Therefore, it would be up to us to decide whether 50 percent was met. It may well be that Wisconsin contracts make that very specific, but it may well be that some other States are vaguer on that. It just simply may be a payment per prisoner. We would then have to determine whether it met the 50 percent rule.

The bill is also silent on whether this is only for State-supported prisoners and State-run correctional facilities or whether prisoners and facilities at the local level, as well as privately run prisoners, would be included. And, of course, the bill makes no reference to Federal prisoners who are, in general, more likely to be incarcerated outside their home State. These are some of the issues that would have to be resolved before we could begin to implement Mr. Green's legislative initiative.

Finally, if I can turn to Mr. Ryan's legislation quickly, we have had that legislation for a very short time. I appreciate how sometimes things take a while to turn themselves out. That's even true at the Census Bureau. And therefore, we haven't given it the kind of time and attention that we would like to.

As has been established, we do count U.S. military and their dependents assigned overseas back to their home of record using again, I stress, agency administrative records. And I think what Mr. Ryan would like us to do is try to extend the policy that we

now use for overseas military to stateside military, but I do want to stress that in the overseas military populations we do not enumerate. We do not count individuals. We only use the administrative record and use the home of record back to the level of the State, not down to the level of a district or a block or something.

So, we only put them into the apportionment count and not into, of course, the districting or Federal funding formulas. We have some concerns with Mr. Ryan's legislation because, again, it mandates an exception to the usual residence concept for the U.S. base military living stateside, and it could lead to other challenges to the idea of usual residence. We are just reluctant to open that door until we have done the kind of investigation that would find out what kinds of exceptions might be put on the table, what would the implications be, and what would this do to a 200-year practice of usual residence.

Mr. Ryan makes reference, understandably, to paying taxes back in the home State, to having a legal residence in the home State, and so forth; and that does begin to change where you are living and sleeping, which is our usual residence criteria. Mr. Ryan made reference, for example, to the fact that the military does keep records, so they know where they have to ship them back after they've either been honorably discharged or in other words left the military.

I can't resist one anecdote. I lived abroad. I have lived abroad for a large number of years at different times in my professional career. Back to the Americans overseas issue, I am aware that sometimes when I lived abroad, no one knew for sure where I was and did not check in with local embassies or local consulates; but one thing I do remember, Mr. Ryan, was that I was also under a program that allowed me to identify my home of record for purposes of bringing me back.

Well, at that time, I was living in Chicago with my family, but we also spent some summer time in California. Needless to say, my home of record, because I was in east Africa, became California. It became the point furthest from where I was, which then allowed us maximum opportunity to return to almost any place we chose to at the end of our tenure.

So, even home of record, for the purpose of moving people back, is a manipulable, if you will, or changeable or self-designated criteria and is not necessarily consistent with one's legal residence or where they vote. I don't know how good the military is at policing that particular thing, but I wouldn't, myself, want to count on it as the marker of what recreates a usual residence.

With respect to U.S. military living stateside now, we do conduct a standard enumeration. They are asked all of the same questions asked of the civilian population that are included in all the detailed accounts and characteristics we tabulate in the census.

That is, we would be very hesitant to move the stateside military to an administrative count, only because, after all, they are living in the United States. We would like all the kinds of standard demographics and characteristics we can for them. So, to enumerate their home of record at this stage would either require—as Mr. Ryan pointed out—matching our forms with the Department of Defense to make sure we had an accurate home of record recording,

or we would have to redesign our form to allow us to get them to record what they judge to be their home of record, raising all the questions that Mr. Davis has already brought to the table.

When do they make decisions about whether they want to be in Pensacola, back in Wisconsin and so forth? And I would just suggest, without making a speech yet again, it is very late in the census cycle to try to change those kinds of procedures and not run the risk of introducing errors into the census. Just as we sit here today, Mr. Chairman, Mr. Davis, Mr. Ryan, there are 80 semitrailer trucks on the roads today delivering 136 million census forms, which is only a portion of the census forms, to our redistribution center in Jeffersonville.

As we think of the census starting on April 1, the census has started. We are now doing the things that make this census work, and we are very hesitant to change fundamental rules of residence procedures or change procedures of how we count the Americans overseas at this stage in the decennial cycle.

Thank you, sir.

[The prepared statement of Mr. Prewitt follows:]

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PREPARED STATEMENT OF
KENNETH PREWITT
DIRECTOR, U.S. BUREAU OF THE CENSUS
Before the Subcommittee on the Census
Committee on Government Reform
U.S. House of Representatives
June 9, 1999

Mr. Chairman, Mrs. Maloney, and Members of the Subcommittee:

Thank you for the opportunity to testify today on the treatment in Census 2000 of private Americans living overseas, prisoners incarcerated outside of the state that is paying for their incarceration, and U.S. military personnel living outside their home state.

I want to emphasize at the outset that these are difficult issues and I appreciate the reasons they have been raised. As the American economy becomes more globalized and as technological advances, such as the Internet, shrink the globe, more and more Americans are living overseas and more may do so in the future. Both the issue of prisoners and the issue of active duty military living outside their home state raises a different set of important issues related to census residence concepts.

Each of these issues, however, is highly complex as I will illustrate shortly. They deserve thorough study. One complexity, for example, would be to determine whether inclusion of an American overseas would be related to the intent of that person to ever return to this country. The same applies if the Congress wants to reexamine the "usual residence" concept with regard to prisoners or U.S. military personnel outside their home state. We need to make sure that any policy changes are consistent with the original intent of the census to determine the "whole number of persons in each state" for purposes of apportionment. If the Congress believes that all private Americans overseas should be included in the decennial census then it may first want to commission in-depth studies that would shed light on the complexities involved in making such a

change. If funding were available, the Census Bureau would be happy to contract for such studies.

As I have stated before, at present "Time" is our biggest issue. We are past the point in the Census 2000 planning cycle when all major operational plans have had to be finalized. Efforts at this late stage to introduce complex new procedures to the design will place Census 2000 at risk. The operational machinery that constitutes a census is not something to be taken lightly. We could not now re-start the excruciatingly detailed Master Activity Schedule work and meet deadlines for critical steps between now and April 1, 2000. Census 2000 is in its count-down phase where each day matters.

Americans Overseas

Now, let me address the issue of Americans overseas. We understand that there is proposed legislation that merely expresses the "sense of the Congress" regarding counting Americans abroad. It is, nevertheless, important to point out our general concerns about any mandate to count U.S. citizens abroad. At this stage in the census process, there is not time to design and develop the required procedures for conducting this enumeration.

Census Bureau staff met with representatives of the Census 2000 Coalition on this population in early May to discuss their reactions to our concerns and their proposals for overcoming those concerns. After carefully reviewing the Coalition's proposals and studying the viability of all the technical aspects involved, the Census Bureau has concluded that it cannot credibly enumerate the population of American citizens living abroad. There are difficult conceptual issues such as whether to count retirees and other persons unlikely to return to the U.S. We have serious concerns about our inability to validate responses and the operational complexity of such a worldwide enumeration. Because of our concerns regarding our inability to undertake this task in a responsible manner, we are concerned about inviting litigation to challenge any procedures we may be directed to adopt. As I mention later in my testimony, we do plan to count overseas military and Federal employees and their dependents in Census 2000, as we did in 1990, but for this population, we have reasonable procedures in place.

Accuracy

First, we have concerns regarding the accuracy of the information that we would obtain under any attempt to enumerate private Americans overseas. We cannot estimate accurately the size of the universe of this population and so we do not have the means of controlling and checking its progress as we do here at home, where we use the Master Address File to control the enumeration. For example, embassy/consulate lists of American citizens living in their jurisdictions generally are outdated and incomplete, since there is no requirement that citizens register with them upon entering or leaving the country. We also could not conduct an Accuracy and Coverage Evaluation to ascertain undercounts and overcounts.

Without a control mechanism that would allow followup of nonrespondents, the enumeration of the overseas component would essentially be voluntary. Only those persons who knew about the enumeration and wished to participate would be included. A voluntary count could be affected to benefit specific states with concerted publicity campaigns. This outcome would be dramatically different from the mandatory nature of the census here where we have the ability to make several attempts, including telephone calls and personal visits, to include everyone. The result of an inaccurate enumeration of the private overseas American population could distort the population of each state, potentially affecting the apportionment of Congressional seats.

Validation and Verification

Second, we have concerns about detecting and correcting any invalid responses. The problems include ensuring that the Bureau receives valid information for each overseas person reported on the form, problems clearly defining the universe for this enumeration, and problems defining what questions we could ask for validation purposes.

Identifying reports for these persons with potentially duplicative reports from administrative records that we will obtain for U.S. military and Federal civilian employees and their dependents abroad would be very difficult. To unduplicate, we would also have to get SSNs for the Federally affiliated employees overseas and their dependents. We have no means to collect SSN or any information for individuals in the Federally affiliated component of the overseas population; we obtain only counts by home state from the administrative reports of Federal agencies.

There is no practical way to verify either the U.S. citizenship or the home state designation for each person counted through this voluntary, uncontrolled type of enumeration. Requesting passport number or SSN will not solve this problem because many American citizens overseas do not necessarily have passports, for example, if they live in countries like Canada where they do not need passports. Many may not have an SSN, particularly dependents. The issue of dependents raises another issue related to citizenship. Should only U.S. citizens be included in the universe or should all spouses and children be included regardless of citizenship? The fact is, the Americans overseas population is very complex and I do not believe anyone has made a thorough study to identify and examine all of the problems and concerns associated with counting this population.

There is the separate issue of determining the home state for overseas individuals. Would it be the last state they lived in before moving overseas, the state which they claim for income tax purposes, the state in which they vote, or their state of birth?

Operational Complexity

Third, even if issues of accuracy, validation, and verification could be resolved, it would be much more operationally complex to include all overseas American citizens in the Census 2000

count than may appear at first glance. Processing of results from this enumeration would require matching of files, development of procedures for resolving matching problems, and deciding how to handle unmatched cases.

Development efforts would require considerable lead times for planning, developing, and conducting operations and establishing the network of partnerships recommended by the coalition. After determining the design and content of the overseas form, we would have to obtain clearance for the form and then we would need to prepare and advertise for bids and award printing contracts.

To make an earnest and effective attempt to reach this population, the Census Bureau would need to obtain the commitment of considerable staff support from the State Department. The State Department would have to provide address lists of embassies and consulates by country worldwide, along with current estimates of the number of American citizens living in each embassy/consular jurisdiction. The State Department would be the primary agent for much of the logistics associated with overseas publicity of the enumeration at the embassies/consulates, along with the distribution of the bulk of the census forms. If the overseas form asked for passport numbers, the State Department would have to match a file of passports on the overseas forms with their official passport files. We would have to swear in State Department employees in embassies all over the world, providing them with special sworn status to address legal confidentiality concerns. All this work would entail a substantial amount of negotiation, planning, and coordination between the two agencies. This means time.

Cost

The cost of such an enumeration, were we required to design it, would likely be significant and we could not conduct it within the existing budget request. At the outset, the Congress would need to appropriate substantial additional funds (including FY99 preparatory activities) to carry out this overseas enumeration.

Even with all the assistance that the Census 2000 Coalition has generously offered, we would need additional staff to effectively coordinate and implement this work. Other costs would include printing forms and shipping of materials to and from many countries, as well as controlling and capturing the information on the returned forms.

Even if the census clock allowed us to consider adding this operation, which it does not, we must conclude that to take a census of private American citizens abroad at this time would be costly, of dubious quality given the conceptual complexities and operational difficulties, and result in incomplete, unreliable data. I hope I have adequately described some of the complex issues that would require thorough empirical research before we could undertake such a task.

Prisoners

Now, I will discuss H.R. 1632, which relates to how we should count prisoners in Census 2000. H.R. 1632 would require that, if an individual is incarcerated in a state and the state can recover from another state or states over half the costs for incarcerating the individual, then the Secretary of Commerce shall count the person in the state from which costs are recoverable. In the event that costs are recoverable from two or more states, the Secretary of Commerce shall prescribe rules consistent with carrying out the Act. The Census Bureau has serious concerns with this bill.

In Census 2000, the Census Bureau plans to count prisoners and other institutionalized populations as residents of the state in which the institution or facility is located.

This procedure is in keeping with the usual residence concept the Census Bureau uses to decide where to count people in the census. The concept of "usual residence," a principle used by the Congress in the first Census Act of 1790, is defined as the place where the person lives and sleeps most of the time. Usual residence is not necessarily the same as the person's legal residence. The usual residence concept was approved by a U.S. Court of Appeals in 1971 in *Borough of Bethel Park v. Slans*, 449 F. 2d 575 (3rd Cir. 1971). The Court found that counting inmates of institutions as residents of the state where they were confined was a reasonable means of interpreting the constitutional and legislative phrase, "whole number of persons in each state." In a 1992 decision, the District Court for the District of Columbia ruled that the decision to count inmates at a prison located in Virginia, but operated by the District of Columbia, as Virginia residents rather than D.C. residents, was not arbitrary or capricious. *District of Columbia v. U.S. Department of Commerce*, 789 F. Supp. 1179, (D.D.C. 1992).

This legislation, if passed, would mandate an exception to the judicially-approved usual residence concept. Doing so may open a Pandora's box of pressures for other exceptions to our residence rules. For example, there may be an interest in having prisoners incarcerated within a state counted at their pre-incarceration residence in that state. Once we begin to violate the concept of usual residence, there are many other permutations that could confound the process.

There are other examples where one state funds its citizens' activities in another state. North Dakota provides funding for students to live and participate in programs at universities in other states. In Illinois, the state government and local school districts provide funding for services that disabled students receive out of state. Nevada, in some cases, provides funding for its residents to receive Medicaid services out of state, which in some cases involves their living out of state. Maine pays for out-of-state residential care and mental health treatment when treatment is not available in the state. West Virginia pays to house students who need special education or other special care in other states. As you can see, changing the residence rules with regard to prisoners would raise a whole rash of questions about whether other categories of people should be counted at their usual residence.

Census residence rules are carefully designed and integrated to make sure everyone is counted and to avoid counting anyone twice. Implementing new rules at this late date, without proper testing and evaluation, would run the risk of introducing errors into the census process. Consider the complexity of the issues raised by the bill:

First, the bill is not clear about whether prisoners would have to be allocated to a specific location within a state. If not, they would not be reflected in the totals below the state level; in essence, they would not have an impact on redistricting or funds allocation for any locality. If they do have to be counted in a specific location, what location should it be? Should it be their home at the time they committed the crime they are incarcerated for, or at a correctional facility in the jurisdiction where the crime was committed? Attempting to assign these people to an address within another state would be extremely complicated.

Second, the Census Bureau would have to design a new form for collecting sufficient information to allocate a prisoner to another address in another state. And we would have to devise new procedures to assure proper distribution of long form questionnaires to a sample of prisoners.

Third, having to determine which prisoners are funded by another state would require developing new procedures to work with prison administrators on a case-by-case basis. Doing so would involve significant retraining of census enumerators and we would still have no way of knowing whether they could make these determinations. Without proper testing and evaluation, we cannot know whether prison officials have good records that would show which prisoners are funded at the 50-percent level by another state or whether this information is even recorded. For example, a contract between states may indicate that one state has to pay another a certain amount for care for a prisoner but may not indicate the total cost of custodial care. How then does one decide if it's 50 percent?

Fourth, the bill is not clear on whether it is only state-supported prisoners and state-run correctional facilities that would be included, or whether prisoners and facilities at the local level, as well as privately run prisons, would be included. Notably, the bill makes no reference to Federal prisoners who are more likely to be incarcerated outside their home state.

These are just some of the complex issues raised by this bill. Again I emphasize that there is not enough time to consider additional operations related to prisoners, which would be untested and not carefully integrated into the current Census 2000 operational plan.

U.S. Military Stationed Outside Their Home State

Now I will discuss proposed legislation that would require that members of the armed forces on active duty and their dependents be allocated to their home of record. We have had very little time to study the legislation or to analyze its impact, so I will present only a brief description today and would be happy to provide a more detailed analysis later.

Let me begin by describing our plans for counting active duty military in the United States. Members of the U.S. armed forces who on Census Day are living on a military installation in the United States or living on a military vessel assigned to a home port in the United States are counted at the military installation or at the home port of the vessel. Members of the armed forces stationed on a nearby military installation or ship in the United States who live in off-base housing are counted at the off-base residence. This is consistent with the long-standing principle of usual residence that I described above with regard to prisoners.

We do count U.S. military and their dependents assigned overseas (as well as Federal civilian employees and their dependents) at their home of record or other home state designation as determined by using agency administrative records. We do not conduct an individual count of this population.

As with H.R. 1632, we have serious concerns with this legislation because it would mandate an exception to the usual residence concept for the U.S.-based military and potentially lead to other challenges to the usual residence concept, as I have described above.

For the U.S.-based military, we conduct a standard enumeration. They are asked all the same questions asked of the civilian population and they are included in all the detailed counts and characteristics we tabulate in the census. To enumerate them at their "home of record" would require us to design a new operation late in the process. Many armed forces members may not know their home of record; if we had to match completed census forms for armed forces members to Defense Department administrative records, that would require a massive, costly, and time-consuming operation that we could not undertake without putting the census at risk. If "home of record" means place of birth, this could lead to the incongruous result where a person is born in one state but owns a home and uses the resources of another. There is simply no time or justification to make this kind of significant change to the census residence rules and to census operations.

Mr. Chairman, that concludes my testimony. I will be happy to answer any questions.

Mr. MILLER. Thank you, Dr. Prewitt. Let me ask you a couple of questions about U.S. citizens overseas. Again, we're under the 5-minute rule ourselves here. It is a problem that obviously has been around for a while, and I know you and the other people at the Bureau have met with the representatives of the different organizations. I know I have and I know my staff has. I think we philosophically agree they need to be counted because, as they point out, we count illegal aliens in the United States; we count convicted felons serving time in prison; but Americans overseas don't get counted.

I have a very legitimate argument. My impression is their motivation is being good citizens. They feel it is a right just like voting is a right. So, the question is, what do we do about it?

Could you enlighten me a little bit on the history of this issue at the Bureau? Obviously before your time, but have we tried to do it in the past?

Mr. PREWITT. Yes, sir, we tried in 1960 and 1970, particularly in 1970. We were so disappointed with the count that we chose not to introduce it into the apportionment counts. We were afraid it would introduce more distortion than not. We made a count. We reported the count. We can find tabulations of American overseas living abroad in 1970, and we were unable to certify it to the level with which we felt comfortable bringing it to the apportionment counts.

We made a serious effort. We contacted the same kinds of groups represented here: chambers of commerces, embassies, churches which have missionary programs abroad, corporations, and so forth. And at the end of the day, we felt like we had not done an adequate job.

