

BLACK MALE INITIATIVE CONFERENCE

Focus on the State of Black Education: Investing in the Next Generation of African American Students

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PANEL DISCUSSION: “Challenges Facing African American Male Students: Pre-Kindergarten to High School”

Good morning and welcome to our distinguished guest speakers, panelists and members of this audience.

The topic of this morning’s panel discussion focuses attention on a problem of national dimensions and daunting complexity. The profound challenges¹ that African and Latino students have faced and continue to face in our K-12 public school systems have at last come to public consciousness and are beginning to receive wider attention. The City University of New York, the largest public university in the nation, in 2004 took the lead and decided to launch the CUNY Black Male Initiative as part of its Master Plan for 2004-2008. By concentrating on African and Hispanic male students in our educational systems, however, we are singling out one social group or category from the 48 million students in the elementary and secondary public schools in the United States.² In particular, we are considering the concrete life experiences and life chances of African American and Hispanic males as these are realized or left unrealized within our systems of public education.

¹ Before anything else, let me remark on the title of our Panel Session: Perhaps we should reflect upon what is meant by “challenges.” All of us in this audience, I am sure, associate with this term a host of disparate realities. I am thinking, for example, also of “disadvantage,” “social, economic and educational inequality,” “discrimination,” “diminished life chances,” and unequal distribution of privilege.³ We are using the data from most recent national reports, which concentrate on School Years 2004, and 2005-2006 respectively. 33 percent of the U.S. population in 2005 consisted of minorities. KewalRamani, A., Gilbertson, L., Fox, M., and Provasnik, S. (2007) *Status and Trends in the Education of Racial and Ethnic Minorities* (NCES 2007-039). National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education. Washington, DC. Electronic version released September 12, 2007, <http://nces.ed.gov/pubs2007/2007039.pdf>, p. III

In this connection, I would like to preface my remarks by reading to you what Professor John Hope Franklin, the doyen of African American History and one of the most distinguished Americans has said about black males. In fact, I would like to dedicate my remarks this morning to him. In his autobiography, *Mirror to America*, published in 2005, John Hope Franklin devotes the last pages of the “Epilogue” of his book to the condition of young black males.

I believe a much more accurate measure of American progress toward justice and fairness is in the number of young adult African American men detained in various stages of the criminal justice system as opposed to those in, say, higher education. What does the fact that in 2001 there were more young black men in jails and penitentiaries than in college say for the direction in which our society is moving? We cannot have a healthy and wholesome society as long as the black male is alienated. He has never enjoyed an equal opportunity in the nation’s history.

The rehabilitation and redirection of young black males is not the sole responsibility of their more advantaged senior brethren. After all, our society as a whole and the fate of the least among us are inextricably woven together. And our entire social system bears the special responsibility for the plight of these young people who, in a very real way, may be regarded as a metaphor for the ills of our society and the problems we face.¹

I should also like to cite for you another telling characterization of the conditions of minority children and youth. This passage comes from The Chief Judge of the State of New York, the Honorable Judith S. Kaye and was written on the occasion of a conference, “The Disproportionate Number of Minority Youth in the Family and Criminal Court Systems,” [convened by the Franklin H. Williams Judicial Commission on Minorities and the New York State Family Court Judges Association, September 2006.] Judge Kaye wrote:³

Few issues that come before the courts are as important, and as difficult, as the problems involving children.

High on that list of concerns is the disproportionate number of minority youth who find themselves in the family and criminal courts. Last year over 100,000 young people appeared in those courts. In New York City, 90% of these young

¹ John Hope Franklin. *Mirror to America. The Autobiography of John Hope Franklin*. New York: Farrar, Strauss and Giroux, 2005, pp. 379ff. ³ Letter dated July 13, 2006.

people were minorities. A significant percentage were minorities even in areas of the state with small minority populations.

I. AFRICAN AMERICAN AND HISPANIC MALES IN THE WEB OF INSTITUTIONS

Both John Hope Franklin's and Judith S. Kaye's analyses clearly point to the many different problems that minority children and youth in disproportionate numbers experience. It appears to me essential for today's reflections and discussions to stress that the successes and failures which young African American and Latino males experience -- together with other disadvantaged youths and children -- are brought about within and by means of the complex interactions of major social, economic, cultural and political forces and institutions that simultaneously affect their life courses. Although we wish to focus on the challenges they encounter in the educational institutions of society, these same institutions do not exist in isolation from the circumstances of race, ethnicity, social and economic class -- fault lines that cut across and divide our entire society. Individual children and young people as they progress -- or fail to progress -- from kindergarten to high school and beyond are exposed to and live within a web of institutions that intimately and personally affects each of them. In short, we cannot look at children in our educational systems of K-12 in isolation from these other institutions and social actualities.

