Testimony of Maya Wiley, Founder and President, the Center for Social Inclusion before the U.S. House of Representatives Democratic Steering & Policy Committee

A Conversation on Race and Justice in America

Democratic Leader Pelosi, Congresswoman Fudge, Congresswoman DeLauro, Congressman Andrews, and distinguished Members, thank you for beginning a national conversation on race and justice in America. I am honored to be asked to join a distinguished panel of leaders. And it is a pleasure to see you today. But it saddens me to have to be here on this topic. I founded the Center for Social Inclusion (CSI), a national policy organization working to make our nation a more perfect union – the task the President has called this nation to many times. CSI works with grassroots and national allies to develop opportunity-building strategies in, by and for communities of color to better understand and solve systemic weaknesses that the nation needs to solve so that everyone may be able to take care of themselves and their families and participate in our economy and democracy. We work in Southern states, the mid-West and the West – from sea to shining sea.

We strongly agree with the President’s statements in recent days that the social fabric of this country needs repair. At CSI, we have seen firsthand that people, all people, need jobs in
America today. People, all people, need a good education and a way to pay for college. People, all people, need healthy environments to live in, healthy food they can afford and a decent place to live. We, all of us, no matter our race, strive for a better future for our children and pray for a prosperous nation for them to grow up in. It hurts the same, whether we are White or Black to see our children suffer and to fear for their future. Our conversation started today with the pain of the parents of Trayvon Martin, whose worst fears have come true. Their son is dead.

On Sunday night, when my cousin, who is Black, heard that I would be testifying before you today, she emailed me another news story: one I hadn’t heard from Lexington, Kentucky. A 23-year-old college student was shot and killed after getting out of his car to fight two other young men. Prosecutors are not prosecuting the shooter, who, they say, had a right to defend himself. Daniel Covington, the victim, was Black. The shooter is White. News reports make clear that someone in the shooter’s car hurled a racial epithet at Mr. Covington, which is what pulled him from his car that fateful day. What the news reports do not say, apparently, is that Daniel Covington was dating the White ex-girlfriend of one of the two men he fought. My cousin’s stepdaughters were friends with Mr. Covington. They went to high school with him. My cousin’s stepdaughters are White. In an important way, this story holds both the progress we have made on race and the distance we still have to travel. My cousin said to me, “I hope your voice will serve as his.” And I will add I hope my voice will serve as the voice of my cousin’s stepdaughters and all Americans who want to continue down the road of perfecting this union.
Americans deeply value opportunity, fairness, equality and redemption. We hold dear our notion of a fair and impartial justice system, market systems and public systems alike. We believe firmly, whether we are descendants of voyagers on the Mayflower, descended of slaves or newcomers to a land of promise, that we will be judged by our actions. We will be given chances to succeed. When we trip and fall, if we show we are trying to stand back up, we will get a helping hand. We value these things and we are right to.

But, as the President suggested in his historic speech on July 19, 2013, many Black people have a different, yet subtle, set of experiences that feel like race discrimination. It was powerful to hear, and it was necessary to hear. Our lived experiences are very different depending on our race, our gender, our class, our sexual orientation and other identities. The Pew Research Center reported last week that 78% of Black Americans believe that this country needs to discuss race in light of the George Zimmerman acquittal, compared to just 28% of White Americans.¹

We also have very different views of whether we share in the opportunities this country has to offer. An August 2011 Gallup/USA Today poll found that 78% of Americans believed Black people have as good a chance as White people to get a job. A higher percentage of Whites

(78%) believe this compared to 59% of Blacks.\(^2\) The social science suggests that the Black perception of discrimination in employment is very real.

Black Americans with bachelor’s degrees have a harder time getting a job than White Americans with bachelor’s degrees. In fact, one implicit bias study of 1,500 New York City employers found that Black applicants with no criminal records did no better at getting a job than White job applicants with a criminal record.\(^3\) This study counters all our national values. It also demonstrates that the beliefs many White Americans and a relatively high number of Black Americans hold about fair employment decisions are inaccurate.