Could we do a better job in 2000? I would hope so. Could we do an even better job in 2010? If we started with some better sense of what the base population looks like and how they are distributed and what the quality of the administrative records are at universities who send many, many scientists abroad, churches who send many, many missionaries abroad and corporations who send many, many employees abroad and the retiree population who simply lives abroad and does not intend to come back. We simply need a map of that phenomena before we would be comfortable doing the level of job which we could come back and recommend to the Congress that it become a part of the apportionment counts. Yes, we had a bit of experience; but it was not a very happy experience.

Mr. MILLER. For the past several years gearing up for the 2000 census, I am sure you have had people studying the issue and trying to figure out how to do it. Any ideas or possibilities how it could be done? I am impressed with what this group has proposed. I agree with you. We want to make sure that is not circulated as an official form, but the fact they drafted their own form indicates a real commitment and interest.

Mr. PREWITT. I appreciate it. With you, sir, I don't dispute the motivation or the legitimacy of the concern. I do remind you that the U.S. Constitution requires us to count all residents of the United States. That is why we count illegal aliens and felons. We are being consistent with the U.S. Constitution. The U.S. Constitution, of course, is silent on counting non-resident citizens. So even

though this is a good faith effort, it is complicated, because we have made the decision to count U.S. military and Federal employees overseas.

The policy that guides that decision is that we have every reason to presume that this is a temporary assignment overseas, and that they are coming back. The groups concerned about overseas Americans have brought to our attention that they do have large numbers of Americans who do not intend to come back but still have a right to be counted.

I think that is an understandable statement on their part, but it is a fundamental change in policy. I would urge the Congress not to make that change in policy without having a better sense of the dimensions of that issue.

Mr. MILLER. The State Department estimates 3 million abroad. We don't know what the number is whether it is 5 million or 10 million. Your point of view is a voluntary overseas census that may only get a 30 percent response is worse than zero?

Mr. PREWITT. Well, it is for apportionment purposes. Unless you make the assumption that the volunteers and the non-volunteers are distributed across the States proportionate to the true count—Mr. Miller, you have taught this. You know that self-selected samples—we are talking about a sample, right, a self-select sample, a volunteer sample is a biased sample.

It goes back to my illustration. If we ended up undercounting, disproportionately, Canadians and overcounting, disproportionately, Americans living in Mexico, then unless the people living in Canada and Mexico came equally from the same States, we would have penalized and rewarded States differently.

So my concern is, yes, that a 1 out of 3 introduces air into the apportionment count, unless we make a statistical assumption that the people who are not counted are distributed across the State of record exactly the way the people who are counted. Otherwise, you are allowing volunteers to determine an apportionment count which is inconsistent with the fundamental policies that govern the Census Bureau.

Mr. MILLER. We will hopefully have a second round. Mr. Davis.

Mr. DAVIS. Thank you very much, Mr. Chairman. Dr. Prewitt, you have talked about the discrepancy between projections. Some people say there may be 3 million. Somebody else may say 10 million Americans living abroad. How do they make these projections? And if there is that much discrepancy, could there be any reliability at all?

Mr. PREWITT. Well, Mr. Davis, I will let you ask the next panel. I am quoting from their own newsletter and one of the witnesses is the one who's introduced the number of 5 to 6 million. Their newsletter introduced the number of 10 million. I don't know where those numbers come from. The number of 3 million is, as I understand it, a State Department estimate based mainly on embassy and consulate records.

I simply know too many Americans living abroad who have no relationship with the local embassy. They have no reason to. They've been retired in southern France. They've been working in Canada for so many years that they simply don't even manage to

maintain their passports. They think of themselves as permanently living abroad.

They may still even want to vote for whatever reason, but they don't necessarily maintain a close connection with their embassy. The State Department estimate is the only one I know that exists, and I have no reason to presume that it is very accurate. So, a very wide variation.

Mr. DAVIS. So when we got beyond the State Department, I mean, they've got something to go on seemingly.

Mr. PREWITT. Right.

Mr. DAVIS. Then we just don't have any idea of where the others really come from; and if we did, we probably wouldn't have much possibility of finding those people anyway, would we?

Mr. PREWITT. Mr. Davis, I dislike talking about the census by anecdote because I get too many anecdotes, and the census is about systematic information. But I could give you anecdote after anecdote after anecdote of Americans I know living abroad who I know the Census Bureau could not find.

What proportion that is, I don't know, but I do know right now, unless we did some pretty systematic work, there are large numbers of Americans—I asked my friends in statistics about Canada the other day. I said could you help us count the Americans living up there. They said, yes, if they are employed, because we could use our work permit system; but if they are unemployed—they are just retired—we don't have any idea whatsoever.

That is an interesting revelation because it is much easier to get import data than export data. That is true for trade data, as well as people data, because States have a reason to sort of want to know who's coming into their country. They have less of a need to know who's leaving their country. So even Canada, which has very good import data, could not tell me how many Americans were living up there unless they were employed and, therefore, had work permits.

Mr. DAVIS. When you get through with the census, do you expect to have any money left?

Mr. PREWITT. That's a serious question, Mr. Davis. Let me answer it seriously. If the budget that we have now presented to Congress is passed—which we have our fingers crossed—and if the response rate is higher than our estimated 61 percent; and we are getting increasingly enthusiastic about the power of our partnership program, our promotional program, our advertising program, all of which are on track, we may get that response rate above 61 percent. If it gets very far above 61 percent, the census in 2000 will cost less money than we are now projecting, yes, sir.

Mr. DAVIS. So, I guess my point is, if we went to some of the extraneous logistical difficulty of trying to count the individuals now that we are talking about, trying to find them and also dealing with the individuals in the military, we probably would have to appropriate or even authorize some more money in order to—

Mr. PREWITT. We could not afford to spend 2000 money on an additional procedure. All of the 2000 money is very, very tightly connected to the current procedures that we have recommended to the Congress that we use. If we were to do a big study of this problem in say, 2002, 2003, an investigation of how well we could do it, I

can't sit here today and say there would not be resources left over from 2000 to do that study.

If not, we would obviously have to come back to the Congress and ask for an appropriation to do it. But certainly to do it in 2000, this simply is not budgeted. It is not even budgeted in 1999. So we clearly would have to be coming back immediately in 1999 for a supplemental.

Mr. DAVIS. Thank you very much.

Mr. MILLER. Mr. Ryan.

Mr. RYAN. I want to thank you for coming today, Mr. Prewitt. It is nice to hear from you. I would like to ask you some historical questions with respect to the military on their counting. Prior to the 1990 census, how were overseas military personnel counted?

Mr. PREWITT. Help.

Do you have reason to know that we did not count them prior—we counted many—

Mr. RYAN. Your methodology is what I was concerned with.

Mr. PREWITT. It was administrative record methodology, supplemented with a survey on home of record. Is that what you are getting at?

Mr. RYAN. Right, but home of record was introduced 6 months prior to the 1990 census; is that correct?

Mr. PREWITT. The survey to do home of record, yes.

Mr. RYAN. So in 1990, 6 months prior to the census, they introduced the home-of-record methodology and the Census Bureau with the Defense Department put together a partnership to share those administrative records to then do so on the home of record.

Mr. PREWITT. Correct.

Mr. RYAN. So, the usual residence concept for military personnel was changed by 1996 much prior to the—

Mr. PREWITT. The usual residence, I don't think, was changed. What we did was get better data.

Mr. RYAN. You used home-of-record data. You were planning on doing the same kind of partnership with the Department of Defense with respect to these overseas personnel, correct?

Mr. PREWITT. With one new change. They are now making us pay for it, but yes, sir.

Mr. RYAN. You have been appropriated that, right?

Mr. PREWITT. Right.

Mr. RYAN. In your testimony, you said with respect to activity of military personnel overseas, that you have reasonably good and accurate ways of allocating them back to their home of record dated 10 years ago, doing it again with more precise methodology. Doesn't that same concept hold for those who are stationed here at home?

Mr. PREWITT. I think you are absolutely right, Congressman. With just two qualifications, if I could. One, I cannot tell from your bill whether you would expect home of record to be geocoded down to the block level for redistricting purposes or—

Mr. RYAN. Let's use it for the argument, for the sake of apportionment.

Mr. PREWITT. That would be the first qualification. That helps a lot. That makes the task much, much more easy than coding back to some local address.

Mr. RYAN. Let me limit it, for purposes of apportionment. You are already doing that. You have already got the partnership with the Defense Department. You are doing it with overseas personnel. You didn't decide, but in 1990, they decided 6 months prior to the census. And I realize you have a timeline; trucks are already leaving. But we are able to accomplish this kind of change with overseas personnel 6 months prior to the 1990 census. It seems fitting that we could accomplish this at this point in time, with respect to extending it to domestic stateside military personnel.

Mr. PREWITT. I understand your question, Mr. Ryan.

I think the big, big, big difference, however, in 1990 with respect to that population group and in 2000, with respect to the population group you are concerned about, is the population group in 1990 starts out as an administrative record count, which we then supplement so we are dealing with the people who manage the administrative records.

The population that you are concerned about, that is, the domestically residing military, we start out as an enumeration census, not an administrative census. Therefore, it would require a fundamental and big time change in our procedures quite different from what 1990 did; 1990 was a supplemental of an administrative record. This is taking an enumeration census and somehow coordinating it to an administrative record census. Could we work on getting those procedures in place? We would certainly work on it if this legislation passed. It is a different phenomena than 1990.

Mr. RYAN. It certainly seems like you could, because you already have the partnership with the Defense Department. You already have the administrative records available.

Mr. PREWITT. But we don't for that population group. It's a different partnership.

Mr. RYAN. In 1991, the Census Bureau determined that the home-of-record data was more accurate for military personnel than the legal residence definition or last duty station because legal residence was done largely for tax purposes. Last duty station is even more imprecise because it could have been a very, very short duration. Why are you using home-of-record data? Isn't it because of those reasons that home of record seems to be a preferable definition for overseas personnel with respect to legal residence or last duty station?

Mr. PREWITT. Correct.

Mr. RYAN. Why is that inconsistent to then extend that definition to stateside personnel?

Mr. PREWITT. Because with stateside personnel, we have a real residence. We have where they are living and sleeping and therefore—

Mr. RYAN. They are living and sleeping in Germany and other places.

Mr. PREWITT. No, no, no. That is very, very different. We don't have apportionment rules or districting rules governing living and sleeping in Germany. We do have apportionment rules governing living and sleeping in Pensacola or Fort Bragg. We have a usual residence rule that for the domestically sided military does place them into the official counts that this country uses for apportionment purposes, and it is where they are living and sleeping. It is

fundamentally different to sort of translate the overseas military into the domestic situation.

Mr. RYAN. So, for the purposes of apportionment, it seems relatively easy, but so you are saying for the purposes of—

Mr. PREWITT. It is easier.

Mr. RYAN. More difficult and challenging for redistricting and funding reasons, but the question probably then comes down to is it easy? Probably not. Is it doable?

Well, I would contend that it is doable, simply because you have the partnership with the Defense Department; records are available. Yes, it may take some more work, but at the end, isn't the most accurate enumeration our true goal here?

Mr. PREWITT. Yes, sir. We have defined most accurate enumeration, as when possible, using our usual residence rules, which we do use for every other purpose other than the overseas military—

Mr. RYAN. Which were modified with respect to military personnel in 1990.

Mr. PREWITT. No, we used usual residence. Home of record was our definition of usual residence. We didn't modify. We simply got a better record of that than we could get from the administrative records. We didn't modify the rule. I think I am correct on that.

Mr. RYAN. You adopted home of record as the basis for usual residence.

Mr. PREWITT. Yes.

Mr. RYAN. I see that my time has run out.

Mr. MILLER. Mrs. Maloney.

Mrs. MALONEY. Thank you. Dr. Prewitt, I have a draft bill. I don't know if you have had a chance to look at it but basically it calls upon the Bureau to do a special survey of American citizens overseas and have this survey done by, say, 2003, not connected with the 2000 decennial census. And I would like you to read it and get back to us. But could you give us some comments on whether you think this special survey could be used to help make decisions about the 2010 census? What are your thoughts basically, not only on the survey, but in general, on counting Americans overseas, and how we should do that?

Mr. PREWITT. Mrs. Maloney, I do appreciate that legislative initiative. I have had a chance to quickly review it, and I appreciate the intelligence with which it is constructed. What it first asked us to do is to consult with the witness panel and the representatives here about the complexities of this, beyond what we have done.

And second, present to the Congress a feasibility, if you will, a statement report within a year of initiation of this consultation process. And on the basis of that feasibility statement, then say how we would actually go out and conduct the count itself so Congress would have an opportunity to itself decide whether it was as feasible and cost effective as it could be. The Census Bureau would be delighted to cooperate with the Congress in that initiative.

I think as Congressman Miller said at the outset, and as I am sure we will hear from our distinguished panel in a moment, it is a new world. The next century is going to have many, many more Americans living abroad in many, many complicated ways. And what that means for our traditional concept of what the census is supposed to do has to be addressed as a major policy question. And

we are very responsive to working with the Congress to address that policy question.

I do not think that policy question has been adequately addressed. I think that you, the U.S. Congress, would have to decide whether it made sense to count for apportionment purposes people who never intended to come back to the United States. It is a policy question and many others are similar.

Mrs. MALONEY. One of the recommendations by the groups representing Americans overseas is to create a self-reporting form which American citizens could pick up at embassies. If there is self-reporting, I have a concern that some States may start a lobbying effort in an attempt to get the overseas population to self-identify with their particular States, and can you comment on that concern?

Mr. PREWITT. Well, I can say the following: With or without a lobbying effort, there is every reason to presume that the responses from a voluntary self-enumeration census, where we would have no opportunity to go back and try to find the people who do not volunteer, that that response pattern would be some sort of biased pattern with respect to the true distribution by State of record of the overseas Americans.

There is simply no reason to presume that the volunteer part of the population will resemble, in terms of State of record, exactly what the total population looks like. So, by definition, we would be introducing distortions into the apportionment count.

If somebody can convince me to the contrary that we will count that volunteer part of the population exactly proportionate to what the total population's characteristics are, with respect to State of record, we could be convinced. But since people don't even know what the universe size is, it is very hard for me to imagine they could make a compelling case.

Mrs. MALONEY. Very last, because I know our time is running out. I know we have a number of important resolutions and bills before us today, but I would like to ask you, how are the preparations coming for the decennial census?

Mr. PREWITT. Well, I'd love that opportunity. If I could just slightly edit your question, it is not only preparations, it is real implementation of procedures. I am delighted to report to the oversight committee that we have completed our block canvassing on schedule and we are now back out in the community making some corrections to our address file and that procedure is going very, very well.

We have opened up all but three of our local offices or signed leases for all but three. That is 517 out of 520. We are very pleased with that. As I mentioned when you were out of the room, Mrs. Maloney, there are today 80 semitrailer trucks on the roads on their way to Jeffersonville with a very large percentage, but not all, of our short form questionnaires. Many of our printing contracts have been released. We have over 6,000 complete count committees now up and running. We have over 400 partnership experts recruited. We have signed agreements with 450 tribal governments, and so our creative work with our advertising campaign is on schedule.

We have tested over 1,000, we are already casting and wardrobing for 100, creative presentations for medium print and so

forth. Right now, I must say, despite all the complexities and difficulties getting to this point, for early June, we think our operations and procedures are on schedule to have a successful census in 2001. We are very reluctant to create any kind of major disturbances to that procedure at this stage, for the reasons that we have talked about so often in this committee.

Mr. MILLER. We have a vote, but we have a few minutes, so if anybody wants to go back for a single question or such. I know I have a question or statement. And we will break for our vote, and we will come back for the next panel.

I think we have to come up with a way to count overseas U.S. citizens. A lot of the decisions that have been made for the 2000 census were made obviously before your tenure at the Census Bureau; and maybe, with the recommendation of Mrs. Maloney, we'll lay the groundwork for what we want to do for 2010.

We just need to start off with the assumption we are going to count U.S. citizens overseas. We may have to have different standards that we apply to counting overseas. It is going to be hard to get that finite population. You are the experts on how we do that. Maybe we have to lower our standards.

I see your concern about a voluntary type response. But these are U.S. citizens. They vote and they pay taxes, a lot of them. So, they have every right to be counted. It doesn't affect redistricting, as we know. It would only affect the issue of apportionment.

Since we count military and other Federal employees because of administrative records, we need to find a way we can do it certainly for 2010; and we need to have a plan of some sort. We need to get through next April 1, I recognize, and determine whether there is anything we can do between now and April 1 to help. Explain to me, again, a voluntary response. I know you have to verify but if you have passports, you know, they scan your passports and all that. It seems like a computer system with the State Department would be capable.

Why is getting 30 percent of the people counted through embassies worse than zero percent?

Mr. PREWITT. Mr. Miller, if the 30 percent are distributed somehow across the 50 States, which they would be, of course, since we are recording them back. The whole motivation of this, as I understand it, is to use this count to get back to the apportionment numbers. If the 30 percent are distributed across the States proportionate to whatever, the number of overseas residents that happen to come from California, Florida, New York, or what have you, if the remaining 70 percent had a different proportion across those 50 States, then you are simply introducing bias; and there is no way to measure the magnitude of that bias.

So, we would have to presume that volunteers come from State of record in exactly the same ratios as non-volunteers come from the State of record. Otherwise, we introduce a distortion. But I am really sympathetic with the thrust of your question. I am more than happy to have conversations with this Congress about whether we should create a different position with respect to the overseas Americans and have that policy discussion.

It would be very difficult to introduce a whole new policy into the 2000 census. Perhaps, Congressman Miller, we would be sitting

here in a year or two, talking about using sampling for non-response followup with the overseas Americans. That may be the procedure we would have to come back in and recommend.

Mr. MILLER. Thank you for bringing that issue up. We will have to get the Supreme Court to rule on that one.

Mrs. Maloney, do you have a quick question?

Mrs. MALONEY. What about exiled Americans? A lot of Americans are patriotic citizens who are overseas for their jobs or education or whatever. But there are some people who prefer to be exiles, who don't participate; how would we treat them? Would we treat them differently?

Mr. PREWITT. We would have to, and we also have the issue of dependents who are not American citizens but are married to or children of American citizens. Do we count them as part of this count? We have dependents who might want to become American citizens but are not yet American citizens.

So, there are all of those issues. The problem with the U.S. Constitution, it says count residents. As soon as we leave the borders, we get into a situation where we are now only trying to count citizens. So we changed the rules, as I understand it, but it gets very murky. Exactly, what is a citizen? Somebody who has let their passport lapse? Americans overseas have let their passports lapse. Do we try to find them or not find them?