Regarded in such broad perspectives, the educational system is only one institution in an entire network of institutions, which individual children often traverse. Even viewed in isolation, our educational institutions represent a formidable apparatus. Most recent analytic studies of the conditions of black males start from the statistical premises that they represent the most "undereducated" or "less-educated" group in American society. They generally

come from poor families and make up the majority of children in the child welfare and foster care systems. In addition, increasing recent interest has begun to highlight the rate of black males who fail to graduate from high school and represent the largest percentage of “drop-outs” and “push-outs” in the nation. If we add to this the recent recognition that minority youth enter a “pipeline” that runs from schools to prisons, the problems become further compounded and seem almost intractable.

After presenting a summary exposition of key data drawn from national, state and local educational institutions, I would also like to touch briefly on certain circumstances that pertain to poverty, the systems of juvenile and criminal justice, and the systems of welfare and child welfare – institutions and systems which daily intersect with the lives of children and young people in our public schools.

II. AMERICAN PUBLIC SCHOOLS: Race, Ethnicity and Gender

As a framework for our discussion, let us take the overall distribution of children in the public schools in the United States for the School Years 2004 and 2005-2006.⁴

National Distribution Of the overall 48 million-student population for 2005-06, 57% were White and 42.9% belonged to minorities (including Black, Hispanic, Asian/Pacific Islander and American

⁴ The other major report was published in June 2007 by the Institute of Education Sciences (ies) of the National Center for Education Statistics, U.S. Department of Education, NCES 2007-352. Sable, J. and Garofano, A. (2007). *Public Elementary and Secondary School Student Enrollment. High School Completions, and Staff From the Common Core and Data: School Year 2005-06 (NECS 2007-352)*. U.S. Department of Education. Washington, DC: National Center for Education Statistics. Retrieved from <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2007352>

Indian/Alaska Native). 8,376,855 or 17.2 percent were Black and 9,641,407 or 19.8 percent were Hispanic.⁵

The National Center for Education Statistics recently reports (September 12, 2007, *Status and Trends in the Education of Racial and Ethnic Minorities*) that in 2005, “the majority of Black and Hispanic Students attended schools with high minority enrollment (75 percent or more), while Asian/Pacific Islanders and American Indian/Alaska Native students were more evenly distributed across schools with different levels of minority enrollment.”⁶

According to these latest statistics, “5 million students, or 11 percent of the total student enrollment”(out of the total “48 million students” in the public schools) were enrolled in the 20 largest school districts. “Minority students represented a larger percentage of enrollment in these 20 school districts (80 percent) than in school districts overall (42 percent).”⁷ New York City has the largest student population among the five most populous public school districts in the U.S. (with 10 percent White, 72 percent Black and Hispanic, 85 percent overall minority representation), followed by Los Angeles (9 percent White, 86% Black and Hispanic, 91 percent overall minority representation), City of Chicago (9 percent White, 88 percent Black and Hispanic, 91 percent overall minority representation), Dade County, FL (10 Percent White, 88 percent Black and Hispanic, 89 percent overall minority representation) and Broward County, FL (35 percent White, 61 percent Black and Hispanic., 64 percent overall minority representation)⁸

⁵ Ibid., p.9 (percentages computed by Gertrud Lenzer). ⁶ Op. cit., p. IV. ⁷ Ibid. p. 32. ⁸ Ibid. p.32. The overall minority representation includes Asian/Pacific Islanders and American Indian/Alaska Native.

Moreover, according to the actual numbers of students, the total enrollment in New York City Public Schools (1,023,479) by far exceeds enrollments in Los Angeles Unified (741,367), City of Chicago (426,812) Dade County School District (368,933) and Broward County School District (274,591). The 85 percent of racial and ethnic minorities in the New York City Public Schools – although not the highest percentage, when compared to Los Angeles and Chicago -- must also, therefore, be contemplated with a view to their sheer numbers. For example, African American students in New York City Public Schools alone equal in number the total enrollment of students in the entire Dade County School District. Such massive concentration of racial and ethnic minority children in urban public schools raises the specter of huge segregated school enclaves with virtually no hope for desegregation ever reaching them.