What we understand much less well is why. Race is still relevant in America today. But not in the way we typically think. Cognitive and social psychology and neurobiology have taught us that race matters in ways the law does not recognize. First, let me distinguish race from racism. When I say “race,” I mean that we are one people, but we do not necessarily have the same opportunities yet based on our racial group. I also mean that we may respond differently to people of different races. And that may be true even when there is no conscious “racism.” When I say “racism,” I mean the conscious or overt belief that one group of people is inferior to another because of their perceived race. We often conflate the two – race and racism – when we try to have this complicated discussion. We shouldn’t.

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I will speak mostly about race. But first let me acknowledge that we still have to confront the ugly reality of racism. It appears that we are becoming a nation with more negative attitudes toward Black Americans. A disturbing 2012 Associated Press poll found that 51% of Americans now express explicit anti-Black attitudes, compared with 48% in a similar 2008 survey. One year earlier, 52% of Americans expressed negative attitudes toward Latinos. This is a disturbing trend. It would also be important to examine attitudes toward Native American and Asian populations.

Shortly after George Zimmerman shot an unarmed Trayvon Martin, Former Miami-Dade Fire Chief Brian Beckmann’s Facebook post read:

I and my coworkers could rewrite the book on whether our urban youths are victims of racist profiling or products of their failed, sh*tbag, ignorant, pathetic, welfare dependent excuses for parents. They're just misunderstood little church going angels and the ghetto hoodie look doesn't have anything to do with why people wonder if they're about to get jacked by a thug.

Mr. Beckmann was demoted. His comments are offensive to many because they are a coarse, negative and dangerous stereotyping of young Black people, particularly those who are poor. And many of us are outwardly offended by, or at least uncomfortable with, this kind of talk. Yet

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it does not change the fact that many Americans agree with the underlying stereotypes at a conscious level. Since the Zimmerman verdict, many have argued that Black people are more violent or commit crimes in higher numbers. To suggest that Black people are inherently violent or criminal is to consciously share a negative racial stereotype about Black people.

Now I want to speak about “race.” Many Americans, even Black and Latino Americans, carry negative stereotypes of Black people and Latinos. Stereotypes can kill. Research shows that college students, and most everyone else, are more likely to shoot a Black man holding an object like a wallet, than a white man holding the same object. Los Angeles police officers judge Black adolescents accused of shoplifting or assault more negatively and as guilty when they have been subliminally exposed to words related to common stereotypes about Blacks rather than words that are not related to the stereotypes. In just two short months between January 1, 2012, and March 31, 2012, 28 Black people were intentionally shot dead. The shooters were most often police, but also security guards and the George Zimmermans of the

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7 See Graham & Lowery, 2004, cited infra fn. 5.
world – the fearful, frustrated and self-styled protectors of their communities. Eighteen of the Black people shot were unarmed.8

Why are so many unarmed Black people assumed to be armed and dangerous and, therefore, shot? Why are Black people more often feared, followed and frisked? And why do Americans perceive Black people as disproportionately violent and thieving? Over the last two decades, researchers have made tremendous strides in understanding how our brains understand race. It’s called “implicit bias.”

Implicit bias refers to the way people unconsciously and sometimes unwillingly exhibit bias towards other individuals and groups. Implicit bias works unconsciously.9 We aren’t aware that our attitudes and behaviors may be based on negative stereotypes hardwired in our brains. Only 2% of our brain function is conscious. Think of the human brain as computer software. Information goes in and the software makes use of it. We do not see all of the algorithms of that software. We usually do not give a second thought to how the computer spits out the answer we asked it or performed the task we demanded. Nonetheless, it happens. Most of us may have some form of it: gender, age, sexual orientation, religion, weight and skin color are all biases. It does not mean that we are bad people. It does mean that race may be influencing us in ways we are unaware of.