So, the conception of this population is work that has to be done. This is the kind of work we will be allotted to do if your legislation is passed.

Mrs. MALONEY. But, you would support the legislation?

Mr. PREWITT. Yes, ma'am.

Mrs. MALONEY. Thank you.

Mr. MILLER. Does anyone have a quick question?

Mr. DAVIS. I just have one question. I just want to make sure, if I could, Dr. Prewitt, that I am interpreting your testimony correctly. And that is, it seems to me that you are saying that these are serious issues. They are issues that need to be looked at, but that we are too far along in the process to really talk about changing anything without causing a tremendous amount of disruption.

Mr. PREWITT. Yes, sir, that is correct.

In neither of these instances does the Bureau itself have a principled opposition, but it is a concern that it is not a good moment to try to change major procedures. It might come up with a principled opposition after further reflection and discussion with Congress; but as of now, we would want the time to think through all the implications.

For example, Mr. Ryan's legislation we have only had for a couple of days. We have to think through the implications of that. So I don't want to foreclose the possibility of a principle—a concern, but as of now, that is not the motivation. The motivation is what can be done realistically and intelligently in the timeframe that is available.

Mr. DAVIS. Thank you.

Mr. MILLER. Thank you very much, Dr. Prewitt. Some of us may want to submit some written questions, and we would appreciate your response on that. I think we need to start off with a strong commitment, and in 2010 we will figure out a way to accomplish

the job. I am disappointed the Bureau, back in the early 1990's, didn't really come up with a more concrete solution to the problem, and I recognize the problem of timing right now. I look forward to our next panel, talking about it very specifically.

Thank you very much for being with us today.

[Recess.]

Mr. MILLER. If we could have the next panel come forward, please, and remain standing.

[Witnesses sworn.]

Mr. MILLER. Let the record show all answered in the affirmative.

Welcome. Thank you for sitting through the first part of the hearing. I hope you found it of interest to hear the comments from Director Prewitt. I am interested to hear him come after you, too, but it is the procedure we are following.

Let me welcome all of you here. We will proceed, and the other Members will be returning. There will be no more votes for the next little while, so we won't be interrupted again, and I apologize for the delay.

We will try to hold to the 5-minute rule. Let me at this stage proceed with Mr. David Hamod.

STATEMENTS OF DAVID HAMOD, EXECUTIVE DIRECTOR, CENSUS 2000 COALITION; DON JOHNSON, VICE PRESIDENT, ASSOCIATION OF AMERICANS RESIDENT OVERSEAS; L. LEIGH GRIBBLE, SECRETARY, AMERICAN BUSINESS COUNCIL OF GULF COUNTRIES, AND EXECUTIVE COMMITTEE MEMBER, REPUBLICANS ABROAD; DOROTHY VAN SCHOONEVELD, EXECUTIVE DIRECTOR, AMERICAN CITIZENS ABROAD; AND JOSEPH SMALLHOOVER, CHAIR, DEMOCRATS ABROAD

Mr. HAMOD. Thank you, Mr. Chairman. Thanks to Mrs. Maloney, in absentia, for the opportunity to testify today and for holding this useful hearing.

My name is David Hamod. I am the executive director of the Census 2000 Coalition, an ad hoc bipartisan group dedicated to including all Americans overseas in census 2000. Our C2K coalition is composed of all the major organizations representing U.S. citizens and U.S. companies overseas.

Mr. Chairman, before I go to my prepared remarks, let me just share with you some personal perspectives. I do these now as an individual, not on behalf of the coalition.

It saddens me deeply to have the Census Bureau turn its back on millions of Americans overseas who, in our opinion, deserve to be counted. I hear the Census Bureau saying they don't fit our statistical models so they should be ignored. I hear the Census Bureau saying this is the way we have always done it. We are not going to change.

I want to reaffirm that this is not a nameless and faceless case study. We are talking about people's lives here, and I guess I am a little bit ashamed that the Census Bureau has so cavalierly dismissed millions of Americans overseas, particularly when they work so hard to track down every American here in the States.

It suggests to me that the Bureau is completely out of touch with this very important segment of the U.S. population, and I guess I have to say, it seems to me also that the Census Bureau may be

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BALTIMORE PRISONERS' EXPERIENCES RETURNING HOME

KEY FINDINGS & POLICY IMPLICATIONS

- Most prisoners are optimistic about life after release, but anticipate challenges and obstacles they will need assistance to overcome. This suggests that most prisoners are open and responsive to both prerelease and postrelease assistance.
- Families, including intimate partners, are an important source of housing, emotional support, financial resources, and overall stability for returning prisoners. Strategies and resources designed to strengthen family ties during the period of incarceration and after release (e.g., pre-release family conferencing sessions) are recommended.

(Continued on page 2)

The Urban Institute, in 2001, launched a four-state, longitudinal study of prisoner reentry entitled *Returning Home: Understanding the Challenges of Prisoner Reentry*, beginning with a pilot study in Maryland. The first phase of the pilot study involved an analysis of preexisting corrections data to describe Maryland's incarceration and reentry characteristics (see sidebar "A Portrait of Prisoner Reentry in Maryland"). The second phase of the pilot study involved a series of interviews with prisoners returning to the city of Baltimore, once before and twice after they were released. In addition, interviews with family members of some of the prisoners in our sample were conducted, as were focus groups with residents in two of the Baltimore communities that are home to high concentrations of returning prisoners (see sidebar "Returning Home Study Methodology" for more details about the data collection). This research brief documents the findings from phase two, the primary data collection effort, and provides empirical evidence on the actual experiences of prisoners returning home to Baltimore. It presents key findings on a range of reentry challenges faced by these men and women following their release from prison and describes factors that relate to postrelease success or failure, such as employment, substance use, individuals' expectations and attitudes, health challenges, criminal histories, and the family and community contexts awaiting them.

The purpose of this research brief is to provide a foundation for policy conversations about ways to improve the chances of successful reintegration for prisoners coming home, whether to Baltimore or to other communities around the country. In many respects, our findings confirm conventional wisdom about the challenges posed by the experiences of incarceration and reentry. Yet, in a number of ways, this empirical examination of those experiences has yielded results that are at odds with official documentation or challenge established notions about policy interventions designed to ensure that returning prisoners will find jobs, stay away from crime and drugs, find housing, secure health care, and reunite with families (see sidebar "Interpreting this Report"). It is our hope that listening to the experiences of those prisoners—and members of the communities to which they return—will point the way to policy innovations that are empirically grounded, pragmatic, and reflective of the realities of reentry.

MARCH 2004

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PREPARATION FOR REENTRY

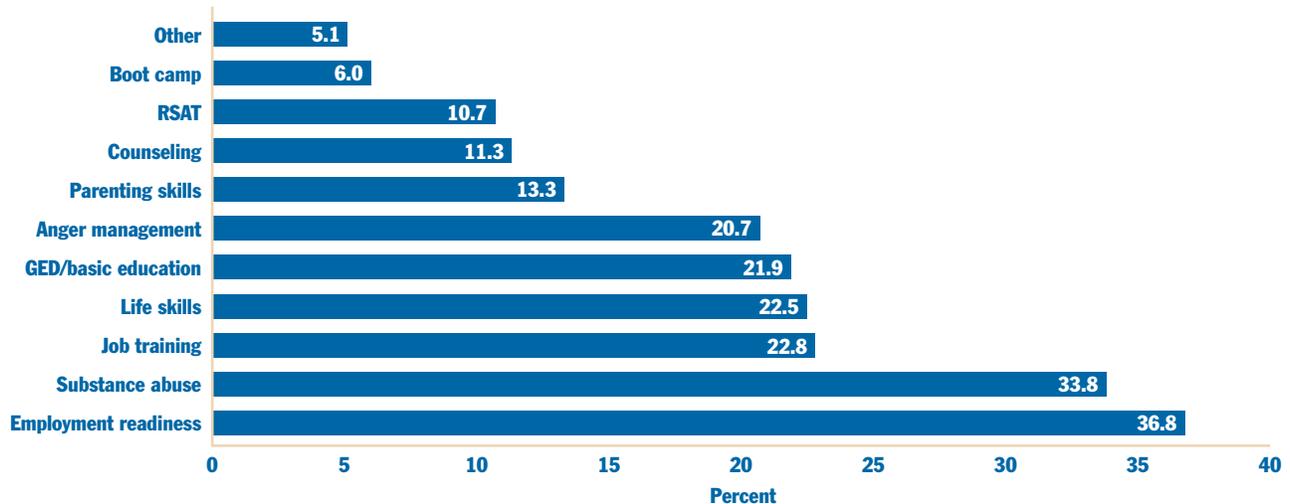
Prior research has shown that prison programs can contribute to positive postrelease outcomes, including reduced recidivism.¹ In Maryland, the Department of Public Safety and Correctional Services (DPSCS) offers a range of programs, including education and job training, substance abuse treatment, and counseling, as well as a small reentry program offered in conjunction with the Enterprise Foundation. However, fiscal constraints preclude the DPSCS from offering programs to all prisoners who are eligible and interested in participating, and in many cases prisoners are on waiting lists and leave prison before they are able to benefit from these programs. While the respondents in our sample were not necessarily

involved in programs at every point of their incarceration, just over two-thirds of respondents (70 percent) reported participating in at least one program over the course of their terms. Average participation rates varied by program; the largest shares (around one-third) participated in employment readiness and substance abuse treatment programs (figure 1). Respondents who participated in educational/employment and substance abuse treatment programs were more likely to have been sentenced to longer prison terms and to have completed longer stays in prison than nonparticipants. In addition to traditional in-prison programs, one-quarter of respondents returning to Baltimore reported participating in a prerelease program designed to help them prepare for their return home.

KEY FINDINGS & POLICY IMPLICATIONS

(Continued from page 1)

- Returning prisoners who were employed after release relied largely on personal connections—family, friends, former employers—to find their jobs. Social connections that are maintained during the period of incarceration can be an important resource in helping released prisoners achieve positive postrelease outcomes.
- Those who found jobs after release were more likely to have participated in work release jobs while incarcerated than those who did not find jobs. Expanding work release programs could increase the employment rates of former prisoners in Baltimore.
- A significant proportion of returning prisoners are clustered in a handful of neighborhoods with high levels of social and economic disadvantage. Residents in two such neighborhoods cited parenting skills, education, more intensive policing, and a greater involvement of public agencies as areas in which to focus reentry efforts. In addition, these focus group participants believed that the community should play a role in addressing the needs of ex-prisoners.
- Younger respondents, those with family members with substance abuse problems, and those with friends who sell drugs were more likely to use drugs after release. Substance abuse treatment programs should target ex-prisoners with these characteristics.
- Those who participated in substance abuse treatment programs while in prison were less likely to use drugs after release than those who did not participate. Expanding such programs could improve postrelease outcomes for more returning prisoners.
- Respondents reported suffering from various physical and mental health conditions and most did not have health care coverage after release, suggesting the need for better coordination between prison health services and community health services.
- One-third of respondents were rearrested within six months. Those who were rearrested were younger, had more extensive criminal histories, and were more likely to engage in substance use before prison. These data on recidivism underscore the overarching policy challenge of finding ways to slow down the revolving door of individuals cycling in and out of prison. One place to start is to focus squarely on the high levels of drug and alcohol use reported by prisoners themselves.

FIGURE 1. Share of Respondents Who Participated in Each Type of In-Prison Program (N=150)

Note: Only those prisoners interviewed after release were asked about participation in in-prison programs. RSAT = Residential Substance Abuse Treatment program.

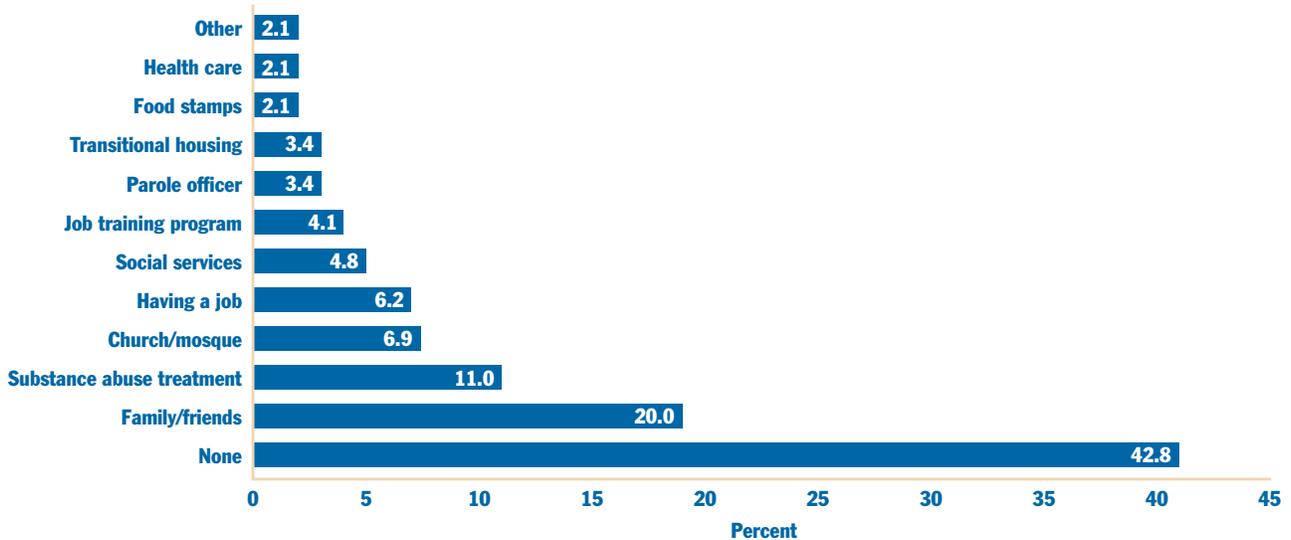
After their release, almost half of respondents (45 percent) reported participating in a community program or accessing services in the community, including substance abuse treatment, employment skills, and adult education. When we asked respondents in an open-ended question what services, programs, or support had been most helpful to them since their release, however, the largest share (41 percent) said nothing had been helpful to them (figure 2). When asked what programs or services they would have liked to have but did not receive, the most common responses related to employment: 26 percent of respondents said they would like job training and 13 percent simply said they wanted a job. Other common responses included housing (11 percent), education (10 percent), health care (8 percent), and substance abuse treatment (6 percent).

ATTITUDES AND EXPECTATIONS

Prior research has suggested that prisoners' attitudes about themselves will affect their ability to reunite with their families and communities and that prisoners with higher levels of motivation are more likely to succeed after prison.² We asked respondents in our sample a number of questions to assess their attitudes towards

REENTRY DEFINED

The concept of "reentry" is applicable to a variety of contexts in which individuals transition from incarceration to freedom, including release from prisons, jails, federal institutions, and juvenile facilities. We have limited our scope to those sentenced to serve time in state prison in order to focus on individuals who have been convicted of the most serious offenses, who have been removed from communities for long periods of time, who would be eligible for state prison programming while incarcerated, and who are managed by state correctional and parole systems. In Maryland, some jail inmates are also housed in state prisons because of acts of the 1991 General Assembly which resulted in the State of Maryland taking over operation of the Baltimore City detention center complex, processing, detaining, and managing Baltimore Region arrestees [An. Code 1957, art. 41, § 4-1403; 1999, ch. 54, § 2.]. However, jail inmates are housed for relatively short periods of time, are not eligible for most prison programming, and are not subject to post-release supervision. Thus, the challenges of jail reentry are substantively different than those of prisoner reentry and are not addressed in this report.

FIGURE 2. Services, Programs, or Support That Have Been Most Useful to Respondents at One to Three Months after Release (N=145)

Note: Some respondents gave more than one answer, so percentages do not total to 100 percent.

themselves as well as their readiness to change. Respondents' answers demonstrated high levels of self-esteem. For example, over 90 percent agreed with the statement "I have much to be proud of" and only 6 percent agreed with the statement "I am basically no good." Respondents' prerelease responses also provided a strong indi-

cation of readiness to change. Almost all respondents *agreed* or *strongly agreed* that they wanted to get their lives straightened out (92 percent), wanted to give up hangouts and friends that got them in trouble (87 percent) and were "tired of the problems caused by the crimes [they] committed" (82 percent).

INTERPRETING THIS REPORT

Research projects of this complexity are often accompanied by a number of caveats with regard to interpreting and generalizing findings, and this study is no different. The intent of *Returning Home* is to present the released prisoner's point of view—a perspective that is not often represented in criminal justice research. This view is derived from self-reported data—a time-honored method of gathering sensitive information from a variety of types of respondents, and one that enables rigorous analyses that cannot be achieved through ethnographic studies, focus groups, and various forms of journalism. The perspective on the experience of reentry presented here is both distinctive, because it is richer than official data, and representative, because it tells the story of all prisoners reentering society, rather than just those who avail

themselves of social services or who are rearrested. Thus, the findings in this report are authentic, drawing from the perspectives of those who are experiencing first-hand the challenges of prisoner reentry. That said, it is important to bear in mind that, as with all self-reported data sources, our findings may include factual inaccuracies resulting from lapses in memory and the potential for respondents to overreport or underreport certain types of experiences and behaviors (e.g., crime and substance use). Nonetheless, we are confident that the findings presented here are valid and as accurate as those collected through comparable studies that rely upon self-reported data.

Readers may view some findings in this report as new, different, or at odds with other descriptions of the reentry

(Continued on page 5)

We were also interested in respondents' expectations for life after prison. When asked how easy or hard they expected it to be to accomplish reentry challenges like finding jobs and housing, reuniting with family and friends, and avoiding returning to prison and parole violations, over two-thirds of respondents expected it to be *pretty easy* or *very easy* to deal with each issue. The one notable exception was paying off debts, which 62 percent of respondents expected to be *pretty hard* or *very hard* to do. Although respondents were largely optimistic about dealing with reentry challenges after release, the majority of respondents also indicated that they wanted help dealing with these issues. For instance, 80 percent of respondents said they would need *some help* or *a lot of help* getting more education, and of those who did not already have housing lined up, 73 percent said they would need help doing so.

MOMENT OF RELEASE

Very little is known about the circumstances surrounding the first hours, days, and weeks after a prisoner's release. Anecdotal evidence suggests that prisoners may be released at any hour of the day and night, without any place to go, and may spend the first few nights homeless on the streets. The experiences of those in our sample

were somewhat encouraging with regard to these initial reentry challenges. Nearly all respondents were released during daylight hours. This timing is advantageous for released prisoners—they are more likely to be able to meet immediate needs if they are released when parole and social service agencies are open and transportation is more readily accessible. Friends or family met 39 percent at the prison gates, while the remainder took buses or taxis, or walked to their destination. Most of the respondents in our sample were released from facilities located in Baltimore City, close to the communities where their families live. On their first night out, none of the prisoners in our sample slept on the streets (figure 3), with the largest share (42 percent) staying at the homes of family or friends.

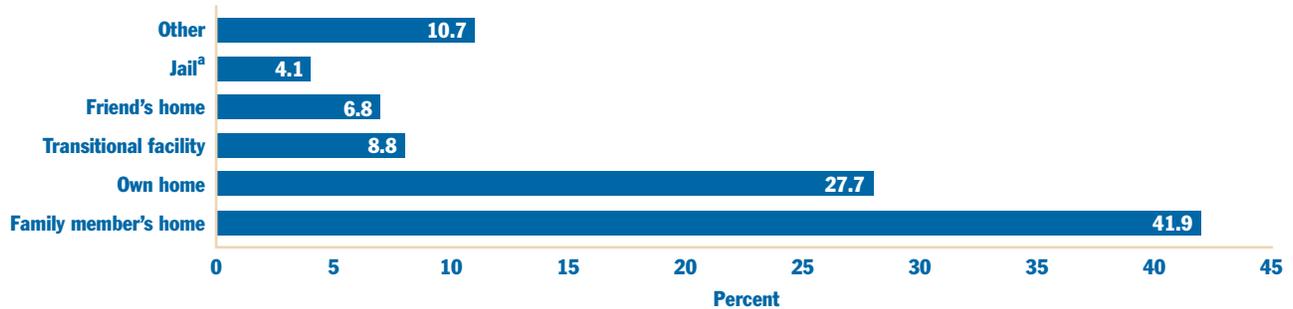
Most prisoners in our sample left prison with few financial resources; however they had many financial obligations. In many cases the only money Maryland prisoners receive upon release comes from their own accounts, often savings from work release jobs. Some prisoners also receive "gate money" from the prison upon their release. Eighty-five percent of respondents reported having some money at the time of their release in amounts ranging from \$3 to \$2340, with a median of \$40.³

experience. This can be explained in part by the fact that prisoners' perspectives of that experience differ in some respects from the assumptions shared by many researchers, practitioners, and policymakers. It is also likely that some commonly held views of prisoners are shaped by the experience of working with certain sub-populations rather than with all those who return to society. Again, it is important to keep in mind that this research is based on a sample of all prisoners being released rather than a sample of released prisoners who have sought services in the community.

It is also important to recognize that this sample represents a reentry cohort rather than a portion of the existing "stock" population of prisoners, and this distinction has implications for our findings. For example, prior Maryland Division of Correction data indicate that only 3 percent of prisoners par-

ticipate in work release programs, whereas this study found that almost 33 percent of our sample did. Both statistics are correct, but the former represents a snapshot of the work release experience at any given moment, while the latter statistic represents the percentage of released prisoners who participated in work release over time. In addition, the *Returning Home* focus is on prisoners returning to Baltimore and specifically on those serving prison rather than jail terms.

Thus, readers of this report should view it as presenting a unique perspective, namely that of a representative sample of those released prisoners sentenced to time in state prison and returning to Baltimore. Our cautions about the study's limitations with regard to sample size or other methodological concerns should not detract from the study's potential to inform practice and policy and shed light on the experience of leaving prison.

FIGURE 3. Where Respondents Went after Release (N=148)

^aRespondents with outstanding charges for other crimes.

FAMILY

Very little research has been devoted to exploring the role a released prisoner's family might play in the reentry process. Respondents in our sample had high expectations of the support they would receive from their families after release: 42 percent of respondents expected family to be a source of financial support during the first month after release and two-thirds of respondents expected to live with family after release. These expectations were largely realized. At one to three months after release, 51 percent of respondents were receiving some financial support from family and 80 percent were living with family members. Overall, 89 percent of respondents *agreed or strongly agreed* that their family had been as supportive as they had hoped after their release from prison. In fact, most respondents reported close family relationships before, during, and after prison, with over 40 percent reporting four or more close family relationships at every data collection point.

This finding on close family relationships has implications for successful reentry. Our analysis found that respondents with closer family relationships, stronger family support, and fewer negative dynamics in relationships with intimate partners were more likely to have worked after release and were less likely to have used drugs. It is evident that family support, when it exists, is a strong asset that can be brought to the table in the reentry planning process. However, one must also recog-

nize that prisoners' expectations about the family support they will receive after release may differ from what they actually experience, resulting in strained family relationships and negative reentry outcomes.

Respondents' families may pose some liabilities as well: 60 percent of respondents had someone in their family who had been convicted of a crime, and over one-quarter reported having three or more family members with a substance abuse or alcohol problem. Family members may also influence negative reentry outcomes, such as a return to substance use or criminal activity. Reentry planning focused on both positive and negative family influences is essential.

SUBSTANCE USE

Much prior research has documented a link between substance use and criminal activity. For example, earlier studies have found that more than half of state prisoners nationally reported that they were under the influence of drugs or alcohol at the time they committed the offense that led to their imprisonment⁴ and that three-quarters of soon-to-be-released prisoners have a history of drug or alcohol use.⁵

The substance use histories of respondents in our sample mirror these national data, with a significant share of respondents reporting extensive and serious involve-

A PORTRAIT OF PRISONER REENTRY IN MARYLAND

This report stems from an earlier research inquiry based on an analysis of data on Maryland prison and release trends over time, as well as data on the cohort of Maryland prisoners released in 2001. The results were published in a research monograph entitled *A Portrait of Prisoner Reentry in Maryland*. Some key findings from the *Portrait* include the following:

- Between 1980 and 2001, Maryland's prison population more than tripled. This growth is attributable to more people, specifically drug offenders and parole violators, cycling through prison on shorter sentences.
- Maryland's rising prison population has placed a strain on already limited programming resources. Substance abuse, vocational training, and educational programs are available to a small fraction of those being released.
- The number of people released from Maryland prisons reflects prison population trends: 9,448 individuals were released from Maryland prisons in 2001, more than double the number released in 1981.^a One-third had been serving time for drug offenses; assault, larceny, and robbery were the next most common conviction offenses.
- About half of the prisoners released in 2001 had served two years or less in prison; the largest share (37 percent) served between 40 and 60 percent of their sentences. More than two-thirds of released inmates in Maryland had served prior terms in prison, and one-fifth had violated their parole at some point in their criminal careers.

^a While these numbers represent individuals released from Maryland *prisons* after serving sentences of one year or more, it is important to note that approximately 5,000 additional inmates are released to Baltimore City each year after having served *jail* time (typically less than a year). The sizable number of jail releasees makes the impact of reentry on Baltimore even greater.

- The largest share (59 percent) of released inmates who returned to Maryland returned to Baltimore City. Within Baltimore City, releasees were further concentrated in a handful of communities—Southwest Baltimore, Greater Rosemont, Sandtown-Winchester/Harlem Park, Greenmount, Clifton-Berea, and Southern Park Heights—most of which are also characterized by high levels of poverty and crime. Some services for ex-prisoners are located in close proximity to the neighborhoods with high rates of releasees, but other services are located in central Baltimore, which is some distance from these high-concentration areas.

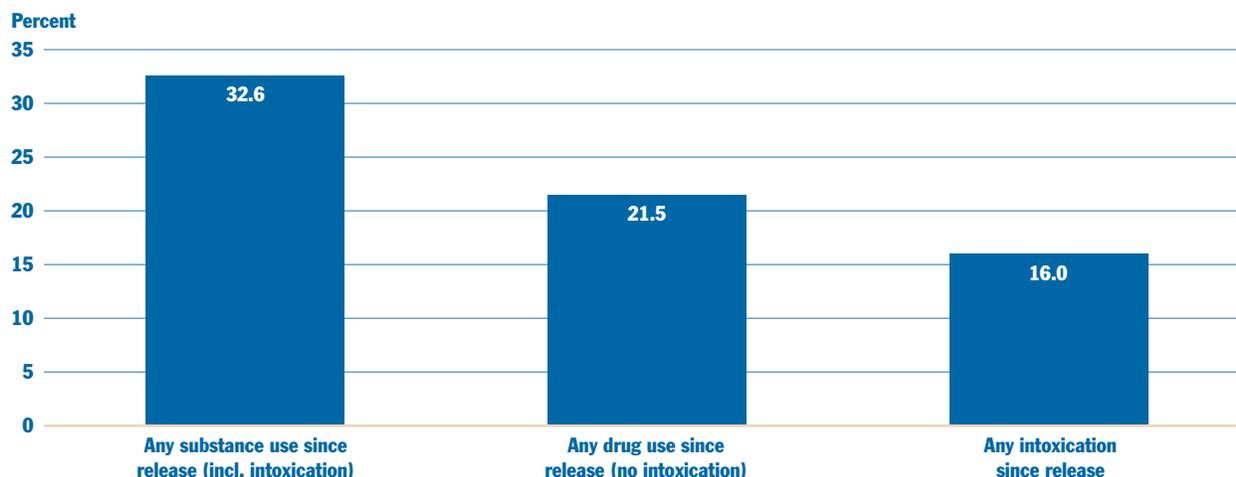
The *Portrait* also raised some questions that could only be answered through one-on-one interviews with released prisoners over time, including:

- To what extent are prisoners returning to Baltimore drawn back into a pattern of drug use and how many of them seek and receive treatment for these problems?
- What factors predict employment outcomes for returning prisoners, both in terms of finding and keeping a job?
- What are the family circumstances of released prisoners, and what role does family play in either facilitating or preventing substance use, employment, and recidivism?
- What is the impact of prisoner reentry on communities, and how do community characteristics affect individual postrelease outcomes?

The answers to these and related questions are found within this research brief.

ment with drugs and alcohol. The majority reported some drug (78 percent) or alcohol use (61 percent) prior to prison, with cocaine and heroin topping the list of drugs by type. Thirty percent of respondents reported using cocaine on a daily basis, and 41 percent reported using heroin daily in the six months before entering

prison. Preprison drug and alcohol use caused serious problems for most respondents. Nearly two-thirds of drug users reported arrests caused by their drug use,⁶ about one-half of drug users reported relationship problems and arguments at home about their drug use, and about one-third of drug users reported missing

FIGURE 4. Substance Use at One to Three Months after Release (Ns = 141, 149, and 144, respectively)

Note: Those classified under “intoxication” reported that they had drunk alcohol to the point of being drunk.

school and/or work and losing jobs as a result of their drug use.

During the time they spent in prison, respondents whose primary conviction was for a drug offense (possession or sales) were more likely to have participated in a drug or alcohol treatment program (35 percent) than those convicted of other offenses (20 percent).⁷ Overall, 27 percent of respondents reported participating in a specific drug or alcohol treatment program, and 46 percent reported having attended Alcoholics Anonymous or Narcotics Anonymous (AA/NA) while in prison.⁸

During the first few months after their release, one-third (33 percent) of respondents reported some type of drug use or intoxication (figure 4). A number of factors were related to postrelease substance use. Younger respondents were more likely to use drugs after release than were their older counterparts. Those who used drugs after release were more likely to have family members with substance abuse problems and friends who used or sold drugs. Respondents who received substance abuse drug treatment in prison were more successful at avoiding subsequent drug use than those who did not.

FINANCIAL OBLIGATIONS AND SUPPORT

As noted earlier, most of the prisoners in our sample expected that personal finances would be a significant challenge to them, and this belief was confirmed during postrelease interviews. When interviewed one to three months after release, about half of respondents (47 percent) said it had been hard to support themselves financially. Nearly two-thirds (62 percent) of respondents reported owing some amount of debt for supervision fees, child support, and other costs. Average monthly debt exceeded average monthly income for 20 percent of respondents interviewed at one to three months after release. Respondents’ expectations for financial support were different from what they experienced after exiting prison. Before release, the largest share of respondents (54 percent) expected to rely on their own jobs for financial support; after release, the largest share (51 percent) relied on their families for financial support (figure 5).

EMPLOYMENT

Prior research has suggested that finding and maintaining a legitimate job after release can help reduce the

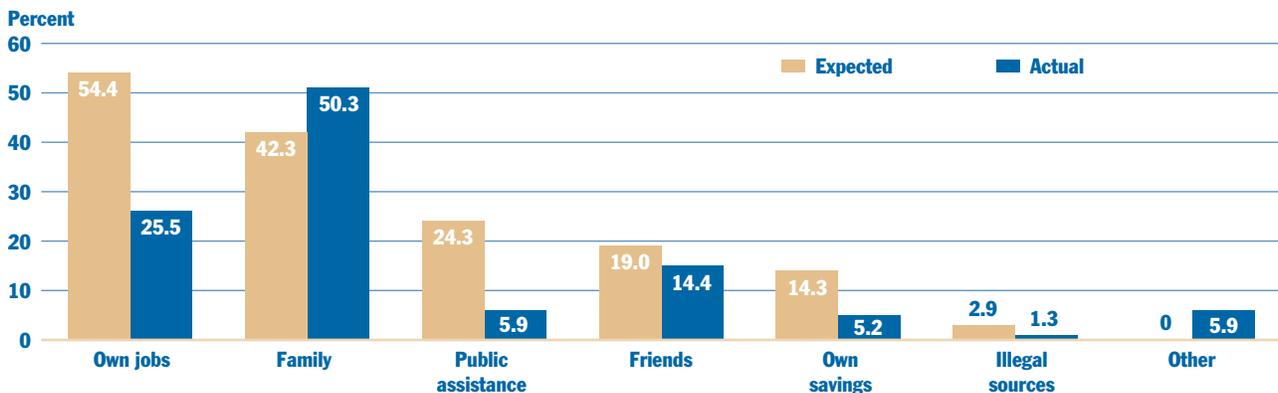
PROFILE OF STUDY PARTICIPANTS

- Initial sample consisted of 324 respondents—235 males and 89 females.
- Median age of respondents was 34 years old.
- Eighty-three percent of respondents were black, 8 percent were white, and the remaining 9 percent identified with other racial groups. Three percent of respondents were Hispanic.
- Half (49 percent) had a drug offense as their most serious charge for their current prison term, while one-fifth (22 percent) were serving time for violent offenses such as assault and robbery, and another fifth (21 percent) were in prison for property offenses such as burglary and theft.
- The median time served was 18 months.
- Most respondents (84 percent) had at least one prior conviction, with 42 percent reporting four or more prior convictions. Over two-thirds (68 percent) had served time in prison before, and over one-quarter (28 percent) had spent time in a juvenile correctional facility. More than half (56 percent) had their first arrest before they reached the age of 18.
- The majority reported some drug (78 percent) or alcohol use (61 percent) prior to prison, with cocaine and heroin topping the list of drugs by type.
- Less than half (42 percent) had high school diplomas before entering prison and nearly half (45 percent) had been fired from a job at least once.
- Over two-thirds (68 percent) were single and had never been married.
- At the time they entered prison for this term, 59 percent had children under the age of 18.

chances that an ex-prisoner will reoffend,⁹ but research also points to the challenges ex-prisoners often face when seeking employment after release.¹⁰ Although almost two-thirds of our respondents were employed right before entering prison, their employment histories were characterized by high turnover rates and poor job records. Less than half (42 percent) had high school diplomas before entering prison and roughly the same share

(45 percent) had been fired from a job at least once. During the time they spent in prison, some respondents participated in programs aimed at improving job skills and preparing for postrelease employment. About a third of the prisoners interviewed said they participated in employment readiness programs, about a quarter participated in a job-training program, 13 percent increased their education level while in prison, and one third held an in-prison job.

FIGURE 5. Expected (N=272) and Actual (N=151) Postprison Financial Support During First Month Out



In addition, one-third of the respondents indicated that they held a work release job while they were incarcerated; on average, these work-release jobs lasted 17 weeks.

After release from prison, respondents had some success in finding employment. About two-thirds of respondents (64 percent) reported having worked for at least one week since their release. At the first postrelease interview, 44 percent were currently working at a job for at least 40 hours per week. The most common jobs included warehouse or factory work (29 percent), food service industry jobs (20 percent), and construction/demolition (11 percent). Our analysis found a number of significant differences between those who were employed full time after release and those who were not. Specifically, fully employed respondents were more likely to be male and to have held a work release job, and also held preprison jobs for longer continuous periods than those who were not fully employed.

Our interviews also yielded important insights into the job-finding methods that were most successful for released prisoners. Although most respondents expected to use newspaper ads or yellow pages to find jobs, the methods that proved to be successful for those who found jobs typically involved personal connections. Roughly half of those who worked for at least one week talked to friends (54 percent) or relatives (45 percent) to find their jobs, and a sig-

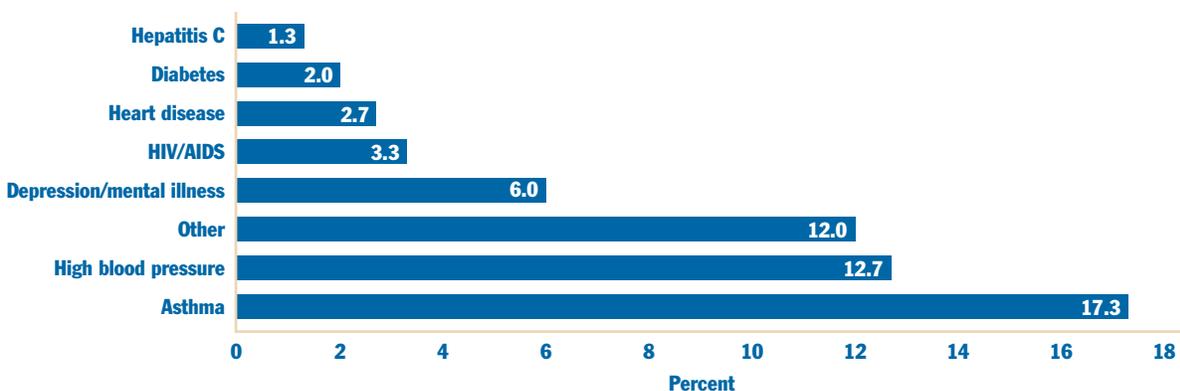
nificantly larger share of respondents who had worked talked to their former employer to find a job as compared with those who had not worked since release.

HEALTH

Prisoners nationwide suffer from mental disorders and chronic and infectious diseases at greater rates than the general population.¹¹ With regard to the respondents in our sample, almost 40 percent reported suffering from at least one physical ailment, with asthma and high blood pressure being the most commonly reported (figure 6). Furthermore, one-fourth were taking medication for a chronic health condition prior to and during incarceration, and two-thirds of those individuals (66 percent) were still taking prison-distributed medications after release. Nonetheless, most respondents expressed positive opinions about their physical health prior to, during, and following their stay in prison. Eighty-eight percent of those interviewed prior to release rated their health as good or excellent, as did 80 percent of those interviewed after release.