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One measure, the Implicit Associations Test (IAT), has had millions of respondents from around the world. That test shows that implicit bias is pervasive. Test results show that over 70% of White respondents have an implicit preference for Whites. So do over 40% of Black respondents. This is important. We assume people of color cannot carry biases against their own group. Not true. Negative stereotypes impact the stereotyped and other people of color too. That is why the social science understands that a Latino or a Black American can also have anti-Black bias.

Research has identified anti-Black implicit bias in education, employment and health care, as well as criminal justice. Teachers have unconscious and unfair low expectations of their Black students. Employers decline to interview job applicants with “Black” names in favor of White applicants with comparable resumes. Pediatricians are less likely to prescribe pain medications to their Black patients. And of course, the criminal justice system itself demonstrates this bias in shooter bias, prosecutorial and judicial decision-making and jury verdicts.

Since we carry implicit bias, it should come as no surprise that we have widely varying views on how racially fair this country is. Even more unfamiliar to most of us is the role our race neutral decisions have on our perceptions about Black people and also others. This is where policy comes in. Take transportation, for example, which impacts all Americans. Two-thirds of jobs in

12 Id.
high-skill industries are at least 90 minutes away by public transit for the typical commuter.\textsuperscript{13}

On average, families spend three times as much on transportation as they spend on health care. Transportation takes more from a family’s budget than either education or food.\textsuperscript{14} But Black and Latino Americans are significantly more likely to be without a car and depend on public transportation. Almost a quarter (24%) of African American households, 17% of Latino households and 13% of Asian American households are car-less compared to 7% of white households.\textsuperscript{15} That means that when Americans of all race unconsciously pair “lazy” with “Black people” it is because they see images of unemployment in the news or in neighborhoods, but do not see the structural unfairness that makes work hard to get to or to get.

High speed internet access - Broadband -- is key if communities are to attract business investment, train workers, educate children, and provide a variety of other services.\textsuperscript{16} In a 2010 report the CSI and the MS State Conference of the NAACP co-authored, we found that in areas with 4 to 7 high speed Internet providers per zip code, for example, there were 378 businesses on average. In communities with zero providers per zip code, there were only 7 businesses on average.\textsuperscript{17} 


\textsuperscript{16} The National Broadband Plan Executive Summary. \textcolor{blue}{http://www.broadband.gov/plan/executive-summary/}. 

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average. If a zip code had 1 to 3 providers, it had an average of 55 businesses. People of color represented the majority of residents in areas of Mississippi with no Internet access.¹⁷

Whether it’s transit spending, broadband spending or any other number of infrastructure investments, far too many Black, Latino and Native American communities have not benefitted sufficiently from them. The result is a national perception that disinvested communities are to blame for their difficulty in finding jobs.

Our policy decisions are impacting our subjective and negative implicit associations of “bad” with “Black.” We should also recognize that many of these policy decisions are race neutral on their face, but are having a big impact on opportunities colored by race.

We are also very segregated by race in our neighborhoods and schools. The American Sociological Association found that between 1977 and 2005, almost 73% of Whites moved from White neighborhoods to White neighborhoods and only 5% of Blacks moved from Black neighborhoods to White neighborhoods.¹⁸ Since neighborhoods remain segregated, so do schools. Latino and Black students are more segregated in schools today than the l960s and “we

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are going backward faster in the areas where integration was most far-reaching,” according to a Harvard report.\textsuperscript{19}

Our institutions, whether criminal justice, health care, education or employment, are all operated by people. And far too many people have biases they are not even aware they have, which our policy decisions have constructed. We can and must recognize, discuss and change this.

Diversity matters a lot here. The more positive, non-competitive contact we have with one another, the more we reduce implicit bias. Also, the more we discuss and recognize that implicit bias exists and the more we invest in discussions, trainings and awareness raising, the more we can counter what we as a nation abhor – judging people, albeit subconsciously, by their appearance and not their actions.\textsuperscript{20} We do not have to live this way.


\textsuperscript{20} See, infra, footnote 7.