After release, few respondents had health insurance or medical coverage. Only 10 percent reported having private insurance or belonging to an HMO and even fewer respondents (less than 5 percent) reported receiving a

FIGURE 6. Share of Respondents Reporting Each Health Condition (N=150)



disability pension, being on Medicaid or Medicare, or having Veteran's Administration (VA) health insurance. Despite the lack of health insurance among respondents, more than half of the sample (58 percent) had visited a doctor for a general checkup since their release from prison, and 19 percent had used emergency room services for a health-related problem.

In terms of mental health treatment, exactly half of all respondents indicated a desire for help obtaining counseling following their release from prison, and 30 percent wanted help acquiring mental health treatment. Less than 10 percent of the respondents interviewed after release believed they suffered from mental illness, although about one-quarter of respondents reported experiencing serious anxiety and depression. About one in five respondents reported experiencing symptoms associated with Post-Traumatic Stress Disorder (PTSD) in the one to three months after their release, including feeling upset when reminded of prison, avoiding thinking or talking about prison and having repeated, disturbing memories, thoughts, or images of prison.

PAROLE SUPERVISION

The majority of Maryland prisoners are released to some period of supervision in the community, where they are subject to a series of parole conditions and supervised by the Maryland Division of Parole.¹² General parole conditions for those on supervision in Maryland include reporting to a parole officer as directed, working regularly, and not possessing, using, or selling drugs or weapons.¹³ In our sample, just over three-quarters (77 percent) were released to some period of parole supervision. About one-fifth (21 percent) completed their sentences (i.e., "maxed out") and, therefore were released with no further supervision, and the remaining 2 percent escaped from custody.¹⁴

Of those on parole, over half (60 percent) reported meeting with their parole officer within 24 hours of their release, and almost all (94 percent) reported meeting with their parole officer within one week of their release.

After the initial meeting, most reported to their parole officers two to three times per month and met with them for 30 minutes or less each time. Eight percent reported having never seen their parole officer, even at four to six months after release. While in prison, most of the respondents (82 percent) who expected to be on parole believed that their parole officers would be helpful in their transitions back to the community. Although parolees generally gave high marks for the professionalism of their parole officers after release, only about half felt that supervision had helped with their transitions, or would help them to maintain drug- and crime-free lives.

Many respondents had a history of parole violations. At the time of the prerelease interview, 27 percent of respondents reported having had their parole revoked in the past. One to three months after release, most of the respondents under supervision reported being in compliance with their parole conditions, but one-fifth (21 percent) reported violating at least one. The most frequently violated conditions were attending substance abuse treatment (10 percent), staying away from drugs (9 percent) and working regularly (6 percent).

In addition to respondent self-reports, we obtained records from the Maryland Division of Correction to measure the extent to which respondents were returned to prison for violating conditions of their release. We found that 10 percent of all *Returning Home* respondents were returned to prison within six months for violating parole conditions.

CRIMINAL INVOLVEMENT

A recent Bureau of Justice Statistics study found that within three years of their release, over two-thirds (68 percent) of released prisoners nationally were arrested for a new crime and over half (52 percent) returned to prison. Such repeat involvement with the criminal justice system was strongly evident in our sample. The criminal histories among those in the Baltimore sample were extensive and began early in life: most respondents (84 percent) had at least one prior conviction, with 42 percent reporting four

or more prior convictions. Over two-thirds (68 percent) had served time in prison before, and over one-quarter (28 percent) had spent time in a juvenile correctional facility. More than half (56 percent) had been first arrested before they reached the age of eighteen. In addition, almost two-thirds (60 percent) had at least one family member who had been convicted of a crime, and 40 percent had a family member who was serving a prison sentence at the same time as they were. In spite of their extensive criminal histories and high levels of familial criminal involvement, 78 percent of respondents expected that it would be *pretty easy* or *very easy* to stay out of prison following their release.

Yet despite optimistic expectations, within six months of their release from prison, roughly one-third (32 percent) of the sample had been rearrested for at least one new crime,¹⁵ 10 percent reconvicted for a new crime, and 16 percent reconfined to prison or jail for the new crime conviction or technical violation (figure 7).¹⁶ Drug charges accounted for half (51 percent) of the reconvictions after prison release. Although we only followed released prisoners for six months after release, it is likely that additional instances of reconvictions and reconfine-ments have occurred since then.¹⁷

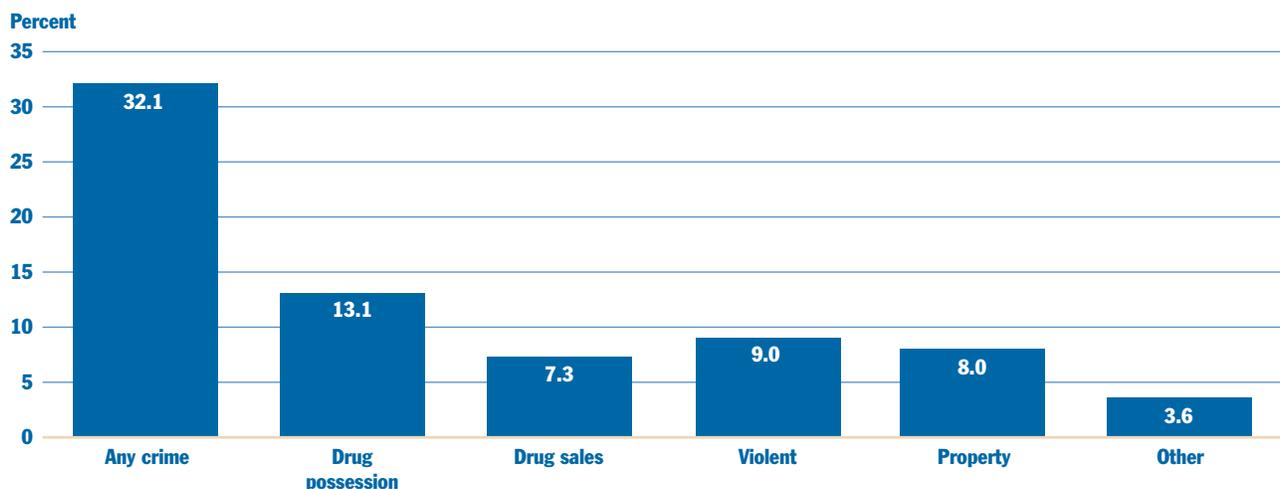
There were several significant differences between respondents who were rearrested after release and those who were not (figure 8). In addition to being more likely to have used drugs preprison and postrelease, rearrested respondents were younger, less spiritual, less likely to believe in the legal system,¹⁸ less likely to be on postrelease supervision, and were more likely to think their neighborhood was not a good place to find a job as compared to those who were not rearrested.

Of those who were sent back to prison, 45 percent were returned for technical violations,¹⁹ 26 percent were returned following an arrest for a new crime, and 26 percent were returned following a conviction for a new offense.²⁰ Very few prisoners were returned to prison within the first three months after release; the overwhelming majority of returns to prison occurred in the fourth, fifth and six months after release, with about 3 percent of the study sample being returned in each of these months.

COMMUNITY

Findings from *A Portrait of Prisoner Reentry in Maryland* indicate that a large proportion of ex-prisoners are con-

FIGURE 7. Arrests in the First Six Months after Release (N= 299)



Source: Maryland Department of Public Safety and Correctional Services.

FIGURE 8. Profile of Rearrested Respondents (N=96) Compared to Those Not Rearrested (N=203)

- ◆ Younger current age
 - ◆ Male
 - ◆ Younger at first arrest
 - ◆ Higher number of prior arrests, convictions, and incarcerations
 - ◆ More likely to have used drugs preprison and postrelease
 - ◆ More likely to have used more than one drug at the same time postrelease
 - ◆ Less likely to be on postrelease supervision
 - ◆ Fewer job opportunities in postrelease neighborhood
 - ◆ Less likely to believe in the legal system
 - ◆ Less spiritual
-

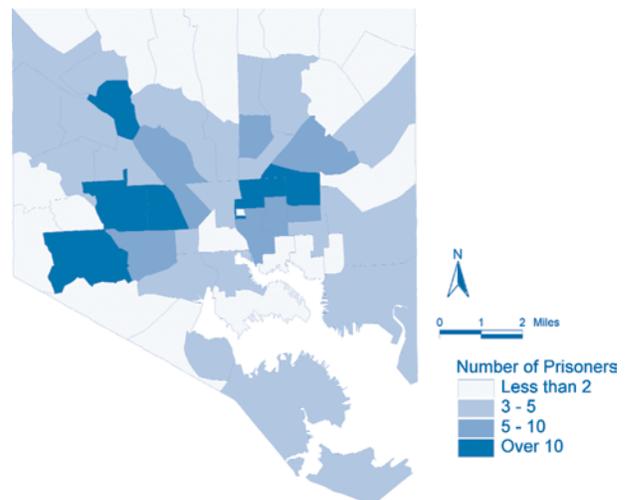
centrated in disadvantaged communities with high levels of poverty and unemployment. Recent research has also shown that prisoners who return to communities with higher levels of concentrated social and economic disadvantage have higher rates of recidivism,²¹ and that communities affected by high levels of incarceration and reentry experience higher crime rates than would be expected.²² In our sample, 36 percent of the prisoners returned to only 6 of 55 Baltimore communities—Sandtown-Winchester/Harlem Park; Greenmount East; Southern Park Heights; Greater Rosemont; Clifton-Berea; and Allendale/Irvington/South Hilton (figure 9). All six of these communities have above-average rates of unemployment, percent female-headed households, and percent of families living below the poverty level.

While it may not be surprising that the communities to which released prisoners in our sample returned are disadvantaged, an analysis comparing respondents' preprison and postrelease addresses contradicts conventional thinking that prisoners return to their old neighborhoods upon release from prison. In fact, half of the respondents in our sample did not return to the neighborhoods they had lived in before prison. Those who settled in new neighborhoods

indicated that they were either living with family members who had moved to new addresses or they wanted to avoid trouble. Of those who did return to their former neighborhoods, slightly more than half thought the community was safe. By contrast, three-quarters of those who resided in a different community thought their new neighborhood was safe, suggesting that they chose a new home in part because it presented fewer risks. Although some respondents may have chosen to return to a new neighborhood to avoid trouble, those who did so did not have significantly lower recidivism rates than those who returned to their original neighborhoods.

We were also interested in how returning prisoners affect their communities. To this end, we conducted focus groups with residents of two neighborhoods in Baltimore—Sandtown/Winchester and Southern Park Heights—that are home to large numbers of returning prisoners. Residents of both neighborhoods were in general agreement that crime and disorder caused by returning prisoners present major challenges for their communities and that younger returning prisoners, especially those who have served relatively short sentences, are the most difficult segment of the population to assist. By

FIGURE 9. Distribution of 283 Released Prisoners Who Returned to Baltimore City, by Neighborhood, 2003



contrast, residents were much more sympathetic toward prisoners returning after longer prison sentences. In addition, residents felt that drug trafficking was largely to blame for the problems in their communities and that the police have not done enough to address these concerns. Proposed solutions to the problems associated with prisoner reentry included better parenting, better education, more intensive policing, and a greater involvement of public agencies—particularly the corrections system—in preparing prisoners for their return home. In addition, focus group participants believed that the community should continue to work to address the needs of ex-prisoners.

SUMMARY

This report is the second product of the *Returning Home* study in Maryland. The first, *A Portrait of Prisoner Reentry in Maryland*, documented the trends in incarceration and reentry rates in the state, and the changing policy environment regarding sentencing and parole supervision. Where that report was broad, this one has been deep, describing the process of leaving prison and returning home through the lens of the experiences of prisoners returning to Baltimore. In some respects, the perspectives and experiences of these released prisoners are consistent with conventional wisdom on the topic of reentry. They typically come to prison with significant prior involvement in crime and drug and alcohol use. They typically have family members who are incarcerated or using drugs or alcohol. They typically have low levels of education and poor work histories. And after they return home, they are rearrested at high rates and sent back to prison.

In addition to adding important details and nuances to conventional wisdom, this report also presents new insights that are very provocative. Families matter in ways that have not been documented before. Communities are an important piece of the reentry picture. Many prisoners move into new communities, seeking environments that are better suited to their successful reintegration. Many view their communities as safe and resourceful, but plagued by drug markets and poor police service. In addition, returning prisoners have

complicated health challenges, and health care is poorly coordinated beyond the prison walls.

This report is intended to provide a foundation for policy conversations about ways to improve the chances for successful reintegration for prisoners coming home to Baltimore. Listening to the experiences of those prisoners—and members of the communities to which they return—should point the way to policy innovations that are empirically grounded, pragmatic, and reflective of the realities of reentry.

ENDNOTES

¹ Sarah Lawrence, Daniel Mears, Glenn Dubin, and Jeremy Travis. 2002. “The Practice and Promise of Prison Programming.” Research Report. Washington, DC: The Urban Institute; Gerald Gae, Timothy Flanagan, Lawrence Motiuk, Lynn Stewart. 1999. “Adult Correctional Treatment.” In *Prisons*, edited by Michael Tonry and Joan Petersilia. Chicago: University of Chicago Press; James Lynch and William Sabol. 2001. “Prisoner Reentry in Perspective.” *Crime Policy Report*, vol. 3. Washington, DC: The Urban Institute.

² Shadd Maruna. 2001. *Making Good: How Ex-Convicts Reform and Rebuild Their Lives*. Washington, DC: American Psychological Association.

³ Ninety percent of respondents who reported having money at the time of release reported sums ranging from \$3 to \$600. The way the questions were asked in the survey does not allow us to clearly distinguish between gate money and other funds. See “Financial Obligations and Support” section for more information about other financial resources respondents had after release.

⁴ Christopher Mumola. 1999. “Substance Abuse Treatment, State and Federal Prisoners, 1997.” Bureau of Justice Statistics Special Report. NCJ 172871. Washington, DC: U.S. Department of Justice.

⁵ Allen Beck. 2000. “State and Federal Prisoners Returning to the Community: Findings from the Bureau of Justice Statistics.” Paper presented at the First Reentry Courts Initiative Cluster Meeting. Washington, DC April 13, 2001. Available at: <http://www.ojp.usdoj.gov/bjs/pub/pdf/sfrc.pdf>.

⁶ The way the question was posed does not enable us to distinguish whether such arrests were for drug-related crimes or other types of crimes.

⁷ Drug or alcohol treatment programs offered in Maryland prisons include a residential substance abuse treatment (RSAT) and an intensive substance use treatment program designed for female prisoners.

⁸ This question was asked during the prerelease interview (N = 324).

⁹ Robert Sampson and John Laub. 1997. “A Life-course Theory of Cumulative Disadvantage and the Stability of Delinquency.” *Advances in Criminological Theory* 7: 133–161; Miles Harer. 1994. “Recidivism of Federal Prisoners Released in 1987.” Washington, DC: Federal Bureau of Prisons, Office of Research and Evaluation; Christopher Uggen. 2000. “Work as a Turning Point in the Life Course of Criminals: A Duration Model of Age, Employment, and Recidivism.” *American Sociological Review* 65: 529–546.

¹⁰ Harry Holzer, Steven Raphael, and Michael Stoll. 2003. “Employment Barriers Facing Ex-Prisoners.” Urban Institute Reentry Roundtable Discussion Paper. Available at: <http://www.urban.org/url.cfm?ID=410855>.

¹¹ National Commission on Correctional Health Care. *The Health Status of Soon-to-be-Released Inmates: A Report to Congress*, vol. 2. Available at: [http://www.ncchc.org/stbr/Volume2/Health%20Status%20\(vol%202\).pdf](http://www.ncchc.org/stbr/Volume2/Health%20Status%20(vol%202).pdf); Paula Ditton. 1999.

(Continued on page 16)

RETURNING HOME STUDY METHODOLOGY

Returning Home is being implemented in two stages. The first stage was a pilot study in Maryland and the City of Baltimore, which was conducted from December 2001 through May 2003. The purpose of the pilot was to test research procedures being developed for the full study states using a reduced sample size, as well as to learn about the nature of prisoner reintegration in Maryland. The second stage involves implementation of the full research study in three additional states: Illinois, Ohio, and Texas. The full research design calls for a sample of 650 soon-to-be-released prisoners (450 men and 200 women), followed for 12 months after release and interviewed three times after the initial in-prison survey. In the pilot study in Maryland, our reduced sampling goal was 350 prisoners returning to Baltimore and two postrelease interviews within six months. As implemented, we surveyed 324 prisoners before release (235 men and 89 women).

Although the pilot study relied on a smaller sample size than the full study states, efforts were made to ensure that the men and women included in the sample were representative of all prisoners released to Baltimore. Our prerelease sample is generally representative of all state prisoners returning to Baltimore, with the exception that the *Returning Home* sample has fewer parole violators and more prisoners whose sentences expired than the general population of prisoners returning to Baltimore. Of the 720 soon-to-be-released prisoners returning to Baltimore whom we invited to orientation sessions to learn about the study, 396 did not attend or attended but refused to participate. When we compared these 396 nonparticipants to the 324 men and women who did participate, we found no significant differences between the two groups in terms of their age, racial distribution, number of prior arrests, and other characteristics. Participants had somewhat fewer prior incarcerations and served shorter terms in prison than nonparticipants, meaning that prisoners with more extensive criminal histories and more serious conviction offenses carrying longer terms may be somewhat underrepresented in our sample. Nonetheless, when we looked at

recidivism rates six months after release, participants and nonparticipants were rearrested, reconvicted, and recommitted at similar rates.

Locating released prisoners for the postrelease interviews was difficult, time-intensive, and costly. Because of limited resources and because it was a pilot study, we reduced the target sample goals for completing the postrelease interviews: the first postrelease interview (PR1) was conducted with 153 of the original respondents (47 percent) and the second postrelease interview (PR2) was conducted with 104 of the original respondents (32 percent). It was important for us to verify that respondents interviewed postrelease were a representative subsample of the 324 original participants. When we compared those who were interviewed at PR1 (n=153) to those who were not (n=171), we found virtually no significant differences between the two groups in terms of baseline characteristics (e.g., age, race, prior commitments, time served), and few differences in terms of prerelease interview responses. PR1 nonparticipants were somewhat more likely to have been rearrested after release and to have a higher number of rearrests, although not reconvictions or returns to prison. A similar analysis comparing those interviewed at PR2 (n=104) to those who were not (n=49) again found very few significant differences between the two groups. The relatively small sample of prisoners interviewed at PR2, however, limits our confidence in the analysis of data from that interview, so PR2 findings are not discussed in much detail in this report.

With regard to the family component of the study, the full design calls for a postrelease interview with a family member of every prisoner surveyed before release. For the pilot study, our goal was a sample of 50 family members; we ultimately interviewed 41 family members nominated by the prisoners in our sample. Since we considered the family component of the pilot study to be highly exploratory, the data gathered from those interviews are not discussed in this report. For more information about the *Returning Home* study methodology, please see chapter 2 of the full technical report, *Returning Home Maryland Final Report*, at www.urban.org.

"Mental Health Treatment of Inmates and Probationers 2000." Bureau of Justice Statistics Special Report. NCJ 174463. Washington, DC: U.S. Department of Justice.

¹² Both prisoners released by parole board decision and mandatory releases are supervised in the community for some period, and are subject to the same rules, regulations, and community supervision conditions.

¹³ Nancy La Vigne and Vera Kachnowski. 2003. "A Portrait of Prisoner Reentry in Maryland." Research Report. Washington, DC: The Urban Institute.

¹⁴ These four prisoners were classified as "walk-offs" who absconded from a low-security environment such as work release.

¹⁵ Based on an N of 299, representing the number of respondents for whom official record recidivism data were available.

¹⁶ Both arrests and convictions were assessed using official records obtained from the Maryland Department of Public Safety and Correctional Services.

¹⁷ In fact, almost one-third of our respondents' postrelease charges were still pending as of June 2003.

¹⁸ For more information on respondents' spiritual beliefs and attitudes toward the legal system, see chapter 9, "Attitudes and Expectations," of the full technical report, *Returning Home Maryland Final Report*, at www.urban.org.

¹⁹ We defined technical violations as returns to prison that were not preceded by an arrest. The DOC data did not provide any further information about the behavior underlying the violation.

²⁰ Additionally, one respondent was returned after escaping from custody and one respondent was returned for indeterminable reasons.

²¹ Eric Baumer. 2003. "Community Context and Offender Recidivism in Illinois." Unpublished Report.

²² Todd Clear, Dina Rose, Elin Waring, and Kristen Scully. 2003. "Coercive Mobility and Crime: A Preliminary Examination of Concentrated Incarceration and Social Disorganization." *Justice Quarterly* 20 (1).

ACKNOWLEDGMENTS

The *Returning Home* study is being carried out in close collaboration with corrections officials, policy-makers, and researchers in each of the study states. In Maryland, we are indebted to the research and facility staff of the Maryland Department of Public Safety and Correctional Services for providing valuable information and advice and for their assistance in administering the prerelease surveys. We thank CSR Incorporated for conducting the original data collection. This report is based on the work of a number of researchers from the Urban Institute's Justice Policy Center: Avi Bhati, Jennifer Castro, Jill Farrell, Meagan Funches, Kamala Mallik Kane, Sarah Lawrence, Rebecca Naser, John Roman, and Will Turner. The Maryland pilot of the *Returning Home* study has been made possible through the generous support of the Annie E. Casey Foundation, the Open Society Institute—Baltimore, the Abell Foundation, the Russell Sage Foundation, the Maryland Governor's Office of Crime Control and Prevention, and the John D. and Catherine T. MacArthur Foundation.

FOR FURTHER READING

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M

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Possible Sundown Towns in MD

[Brentwood](#)
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[Greenbelt](#)
[Lonaconing](#)
[Mayo](#)
[Mount Rainier](#)
[Oakland](#)
[Princess Anne](#)
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[Smith Island](#)
[Tilghman Island](#)
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[Washington Grove](#)
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*Not a suspected sundown town but of interest for other reasons.

Know of a town that should be on this list? [Email Jim Loewen](#) and tell him about it.

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[Home](#) | [Back to United States Map](#)**Showing *Brentwood* in MD...****Basic Information**

Type of Place	Suburb
Metro Area?	DC
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Method of Exclusion

Reputation

Main Ethnic Group(s).

Unknown

Sundown Town Status

Confirmed Sundown Town?	Probable
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Don't Know
Still Sundown?	Don't Know

Group(s) Excluded

Black

Comments

Brentwood was a sundown suburb until the 1960s. Blacks had to live in nearby North Brentwood. An elderly Maryland resident who was born in North Brentwood says, "We weren't allowed on 34th St.," referring to the main north-south business street of Mt. Rainier, the next white town just southwest of North Brentwood. "If we went on 34th St.," on bicycles, in her childhood, "we better be flying." Otherwise, "they threw things at us, called us 'nigger,' 'spook,' all kind of things." "The white children?" I asked. "Uh-huh," she affirmed, "and the adults." She also detailed threats made by one white homeowner, in particular, including leaflets he gave to black children that used racial slurs and stated "One-Way Ticket Back to Africa." An entire racial etiquette was passed down in North

Census Information

	Total	White	Black	Asian	Native	Hispanic	Other	BHshld
1860								
1870								
1880								
1890								
1900								
1910								
1920								
1930								
1940								
1950								
1960								
1970								
1980								
1990								
2000								

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2 + 5:

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submit

Brentwood regarding what one could and could not do in adjoining sundown towns. One was allowed to walk only on the north side of Rhode Island Avenue, for example, the main artery leading into Washington, D.C. When going to the Safeway supermarket, one must cross Rhode Island Avenue at the Safeway, not before, then cross back after shopping. One could take the streetcar or bus into the District but one must not get off until the district line. African Americans could watch the Fourth of July fireworks in Magruder Park in Hyattsville, the neighboring town to the north of North Brentwood, from their own side of the river that created the border between the two towns, but could not set foot in Magruder Park. And underlying all these rules was the generalized fear of what whites might do. "Our parents had been treated so badly, by white people," Mrs. Thomas explained, "that they warned us."

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[Home](#) | [Back to United States Map](#)**Showing *Washington Grove* in MD...****Basic Information**

Type of Place	Independent City or Town
Metro Area?	Independent City or Town
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Sundown Town Status

Confirmed Sundown Town?	Possible
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Don't Know
Still Sundown?	Don't Know

Census Information

	Total	White	Black	Asian	Native	Hispanic	Other	BHshld
1860								
1870								
1880								
1890								
1900								
1910								
1920								
1930								
1940								
1950								
1960								
1970								
1980								
1990	434		5					0
2000	515		2					1

Method of Exclusion

Unknown

Main Ethnic Group(s).

Unknown

Group(s) Excluded

Black

Comments

Email 1/2008
 I grew up for several years in Washington Grove, or at the border of it. There was a distinct black community next door but not IN Washington Grove. That community, Emory Grove, was notorious for its slum conditions. It didn't get public sewage until the early 1970s I believe. Montgomery County is today one of the wealthiest counties in the nation.

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Email: _____

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spam)

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[Home](#) | [Back to United States Map](#)**Showing Calvert County in MD...****Basic Information**

Type of Place	County
Metro Area?	County
Politics c. 1860?	
Unions, Organized Labor?	

Method of Exclusion

Unknown

Main Ethnic Group(s).

Unknown

Sundown Town Status

Confirmed Sundown Town?	Possible
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Don't Know
Still Sundown?	Don't Know

Group(s) Excluded

Black

Comments

Calvert County was once a majority black area, mostly populated by former slaves. White flight from the Washington DC area has pushed most of the old residents out.

Census Information

	Total	White	Black	Asian	Native	Hispanic	Other	BHshld
--	-------	-------	-------	-------	--------	----------	-------	--------

1860
1870
1880
1890
1900
1910
1920
1930
1940
1950
1960
1970
1980
1990
2000

Tell Dr. Loewen More About This Town

2 + 5: _____
Email: _____

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[Home](#) | [Back to United States Map](#)**Showing *University Park* in MD...****Basic Information**

Type of Place	Suburb
Metro Area?	Suburb
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Method of Exclusion

Zoning

Main Ethnic Group(s).

Unknown

Sundown Town Status

Confirmed Sundown Town?	Probable
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Don't Know
Still Sundown?	Don't Know

Group(s) Excluded

Black

Comments

University Park "used to have an ordinance that buyers into the area were required to sign. It forbade Jews as well as blacks. It was pretty well subverted with regard to Jews by the 1950s." The first black resident was John Hope Franklin, who moved to University Park in 1966 or 67. The University of Maryland administration attempted to prevent the Washington Metro from having a stop on campus because it would attract "urban" (black) presence.

Census Information

	Total	White	Black	Asian	Native	Hispanic	Other	BHshld
1860								
1870								
1880								
1890								
1900								
1910								
1920								
1930								
1940								
1950								
1960								
1970								
1980								
1990								
2000								

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[Home](#) | [Back to United States Map](#)**Showing *Princess Anne* in MD...****Basic Information**

Type of Place	Independent City or Town
Metro Area?	Independent City or Town
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Sundown Town Status

Confirmed Sundown Town?	Possible
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Don't Know
Still Sundown?	Surely Not

Census Information

	Total	White	Black	Asian	Native	Hispanic	Other	BHshld
1860								
1870								
1880								
1890								
1900								
1910								
1920								
1930								
1940								
1950								
1960								
1970								
1980								
1990								
2000								

Method of Exclusion

Violent Expulsion

Main Ethnic Group(s).

Unknown

Group(s) Excluded

Black

Comments

"In Princess Anne, MD, a fight between a white man and a Negro over the right of Negroes to congregate in white business communities on Saturday night resulted in a riot; 300 Negroes were driven from town." "The Chronological History of the Negro in America", Bergman, Peter M. and Mort N. Bergman, 1969

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[Home](#) | [Back to United States Map](#)**Showing Mayo in MD...****Basic Information**

Type of Place	Independent City or Town
Metro Area?	Independent City or Town
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Sundown Town Status

Confirmed Sundown Town?	Probable
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Don't Know
Still Sundown?	Probably Not, Although Still Very Few Blacks

Census Information

	Total	White	Black	Asian	Native	Hispanic	Other	BHshld
1860								
1870								
1880								
1890								
1900								
1910								
1920								
1930								
1940								
1950								
1960								
1970								
1980								
1990	2537		71					12
2000								

Method of Exclusion

Zoning

Main Ethnic Group(s).

Unknown

Group(s) Excluded

Black;Jewish

Comments

Mayo is a beach resort town that for a time was covered by restricted covenants. The mayor once stated that "No one is ever going to live in this town whose nose is longer than mine or whose skin is darker than mine."

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[Home](#) | [Back to United States Map](#)**Showing *Smith Island* in MD...****Basic Information**

Type of Place	Independent City or Town
Metro Area?	Independent City or Town
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Sundown Town Status

Confirmed Sundown Town?	Possible
Year of Greatest Interest	
Was there an ordinance?	Perhaps, Some Oral Evidence
Sign?	Don't Know
Still Sundown?	Don't Know

Census Information

Total White Black Asian Native Hispanic Other BHshld

1860
1870
1880
1890
1900
1910
1920
1930
1940
1950
1960
1970
1980
1990
2000

Method of Exclusion

Police or Other Official Action

Main Ethnic Group(s).

Unknown

Group(s) Excluded

Black

Comments

In the 1880s, Smith Island had an anti-black curfew.

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[Home](#) | [Back to United States Map](#)**Showing *Woodland Beach* in MD...****Basic Information**

Type of Place	Suburb
Metro Area?	DC
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Method of Exclusion

Threat of Violence

Main Ethnic Group(s).

Unknown

Sundown Town Status

Confirmed Sundown Town?	Possible
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Don't Know
Still Sundown?	Don't Know

Group(s) Excluded

Black

Comments

A house purchased by a black family in the late 1990s or early 2000s was graffitied; the family gave up and moved away. Others have charged loan discrimination. "Blacks See Bias in a Pricier Neighborhood", Washington Post, 2 September 2001

Census Information

Total White Black Asian Native Hispanic Other BHshld

1860
1870
1880
1890
1900
1910
1920
1930
1940
1950
1960
1970
1980
1990
2000

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[Home](#) | [Back to United States Map](#)**Showing Crofton in MD...****Basic Information**

Type of Place	Suburb
Metro Area?	Baltimore
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Method of Exclusion

Zoning

Main Ethnic Group(s).

Unknown

Sundown Town Status

Confirmed Sundown Town?	Probable
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Don't Know
Still Sundown?	Probably Not, Although Still Very Few Blacks

Group(s) Excluded

Black;Jewish;Other

Comments

"The nearby [to Columbia] suburb of Crofton was built to be an exclusively Caucasian enclave, a destination for white flight. Today, blacks and other racial minorities live there freely." -"The Radical Burbs", Jesse Walking, <http://reason.com/0301/cr.jw.the.shtml>

Census Information

	Total	White	Black	Asian	Native	Hispanic	Other	BHshld
1860								
1870								
1880								
1890								
1900								
1910								
1920								
1930								
1940								
1950								
1960								
1970								
1980								
1990	12,781		561					
2000	20,091		1,031					

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[Home](#) | [Back to United States Map](#)**Showing *Scientists Cliff* in MD...****Basic Information**

Type of Place	Independent City or Town
Metro Area?	Independent City or Town
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Sundown Town Status

Confirmed Sundown Town?	Possible
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Don't Know
Still Sundown?	Don't Know

Census Information

	Total	White	Black	Asian	Native	Hispanic	Other	BHshld
1860								
1870								
1880								
1890								
1900								
1910								
1920								
1930								
1940								
1950								
1960								
1970								
1980								
1990								
2000								

Method of Exclusion

Unknown

Main Ethnic Group(s).

Unknown

Group(s) Excluded

Black;Jewish

Comments

"My father spent part of his [childhood] growing up at the cliffs. His father was one of the founders of the community in the early 30s. My understanding is that the community was founded as a private organization to enable like-minded scientist types to live in the same community. For many years-- so I have been told-- you couldn't even rent without having a bachelor's degree. Talk about snooty. Anyway, I spoke to my father just this week and he said he can't imagine that they let in either Jews or blacks." - Maryland resident

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[Home](#) | [Back to United States Map](#)**Showing *Chevy Chase* in MD...****Basic Information**

Type of Place	Suburb
Metro Area?	DC
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Method of Exclusion

Zoning

Main Ethnic Group(s).

Unknown

Sundown Town Status

Confirmed Sundown Town?	Surely
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Don't Know
Still Sundown?	Don't Know

Group(s) Excluded

Black

Comments

Chevy Chase is actually four towns, but they are generally discussed as one town. "We had African Americans look at our house, and the uproar on our block was unbelievable," says a former resident who sold her house in the 1960s. "Beginning in the 1920s, some deeds included restrictive covenants prohibiting sale or lease to "any person of negro blood" or "any person of the Semetic [sic] race." -"For Everyman, a New Lot in Life, Washington Post, 15 February 1999, brackets in original

Census Information

	Total	White	Black	Asian	Native	Hispanic	Other	BHshld
1860								
1870								
1880								
1890								
1900								
1910								
1920								
1930								
1940								
1950								
1960								
1970								
1980								
1990								
2000	6,183							42

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[Home](#) | [Back to United States Map](#)**Showing *Mount Rainier* in MD...****Basic Information**

Type of Place	Suburb
Metro Area?	DC
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Method of Exclusion

Main Ethnic Group(s).
Unknown

Sundown Town Status

Confirmed Sundown Town?	Probable
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Don't Know
Still Sundown?	Surely Not

Group(s) Excluded

Black

Comments

"The city's original charter prohibited blacks from voting in city elections. At least one mayor and one city clerk were high-ranking members of the Ku Klux Klan. And through the later '40s, blacks could not be in town after sundown, let alone live there." -"Grit and Granola", Washington City Paper, 13 July 2001

Census Information

	Total	White	Black	Asian	Native	Hispanic	Other	BHshld
1860								
1870								
1880								
1890								
1900								
1910								
1920								
1930								
1940								
1950								
1960								
1970								
1980								
1990	7954		4415					
2000	8498		5274					

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[Home](#) | [Back to United States Map](#)**Showing *Oakland* in MD...****Basic Information**

Type of Place	Independent City or Town
Metro Area?	Independent City or Town
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Method of Exclusion

Unknown

Main Ethnic Group(s).

Unknown

Sundown Town Status

Confirmed Sundown Town?	Probable
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Perhaps, Some Oral Evidence
Still Sundown?	Don't Know

Group(s) Excluded

Black

Census Information

	Total	White	Black	Asian	Native	Hispanic	Other	BHshld
1860								
1870								
1880								
1890								
1900								
1910								
1920								
1930								
1940	1,587		1					
1950	21,259		10					
1960								
1970								
1980								
1990								
2000								

Comments

"We all knew that blacks were not wanted in Garrett County, especially in Oakland, where they tried to lynch Mr. Les Clifford - the saxophone player - when I was a boy." -Henry Louis Gate, Jr. "Mr. Les [Clifford] was 'up Oakland,' a town full of crackers and rednecks, if ever there was one, located on Deep Creek Lake, 25 or so miles from Piedmont. They hated niggers up Oakland... NIGGERS READ AND RUN, Daddy claimed a sign there said. AND IF YOU CAN'T READ, RUN ANYWAY." - former black resident of Garrett County, MD

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[Home](#) | [Back to United States Map](#)**Showing *Garrett County* in MD...****Basic Information**

Type of Place	County
Metro Area?	County
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Method of Exclusion

Unknown

Main Ethnic Group(s).

Unknown

Sundown Town Status

Confirmed Sundown Town?	Probable
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Don't Know
Still Sundown?	Don't Know

Group(s) Excluded

Black

Comments

Although Garrett County appears to have blacks in census figures, a librarian says that these are mostly residents of youth camps, detention camps, and in early years, CCC, logging, and mining camps, as opposed to permanent residents. "We all knew that blacks were not wanted in Garrett County." -Henry Louis Gates, Jr.

Census Information

	Total	White	Black	Asian	Native	Hispanic	Other	BHshld
1860								
1870								
1880			112					
1890			185					
1900			126					
1910			107					
1920			45					
1930			24					
1940			5					
1950			9					
1960			39					
1970								
1980								
1990								
2000								

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[Home](#) | [Back to United States Map](#)**Showing Lonaconing in MD...****Basic Information**

Type of Place	Independent City or Town
Metro Area?	Independent City or Town
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Method of Exclusion

Unknown

Main Ethnic Group(s).

Unknown

Sundown Town Status

Confirmed Sundown Town?	Possible
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Don't Know
Still Sundown?	Don't Know

Group(s) Excluded

Black

Comments**Census Information**

Total White Black Asian Native Hispanic Other BHshld

1860		
1870		
1880		
1890		
1900		
1910		
1920		
1930		
1940	2,429	1
1950		
1960		
1970		
1980		
1990		
2000		

Tell Dr. Loewen More About This Town

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Email: _____

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[Home](#) | [Back to United States Map](#)**Showing *Westernport* in MD...****Basic Information**

Type of Place	Independent City or Town
Metro Area?	Independent City or Town
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Sundown Town Status

Confirmed Sundown Town?	Possible
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Don't Know
Still Sundown?	Don't Know

Census Information

Total White Black Asian Native Hispanic Other BHshld

1860
1870
1880
1890
1900
1910
1920
1930
1940
1950
1960
1970
1980
1990
2000

Method of Exclusion

Unknown

Main Ethnic Group(s).

Unknown

Group(s) Excluded

Black

Comments**Tell Dr. Loewen More About This Town**

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[Home](#) | [Back to United States Map](#)**Showing Friendsville in MD...****Basic Information**

Type of Place	Independent City or Town
Metro Area?	Independent City or Town
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Method of Exclusion

Unknown

Main Ethnic Group(s).

Unknown

Sundown Town Status

Confirmed Sundown Town?	Possible
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Don't Know
Still Sundown?	Don't Know

Group(s) Excluded

Black

Comments**Census Information**

Total White Black Asian Native Hispanic Other BHshld

1860		
1870		
1880		
1890		
1900		
1910		
1920		
1930		
1940		
1950		
1960		
1970		
1980		
1990	577	0
2000		

Tell Dr. Loewen More About This Town

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Email: _____

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[Home](#) | [Back to United States Map](#)**Showing Greenbelt in MD...****Basic Information**

Type of Place	Suburb
Metro Area?	DC
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Method of Exclusion**Main Ethnic Group(s).**

Unknown

Sundown Town Status

Confirmed Sundown Town?	Surely
Year of Greatest Interest	
Was there an ordinance?	Don't Know
Sign?	Don't Know
Still Sundown?	Surely Not

Group(s) Excluded

Black

Comments

email 4/2008 I and my husband David Koopman, both European Americans, moved to Greenbelt Maryland in December 1963 from Ann Arbor, Michigan where I had experience volunteering in fair housing issues. When we went to GHI (Greenbelt Housing) to sign the papers for purchasing our home, I B Westway Rd. I inquired about the inclusion of African Americans as residents. The response was, "Don't worry about it, we don't allow them in here." Having explained that my inquiry was about inclusion not exclusion of racial minorities, to an incredulous GHI representative, we nonetheless did move into our duplex. Greenbelt was built all-white in 1937. "Although there were no written rules explicitly stating that blacks were not to be allowed as residents of

Census Information

	Total	White	Black	Asian	Native	Hispanic	Other	BHshld
1860								
1870								
1880								
1890								
1900								
1910								
1920								
1930								
1940								
1950								
1960								
1970								
1980								
1990								
2000	21,456		8,871					

Tell Dr. Loewen More About This Town

2 + 5:

Email:

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submit

Greenbelt, no black families were selected.... "There was some mild support for the inclusion of black families living in Greenbelt, but 'the idea was never considered politically feasible.' The simultaneous construction of housing for blacks in nearby Washington, DC convinced officials that housing for blacks in Greenbelt was unnecessary. Fourteen blacks were considered as residents of Greenbelt in statistics, although they did not actually live in the town, but 'in outlying farms located on Greenbelt property.' "W. H. Form, who researched Greenbelt and its residents in the 1940s, observed the black workers perform janitorial duties and the like in the town. Unlike white workers with similar jobs, the blacks were not greeted by the townsfolk, received very little compensation, and 'no deference' was 'paid to them.'... Because blacks were at the bottom of the social ladder because of existing prejudices and norms, Greenbelters did not attempt to form any relationships with the black workers, resulting in their isolation at work and during their meals. The Greenbelt Cooperative and local liberals quelled protest among some residents concerning the black workers buying food in the local stores. When black visitors toured Greenbelt out of curiosity upon hearing about the Greenbelt project, local citizens objected to the service of 'colored people ... in the

town drugstore.' The council dismissed the complainers' objections and allowed blacks to receive services in the town..." -"Blacks in Greenbelt", 8 October 2002

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[Home](#) | [Back to United States Map](#)**Showing *Tilghman Island* in MD...****Basic Information**

Type of Place	Independent City or Town
Metro Area?	Independent City or Town
Politics c. 1860?	Don't Know
Unions, Organized Labor?	Don't Know

Sundown Town Status

Confirmed Sundown Town?	Probable
Year of Greatest Interest	
Was there an ordinance?	Perhaps, Some Oral Evidence
Sign?	Perhaps, Some Oral Evidence
Still Sundown?	Don't Know

Census Information

Total White Black Asian Native Hispanic Other BHshld

1860
1870
1880
1890
1900
1910
1920
1930
1940
1950
1960
1970
1980
1990
2000

Method of Exclusion

Police or Other Official Action

Main Ethnic Group(s).

Unknown

Group(s) Excluded

Black

Comments

Tilgham Island had an anti-black curfew, and according to one Maryland resident, posted a sundown sign until the 1970s.

Tell Dr. Loewen More About This Town

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Jim Crow Laws: Maryland

[Close](#)

Like other border states, Maryland fully supported segregation, passing 15 such laws between 1870 and 1957. Persons found guilty of violating the 1884 miscegenation law were subject to imprisonment in the penitentiary between 18 months to ten years. The state also paid close attention to segregating its steamboat trade. The miscegenation statute was not repealed until 1967.

1870: Education [Statute]

Taxes paid by colored people shall be set aside for maintaining schools for colored children.

1872: Education [Statute]

Schools to be established for colored children. No colored school shall be established in a district unless the colored population warrants.

1884: Miscegenation [Statute]

Prohibited all marriages between white persons and Negroes and persons of Negro descent to third generation inclusive. Penalty: Person guilty of infamous crime and subject to a sentence of imprisonment in the penitentiary between 18 months to ten years. Ministers who performed such ceremonies were to be fined \$100.

1904: Railroads [Statute]

All railroad companies required to provide separate cars or coaches for white and colored passengers. Signage in plain letters to be displayed in a conspicuous place. Penalty: Companies that failed to comply could be fined between \$300 and \$1,000. Passengers who refused to take their assigned seat could be charged with a misdemeanor and fined between \$5 and \$50, or imprisoned in jail for 30 days, or both. Conductors who failed to carry out the law could be charged with a misdemeanor and fined between \$25 and \$50.

1904: Steamboats [Statute]

White and colored passengers to be assigned to separate areas of a steamboat. Penalty: Company officers who failed to enforce the law could be charged with a misdemeanor, and fined between \$25 and \$50. Passengers who refused to sit where assigned were liable for misdemeanor and could be fined between \$5 and \$50.

1908: Steamboats [Statute]

Steamboats operating on the Chesapeake Bay required to provide separate toilet or retiring rooms, and separate sleeping cabins for white and black passengers. Penalty: \$50 for each day's violation.

1908: Streetcars [Statute]

Streetcars required to designate separate seats for white and colored passengers. Penalty: Passengers who refused to comply with law guilty of a misdemeanor, and could be fined up to \$50, or imprisoned in jail for 30 days, or both. Conductors who refused to enforce the act were guilty of a misdemeanor, and could be fined up to \$20.

1924: Miscegenation [State Code]

Miscegenation declared a felony.

1924: Education [State Code]

Required racially segregated schools.

1935: Miscegenation [Statute]

Miscegenation between persons of the Caucasian and Malay races prohibited.

1951: Education [State Code]

Duty of County Board of Education to establish free public schools for all colored children between the ages of six and twenty years.

1951: Barred public accommodation segregation [Statute]

Repealed public accommodation segregation laws.

1955: Miscegenation [Statute]

Any white woman who delivered a child conceived with a Negro or mulatto would be sentenced to the penitentiary

for 18 months to five years.

1957: Miscegenation [State Code]

Crime for white woman to bear a black man's child. Law held unconstitutional later that year in State v. Howard.

1957: Miscegenation [State Code]

Prohibited marriage between whites and Negroes or Asians. Penalty: 18 months to 10 years imprisonment.

1957: Adoption [State Code]

Required race to be disclosed on petition for adoption.

1967: Barred anti-miscegenation [Statute]

Repealed anti-miscegenation law.

O



ISSUE BRIEF

ECONOMIC POLICY INSTITUTE | ISSUE BRIEF #257

JULY 21, 2009

UNEQUAL UNEMPLOYMENT **Racial disparities by state will worsen in 2010**

BY ALGERNON AUSTIN

Unemployment will continue to rise at least into the second quarter of 2010, according to the latest projections from Moody's Economy.com, putting states already experiencing record high unemployment in an even worse position. Further analysis by the Economic Policy Institute of Moody's state projections extends them to include race and gender, showing that African Americans and Hispanics will bear a disproportionately heavy burden. Nationally, black unemployment is expected to reach 16%, the Hispanic rate 13.3%, and the white rate 8.6%.¹—up from 14.7%, 12.2%, and 7.8%, respectively, in the quarter that ended on June 30.

Hispanic unemployment in California and Nevada is expected to approach 18% by this time next year. Among the major racial and ethnic groups, African Americans consistently have historically had and continue to have the highest unemployment rate. In California, however, Hispanic unemployment surpassed black unemployment in the second quarter of this year and is projected to remain higher into 2010.

The direst situation will face African Americans in Michigan, where their unemployment in the second quarter of 2010 is expected to reach 24.9%—the peak national unemployment rate experienced during the Great Depression.² The employment situation will be only slightly better in Ohio and Alabama, where one in five blacks are projected to be unemployed.

Increasing joblessness will continue to plague the nation as a whole into 2010, and its effects will be disproportionately borne by blacks and Hispanics. In 14 states and the District of Columbia, the black unemployment rate will exceed 15%; Hispanic unemployment will pass 15% in California and Nevada. After the peak, it will also take years before unemployment rates return to their typical levels.

Unemployment disparities in the second quarter of 2009

The national unemployment rate increased from 8.1% in the first quarter of this year to 9.3% in the second quarter. In the second quarter, state unemployment rates ranged from 4.2% in North Dakota to 14.1% in Michigan. Fifteen states (Ala., Calif., Fla., Ga., Ill., Ind., Ky., Mich., Nev., N.C., Ohio, Ore., R.I., S.C., and Tenn.) and the District of Columbia had unemployment rates higher than the national rate of 9.3%.

The United States has consistently had racial and ethnic disparities in unemployment rates. Nationally, the black unemployment rate tends to be about twice as high as the white rate. The Hispanic rate tends to be about 1.5 times the white rate. This means that within high-unemployment states, Hispanic and black unemployment are particularly high.

From the last quarter of 2007, when the recession began, to the second quarter of 2009, the national white unemployment rate increased about 3.8 percentage points, rising from 4.0% to 7.8%. During that same period, the rates for Hispanics and blacks increased by 6.3 and 6.1 percentage points, respectively. At 14.7% in the second quarter of this year, African Americans have the highest national unemployment rate of any major racial or ethnic group. Hispanics have the second highest rate (12.2%), but have had the largest increase in unemployment since the start of the recession—a rise of 6.3 percentage points overall.

Unemployment rates among racial and ethnic groups vary significantly from state to state. In 12 states (Ariz., Calif., Col., Conn., Fla., Ill., Md., N.J., N.M., Nev., N.Y., and Texas) the Hispanic population is large enough for the data to be reliable. In the second quarter of 2009, Hispanic unemployment in these states ranged from 8.1% to 16.4%. The states with the highest Hispanic unemployment rates in the second quarter of 2009 are Nevada (16.4%) and California (15.7%). Hispanics in Nevada were 1.7 times as likely to be unemployed as non-Hispanic whites. In California, the Hispanic/white ratio was 1.8 times.

For blacks, reliable data are available for 18 states and the District of Columbia. In the second quarter, black unemployment ranged from a low of 8.1% in Maryland to a high of 22.8% in Michigan. The highest black/white unemployment ratio was in the District of Columbia where blacks were four times as likely to be unemployed as whites. In Alabama, Louisiana, New York, Texas, and Virginia blacks were *more than* twice as likely to be unemployed as whites.

Although the recession has caused widespread economic hardship, Hispanics and African Americans have been hurt disproportionately in most states. Hispanics have lost a very large number of jobs in construction. Black job loss has not been concentrated in any one sector of the economy. Black workers in manufacturing, wholesale and retail trade, transportation and utilities, and finance, insurance, and real estate have all experienced significant job losses.

It is clear that the country is in a very deep recession. However, not all states are suffering equally and not all racial and ethnic groups are experiencing the same degree of economic hardship. In developing policies to address the economic crisis, the nation should devote extra resources to those states and groups that are hardest hit.

Endnote

1. In these data, the racial categories “white” and “black/African American” exclude Hispanics. Unemployment rates from the Bureau of Labor Statistics include Hispanics in the white and black categories. As a result, the white unemployment rate from the Bureau of Labor Statistics is pulled upward by the higher rate for white Hispanics.
2. Robert VanGiezen and Albert E. Schwenk, “Compensation from before World War I through the Great Depression,” *Compensation and Working Conditions*, Fall 2001.

QUARTERLY UNEMPLOYMENT RATES BY STATE, RACE, AND SEX

State	ALL	WHITE	BLACK	HISPANIC	MALE	FEMALE
USA	4.8%	4.0%	8.6%	5.9%	4.7%	4.9%
Alaska	6.3%	4.5%	NA	NA	6.6%	5.9%
Alabama	3.7%	3.0%	5.3%	NA	4.3%	2.9%
Arkansas	5.0%	4.4%	NA	NA	5.1%	4.9%
Arizona	4.2%	3.3%	NA	5.8%	3.8%	4.7%
California	5.8%	4.6%	9.8%	7.0%	5.8%	5.8%
Colorado	4.1%	3.5%	NA	5.2%	3.8%	4.3%
Connecticut	4.9%	3.5%	NA	8.3%	4.8%	4.9%
District of Columbia	5.7%	1.7%	10.0%	NA	4.7%	6.7%
Delaware	3.7%	3.0%	5.1%	NA	3.6%	3.9%
Florida	4.7%	3.9%	6.3%	5.7%	4.7%	4.6%
Georgia	4.9%	3.2%	8.0%	NA	4.8%	5.1%
Hawaii	2.9%	3.8%	NA	NA	2.9%	3.0%
Iowa	3.8%	3.5%	NA	NA	3.7%	3.9%
Idaho	3.4%	3.2%	NA	NA	3.5%	3.4%
Illinois	5.5%	4.4%	12.3%	5.7%	5.7%	5.2%
Indiana	4.6%	4.1%	NA	NA	5.0%	4.1%
Kansas	4.0%	3.5%	NA	NA	3.8%	4.3%
Kentucky	5.4%	5.0%	NA	NA	5.2%	5.7%
Louisiana	3.7%	2.2%	8.0%	NA	3.6%	3.8%
Massachusetts	4.5%	4.5%	NA	NA	4.3%	4.7%
Maryland	3.6%	2.9%	5.8%	2.1%	3.2%	4.1%
Maine	4.7%	4.6%	NA	NA	4.6%	4.9%
Michigan	7.3%	6.1%	15.5%	NA	6.6%	8.1%
Minnesota	4.7%	4.1%	NA	NA	4.6%	4.8%
Missouri	5.3%	4.4%	NA	NA	5.3%	5.4%
Mississippi	6.2%	3.8%	10.9%	NA	5.1%	7.4%
Montana	3.7%	3.3%	NA	NA	3.6%	3.8%
North Carolina	5.0%	4.0%	8.2%	NA	4.4%	5.6%
North Dakota	3.1%	2.0%	NA	NA	3.0%	3.1%
Nebraska	3.0%	2.6%	NA	NA	3.2%	2.8%
New Hampshire	3.4%	3.4%	NA	NA	3.3%	3.6%
New Jersey	4.4%	3.8%	8.2%	5.0%	4.5%	4.3%
New Mexico	3.6%	3.0%	NA	4.2%	3.3%	3.9%
Nevada	5.1%	4.4%	NA	6.7%	5.5%	4.6%
New York	4.6%	3.6%	7.6%	6.7%	4.5%	4.7%
Ohio	5.7%	4.6%	13.7%	NA	6.0%	5.5%
Oklahoma	3.8%	3.0%	NA	NA	3.4%	4.2%
Oregon	5.3%	5.3%	NA	NA	4.7%	6.0%
Pennsylvania	4.5%	4.0%	6.9%	NA	5.1%	3.9%
Rhode Island	5.8%	5.2%	NA	NA	5.8%	5.8%
South Carolina	5.7%	3.7%	11.1%	NA	5.4%	6.1%
South Dakota	2.7%	2.0%	NA	NA	2.9%	2.5%
Tennessee	5.3%	4.4%	NA	NA	5.3%	5.3%
Texas	4.4%	3.5%	8.1%	4.6%	4.1%	4.8%
Utah	2.9%	2.5%	NA	NA	2.9%	3.0%
Virginia	3.3%	2.9%	5.1%	NA	3.6%	2.9%
Vermont	4.0%	4.0%	NA	NA	4.4%	3.7%
Washington	4.6%	4.7%	NA	NA	4.5%	4.7%
Wisconsin	4.5%	4.0%	NA	NA	4.7%	4.4%
West Virginia	4.4%	4.3%	NA	NA	4.3%	4.5%
Wyoming	2.8%	2.5%	NA	NA	2.5%	3.1%

Source: EPI estimates using BLS LAUS and CPS data.

QUARTERLY UNEMPLOYMENT RATES BY STATE, RACE, AND SEX

State	ALL	WHITE	BLACK	HISPANIC	MALE	FEMALE
USA	9.3%	7.8%	14.7%	12.2%	10.7%	7.7%
Alaska	8.2%	7.4%	NA	NA	9.6%	6.6%
Alabama	9.6%	6.8%	17.4%	NA	9.7%	9.6%
Arkansas	6.9%	6.1%	NA	NA	7.7%	6.0%
Arizona	8.2%	6.6%	NA	10.6%	10.4%	5.4%
California	11.4%	8.6%	15.3%	15.7%	12.8%	9.8%
Colorado	7.5%	6.7%	NA	10.4%	8.5%	6.3%
Connecticut	8.0%	6.9%	NA	13.3%	8.8%	7.1%
District of Columbia	10.5%	4.2%	16.8%	NA	10.6%	10.3%
Delaware	8.0%	6.3%	11.7%	NA	9.7%	6.2%
Florida	10.2%	9.0%	14.6%	11.6%	12.1%	8.1%
Georgia	9.6%	7.5%	13.4%	NA	10.3%	8.9%
Hawaii	7.2%	6.0%	NA	NA	8.3%	6.0%
Iowa	5.7%	5.3%	NA	NA	7.0%	4.2%
Idaho	7.7%	7.3%	NA	NA	9.8%	5.3%
Illinois	9.9%	8.9%	16.2%	9.9%	11.8%	7.8%
Indiana	10.4%	8.9%	NA	NA	12.7%	7.8%
Kansas	6.8%	5.4%	NA	NA	8.0%	5.6%
Kentucky	10.5%	9.9%	NA	NA	10.5%	10.5%
Louisiana	6.5%	4.6%	11.6%	NA	8.3%	4.5%
Massachusetts	8.3%	7.1%	NA	NA	9.8%	6.6%
Maryland	7.1%	6.5%	8.1%	8.1%	8.1%	6.1%
Maine	8.2%	7.9%	NA	NA	9.8%	6.6%
Michigan	14.1%	12.9%	22.8%	NA	17.2%	10.6%
Minnesota	8.2%	7.6%	NA	NA	10.2%	5.9%
Missouri	8.8%	8.3%	NA	NA	10.7%	6.8%
Mississippi	9.3%	6.7%	13.2%	NA	10.9%	7.5%
Montana	6.2%	5.8%	NA	NA	7.2%	5.1%
North Carolina	10.9%	9.1%	16.7%	NA	12.7%	9.0%
North Dakota	4.2%	3.1%	NA	NA	5.1%	3.1%
Nebraska	4.8%	4.2%	NA	NA	4.9%	4.7%
New Hampshire	6.5%	6.5%	NA	NA	7.5%	5.5%
New Jersey	8.8%	7.2%	13.6%	11.5%	9.7%	7.7%
New Mexico	6.4%	4.4%	NA	9.0%	7.2%	5.4%
Nevada	11.3%	9.7%	NA	16.4%	12.6%	9.6%
New York	8.2%	6.4%	15.1%	9.7%	9.4%	6.8%
Ohio	10.7%	9.4%	18.9%	NA	12.6%	8.6%
Oklahoma	6.3%	4.3%	NA	NA	7.8%	4.6%
Oregon	12.1%	10.9%	NA	NA	13.9%	10.0%
Pennsylvania	8.1%	7.3%	12.6%	NA	9.5%	6.7%
Rhode Island	11.9%	10.1%	NA	NA	14.0%	9.5%
South Carolina	11.8%	9.8%	17.3%	NA	12.7%	11.0%
South Dakota	5.0%	4.1%	NA	NA	5.9%	4.0%
Tennessee	10.5%	9.4%	NA	NA	11.7%	9.1%
Texas	7.1%	5.3%	11.8%	8.1%	7.5%	6.6%
Utah	5.4%	4.5%	NA	NA	6.3%	4.3%
Virginia	7.0%	5.5%	11.3%	NA	8.2%	5.8%
Vermont	7.3%	7.1%	NA	NA	8.3%	6.2%
Washington	9.1%	8.9%	NA	NA	10.8%	7.3%
Wisconsin	8.8%	7.2%	NA	NA	10.8%	6.7%
West Virginia	8.4%	8.3%	NA	NA	10.5%	5.8%
Wyoming	5.1%	4.5%	NA	NA	6.6%	3.3%

Source: EPI estimates using BLS LAUS and CPS data.

QUARTERLY UNEMPLOYMENT RATES BY STATE, RACE, AND SEX

State	ALL	WHITE	BLACK	HISPANIC	MALE	FEMALE
USA	10.1%	8.6%	16.0%	13.3%	11.6%	8.4%
Alaska	11.2%	10.1%	NA	NA	13.1%	9.0%
Alabama	10.8%	7.6%	19.6%	NA	10.8%	10.8%
Arkansas	9.3%	8.3%	NA	NA	10.4%	8.1%
Arizona	10.7%	8.7%	NA	13.9%	13.7%	7.1%
California	13.0%	9.8%	17.5%	17.9%	14.6%	11.1%
Colorado	9.2%	8.2%	NA	12.8%	10.4%	7.8%
Connecticut	9.0%	7.8%	NA	15.0%	10.0%	8.0%
District of Columbia	11.0%	4.4%	17.6%	NA	11.2%	10.9%
Delaware	8.9%	6.9%	13.0%	NA	10.7%	6.9%
Florida	11.8%	10.4%	16.9%	13.4%	14.0%	9.4%
Georgia	11.0%	8.6%	15.3%	NA	11.7%	10.1%
Hawaii	8.3%	6.9%	NA	NA	9.5%	6.8%
Iowa	6.2%	5.8%	NA	NA	7.7%	4.6%
Idaho	8.7%	8.2%	NA	NA	11.0%	6.0%
Illinois	11.4%	10.2%	18.6%	11.4%	13.5%	8.9%
Indiana	11.4%	9.8%	NA	NA	13.9%	8.6%
Kansas	8.6%	6.8%	NA	NA	10.0%	7.0%
Kentucky	11.7%	11.1%	NA	NA	11.7%	11.8%
Louisiana	8.2%	5.7%	14.6%	NA	10.4%	5.6%
Massachusetts	9.7%	8.3%	NA	NA	11.5%	7.7%
Maryland	7.7%	7.0%	8.9%	8.9%	8.8%	6.6%
Maine	9.9%	9.5%	NA	NA	11.7%	7.9%
Michigan	15.4%	14.0%	24.9%	NA	18.8%	11.6%
Minnesota	8.6%	7.9%	NA	NA	10.7%	6.2%
Missouri	10.6%	10.0%	NA	NA	12.9%	8.2%
Mississippi	12.6%	9.1%	17.9%	NA	14.8%	10.2%
Montana	7.6%	7.1%	NA	NA	8.8%	6.2%
North Carolina	12.1%	10.0%	18.5%	NA	14.0%	10.0%
North Dakota	5.6%	4.1%	NA	NA	6.8%	4.2%
Nebraska	5.9%	5.2%	NA	NA	6.0%	5.7%
New Hampshire	7.3%	7.3%	NA	NA	8.4%	6.2%
New Jersey	10.2%	8.4%	15.8%	13.3%	11.3%	9.0%
New Mexico	8.1%	5.6%	NA	11.4%	9.2%	6.9%
Nevada	12.2%	10.5%	NA	17.8%	13.7%	10.4%
New York	10.1%	7.8%	18.6%	11.9%	11.6%	8.4%
Ohio	11.8%	10.4%	20.7%	NA	13.9%	9.5%
Oklahoma	7.3%	5.0%	NA	NA	9.0%	5.3%
Oregon	13.4%	12.1%	NA	NA	15.4%	11.1%
Pennsylvania	9.7%	8.7%	15.1%	NA	11.3%	8.0%
Rhode Island	12.7%	10.8%	NA	NA	15.0%	10.2%
South Carolina	13.0%	10.8%	19.1%	NA	14.0%	12.1%
South Dakota	5.9%	4.9%	NA	NA	7.0%	4.8%
Tennessee	10.6%	9.4%	NA	NA	11.8%	9.2%
Texas	8.2%	6.1%	13.6%	9.4%	8.6%	7.6%
Utah	6.9%	5.7%	NA	NA	8.0%	5.5%
Virginia	8.1%	6.3%	13.1%	NA	9.5%	6.6%
Vermont	8.8%	8.6%	NA	NA	10.1%	7.5%
Washington	11.1%	10.9%	NA	NA	13.1%	8.8%
Wisconsin	9.7%	7.9%	NA	NA	11.9%	7.3%
West Virginia	8.4%	8.3%	NA	NA	10.5%	5.8%
Wyoming	6.0%	5.3%	NA	NA	7.8%	3.8%

Source: EPI estimates using BLS LAUS and CPS data,
and projections by Moody's Economy.

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Senate President To Duncan: Don't Bash Baltimore

Miller's 1989 Words Bash Baltimore

POSTED: 6:16 pm EDT October 5, 2005
UPDATED: 7:28 pm EDT October 5, 2005

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BALTIMORE -- Senate President Mike Miller recently told likely gubernatorial candidate Doug Duncan not to bash Baltimore.

But in the 1980s, Miller said, during a WBAL-TV 11 News interview: "Baltimore is a (expletive) ghetto. It's worse than inner city Washington, D.C."

WBAL-TV 11 News reporter David Collins reported Miller's recent warning to the Montgomery County executive came after Duncan released fliers days before Baltimore Mayor Martin O'Malley announced his gubernatorial candidacy.

That flier referred to Baltimore as "plagued by homicides and failing schools." Political analysts said the state's Democratic Party is trying to avoid a blood bath in the primary, but that they may have picked the wrong messenger.

Miller's warning came via a quote in a recent Washington Post article: "He's got to figure out a way he can win the hearts and minds of Marylanders without attacking the city."

Collins said history suggests that Miller may be suffering from political amnesia. While giving this advice, Miller has dredged up his own skeleton.

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In use, Miller contemplated a run for governor himself. At that time, he said awful things about Baltimore while answering a question about holding a fundraiser in town.

"It helps educate my constituents as to why Baltimore needs the economic help.

"I mean, Baltimore is a (expletive) ghetto. It's worse than inner city Washington D.C. It is (expletive).

"I hope you are not going to play this on tape, (Miller laughs). I mean, it is a war zone. I mean, it's crack. I mean, it's these dime bags of PCP."

Several calls from WBAL-TV to Miller's office, and to his chief of staff, on Wednesday were not returned.

After watching the 11 News file video, O'Malley said he believes the Senate president now regrets those words, adding that Miller's advice to Duncan is about party unity.

"I think what it's an endorsement of, it's a positive campaign that brings all of the people of our state together in our common fight for greater justice, safety and greater opportunity for everyone, and that's what I'm hearing from party leaders and party activists throughout the state," O'Malley said.

"Baltimore is a (expletive) ghetto. It's worse than inner city Washington, D.C."

- Mike Miller

Matthew Crenson disagrees. The political science professor at Johns Hopkins University said the state's Democratic Party establishment thinks O'Malley has a better chance of beating the Republican incumbent, Gov. Bob Ehrlich.

Crenson said the party is using Miller to send a message: Don't do the Republicans' dirty work for them.

"Ehrlich's allies are going to pick up on Duncan's criticisms," Crenson said. "They are recognize, at least according to the latest polls of the potential Democratic candidates they face, Duncan is weaker than O'Malley."

Duncan visited St. Mary's County Wednesday and was unavailable for comment.

Collins reported that a representative for the county executive said they don't believe criticizing the mayor's record bashes the city of Baltimore.

Duncan echoed that thought last week during a stop in Annapolis.

"I think talking about somebody's record and pointing out the truth about their record is very important," Duncan said.

Through a spokesperson, Duncan said late Wednesday afternoon that he recognizes in order for Maryland to succeed, Baltimore must succeed.

Miller called Duncan last week, alerting him as to his intention to attend the mayor's campaign announcement. Collins reported that Miller assured Duncan that he planned to attend his campaign events as well.

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Black Caucus to submit legislative redistricting maps this week, seeking more black senators

December 07, 2011

By Glynis Kazanjian

Glynis@marylandreporter.com

The [Legislative Black Caucus](#) plans on submitting General Assembly redistricting maps to the Governor's Redistricting Advisory Committee (GRAC) this week, saying black voters are under-represented in the legislature.

"We can't operate in the same way we've operated in the past because we're going to run afoul of the Voting Rights Act," said the Black Caucus Redistricting Committee chair, Del. Aisha Braveboy, D-Prince George's. "We have to make sure that we keep [the Voting Rights Act] as the foundation for any redistricting effort."

The Black Caucus wants legislative districts redrawn to reflect a growth in the African American community over the last 10 years. Specifically, they want more Senate seats in Prince George's County and the Baltimore region.



The Senate chamber

"Based on the percentage of African Americans in the state, the number of senators should really be around 14 to 15," Braveboy said. Currently there are nine black senators. "The state has a lot of options. It is not difficult to fix."

Braveboy offered as an example Prince George's County legislative districts 24, 25 and 26. She said District 24 has the highest concentration of African American voters of any state senate district in the country, which could be easily spread out. She called the maneuver "packing" and said most people would view it as a violation of the Voting Rights Act.

According to the 2010 census, Prince George's County is now 80% black and Latino, but four of its eight senators are white, including Senate President Mike Miller, who lives in Calvert County but still represents parts of southern Prince George's County.

The Black Caucus did not join the lawsuit brought by [nine African American citizens](#) in Maryland opposing O'Malley's congressional redistricting plan. But Braveboy pointed to weaknesses in the new congressional map and is hoping current and projected minority growth will be better represented in the legislative redistricting plan.

"In Montgomery County in particular, we saw dilution of every major minority group," Braveboy said, pointing out that Congressional Districts 4 and 8 were both majority-minority prior to redistricting. "All of those groups saw their populations broken up and dispersed into three majority white congressional districts."

"I'm not opining on the legality of the congressional map," Braveboy said. "That will ultimately be determined in a court of law, but I think at some point the argument will be that the populations were diluted and split up in order to create these majority white districts."

The Black Caucus submitted written testimony to the GRAC in October, with an agreement that proposed redistricting maps would be forwarded at a later date. Groups representing third party plans were given a little less than two weeks from the time congressional redistricting maps were passed to officially submit their plans.

The Black Caucus redistricting report argued that the state did little to consider racial fairness over incumbent protection.

"The Commission and Governor could have used their discretion to better recognize minority populations . . . but chose instead to prioritize party and incumbent interests," the report stated.

No legislative map from governor yet

The governor must submit his final legislative redistricting plan to the General Assembly by Jan. 11, the day the legislature convenes. The legislature then has 45 days to modify it, or it becomes law automatically.

The Governor's Redistricting Advisory Committee has yet to release its proposed map to the public. The five-member GRAC is chaired by Jeanne Hitchcock, the

governor's appointments secretary, and includes Miller, House Speaker Michael Busch, Prince George's businessman Richard Seward and former Del. James King, the only Republican.

Some Democrats involved in the redistricting process said it was their understanding the committee was going to release its proposed maps next week with a public hearing scheduled the week before Christmas. But the governor's press office said there are no set time lines or confirmed dates.



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AUG 30, 2010, 10:17AM

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No Shade

Frank A. DeFilippo

The Baltimore State's Attorney race is coming to a head.



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The campaign for Baltimore City state's attorney between incumbent Patricia Jessamy and challenger Gregg Bernstein is more about ebony and ivory than crime and punishment. Race is the fulcrum on which the contest turns, as much because a white man is running against a black woman as how two communities inwardly view themselves.

Bernstein is a hard-nosed former federal prosecutor and many blacks are concerned that if he's elected he'll be exactly that—tough on crime and criminals. Within the black community, the words "crackdown on crime" connote the dreaded phrase "zero tolerance" and lock-ups overflowing with perpetrators of nuisance crimes such as spitting on the sidewalk or loitering near a store-front.

It is one of those toothsome twists, though, that black-on-black crimes far outnumber those committed against blacks by other races. And crime within the black community, much of it drug-related, far outweighs that in any other sector of the city.

But in the half-dozen haute zip codes that pretty much support the entire city, crime is viewed as a protectionist right in neighborhoods that pay super taxes and fund block patrols to keep their living space safe. They want the bad guys locked up and out of the social order and their zones flooded with police and crime-free. Consider the outcry over the recent senseless **killing** of the Johns Hopkins researcher in dowdy-chic Charles Village.

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Bernstein has presented his case again Jessamy as being soft on crime. Her office is often accused of plea bargaining cases instead of taking them to trial. The reverse is that Baltimore juries often allow suspected criminals to walk out of courtrooms free and clear, and plea bargaining to get some punishment is better than losing a case before a jury.

Bernstein's campaign flyer comes right to the point: "Making our streets safer starts with convicting violent criminals and then sending them to jail."

Enter the police. The police department is unhappy with Jessamy as well for what they claim is her office's tatty treatment of cops. The unhappiness went visibly public when Commissioner Frederick Bealefeld put a Bernstein campaign sign on the lawn of his Southwest Baltimore home. And it was amplified when an out-of-uniform police department spokesman appeared in a Bernstein commercial. Also in the commercial is another former municipal employee, DiTanya Madden, witness security coordinator, who claims the state's attorney's office failed to offer protection to the Dawson family.

Bernstein returns the favor in his campaign literature: "I will strengthen partnerships with police, City Hall and state and federal law enforcement."

Bealefeld had insisted that he was acting as "citizen" Bealefeld and not "commissioner" Bealefeld. Nonetheless, Jessamy had called for an investigation into whether Bealefeld had solicited votes for Bernstein in the primary election but backed away from her demand when Bealefeld removed the campaign poster.

The commercial itself, involving the 2005 fire-bombing deaths of seven members of the Dawson family, has become a flashpoint in the campaign. A group of elected officials and community leaders has demanded that Bernstein pull the commercial. And the Baltimore chapter of the NAACP has threatened to apply pressure on Bernstein if he does not withdraw the ad.

This is, without question, the most serious challenge Jessamy has faced since her appointment to the job in 2005. And the election falls curiously out of sync with the city election cycle but in line with state elections because the office of state's attorney in its early inception was created as a state office.

The campaign itself can occasionally become bogged down in a lot of legal mumbo-jumbo and flogging of the public with statistics and records and non-records as the case may be. The public case of crime and criminals is a continuous roundelay of name-and-blame among the police who investigate, the state's attorney's office that prosecutes, and the courts that deliberate. Each blames the other for the louche society that's shooting itself up just for the hell of it.

When Gov. Martin O'Malley was mayor, he told Jessamy to "get off her fat ass" and start prosecuting cases. And he even drew stick-figure cartoons to explain to judges how the criminal justice system works. He brought in criminal justice consultants from New York to impose that city's successful formula for a crackdown on crime in Baltimore. And when he did, the black community went bonkers and demanded that "zero tolerance" be abandoned.

Mayor Rudy Giuliani is usually given credit for lowering the crime rate dramatically in New York through tough policing policies. Those policies are easier to impose in a city as diverse as New York, but much more difficult to apply in a city such as Baltimore with a 70 percent black majority population that has low regard for policing tactics.

What's more, the unsettling side of Giuliani's policies is rarely revealed. During his time as mayor, the City of New York paid out \$538 million to settle police brutality claims, according to *The New York Times*.

The results of the primary election for the two Democrats, for the first time employing early voting, will depend largely on black voter turnout. And that is what Jessamy is relying on in her contest with Bernstein, who has raised far more money so far. Her standing is high among black women in a matriarchic social structure where women are reliable voters; at the same time they detest crime that is tearing apart their neighborhoods and families. That contradiction

Black voter turnout is so critical, in fact, that even O'Malley has swallowed his hostility and endorsed Jessamy out of fear of antagonizing blacks who are mainly Democrats. O'Malley, in his campaigns for mayor and governor, has polled as much as 90 percent of the black vote. Recall that O'Malley had raised the state's attorney's salary to \$225,000 to try and attract a heavyweight candidate against Jessamy four years ago.

Bernstein, whose wife is a criminal justice adviser to Mayor Stephanie Rawlings-Blake, no doubt counts among his financial backers and voters trial lawyers and many other members of the legal establishment. His campaign signs are planted all over his Roland Park neighborhood. Rawlings-Blake has said little about the state's attorney's race but she's closely allied with O'Malley and her get-out-the-vote energy will be important to both contests.

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