Focus on Ethnic and Racial Minorities in the New York City Public School System: Compulsory Segregation?⁹ Starting from this national picture, I now proceed to the public school system in New York City as a case study directly relevant to the CUNY Black Male Initiative. Regarded in this perspective, the New York City school system represents virtually a segregated institution in and of itself. Two million children live in New York City with 1.1 million students in its public school system. *85 percent of these school children and students in the New York City system of public education and its 1400 schools come from ethnic minorities.*

⁹ 33 percent of the U.S. population in 2005 consisted of minorities. KewalRamani, A., Gilbertson, L., Fox, M., and Provasnik, S. (2007) *Status and Trends in the Education of Racial and Ethnic Minorities* (NCES 2007-039). National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education. Washington, DC. Electronic version released September 12, 2007, p. III.

The following data are derived from the “Official Audited October 31st

Register” (2006) – “Ethnic Breakdown by Region and Gender (JFORM,)” of the Department of Education. The total of 1,042,078 students are classified as:

Asian 42,173 [%4.52] Hispanic 410,016 [% 39.34] Black 336,191 [% 32.26] White 149,179 [% 14.31]¹⁰

What this means, after subtracting from the total the number of white students, is that *892,899 or over 85% of students in the New York City public school system* belong to ethnic minorities.

Since we are concerned here with the representation of African American and Hispanic males in the New York City public school system, the following breakdown emerges for October 31, 2006:
Black Males 170,753 [%16.40] Hispanic Males 209,902 [%20.10] Total: 380,655 [%36.50]¹¹

This means that *more than one third of all school children in the New York City public school system are Black and Hispanic males.*

When compared to the national background, the disaggregated New York City enrollment data are consistent with the racial and ethnic composition of the 20 largest school districts in other large urban centers. The racial and ethnic distribution

¹⁰ It must be pointed out that, although these data are available on the DOE website, they are difficult to locate. G. Lenzer calculated the percentages. ¹¹ Percentages calculated by G. Lenzer. *Status and Trends in the Education of Racial and Ethnic Minorities* for 2004 reported 15%. The New York Department of Education figure cited here are for October 2006.

calculated here for the New York City public school system is confirmed in the statistics of the just published report.¹²

Other major challenges: High School Completion, Dropouts, Suspension and Expulsion

Dropouts:

In the course of the last few years, the declining rate of high school completion and the concomitant increase in “dropouts” and “pushouts” has become a matter of national attention. Public Advocate Betsy Gotbaum’s Office together with Advocates for Children issued a report on this matter as early as 2002.¹³ Other institutions, among them the Carnegie Corporation of New York, began to pay closer attention to dropouts and students designated as “discharged,” although they were still entitled to be schooled. In February 2005, the Educational Testing Service published a Policy Information Report, *One-Third of a Nation: Rising Dropout Rates and Declining Opportunities*,¹⁴ according to which one-third of our students do not complete high school.

National figures for 1989 – 2005 reported in *Status Trends in the Education of Racial and Ethnic Minorities*, published on September 12, 2007, state that “the percentage of

¹² Op. cit., see table (15 percent White, 33 percent Black, 39 percent Hispanic, and 13 percent Asian/Pacific.), p. 32. ¹³ The Public Advocate for the City of New York, Betsy Gotbaum, and Advocates for Children. *Pushing Out At-Risk Students: An Analysis of High School Discharge Figures*. Report. November 21, 2002. Also accessible at

http://pubadvocate.nyc.gov/policy/pdfs/pushing_out_at-risk_students.pdf

¹⁴ Paul Barton, Princeton, N.J.

16- to 24-year-olds who were status dropouts decreased from 13 – 9 percent.¹⁵ In 2005 (as in 1989) the status dropout rate for Hispanics was higher (22.4 percent) than that of Blacks (10.4 percent.)¹⁶ For the same year, however, the dropout rate for all racial and ethnic minorities amounted to 49.7 percent.¹⁷

As for New York City, the Department of Education recently released *NYC Secondary Reform. Selected Analysis*¹⁸. The report is confusing, if not obfuscated, so much so that I do not venture to summarize any tables or conclusions from it.

Suspensions and Expulsions

In this connection and on a national scale, the latest reported data from *Status and Trends in the Education of Racial and Ethnic Minorities* for public school children from kindergarten through 12th grade for 2003, especially with respect to Black and Hispanic males are of relevant interest. According to the report,

	Repeated grade	Suspended	Expelled
		m: 24.2% f:	
Black	m: 22.6% f: 12.0%	15.2%	m: 6.7% f: 3.3%
Hispanic	m: 11.3% f: 9.8%	m: 14.4% f: 6.2%	m: interpret data with caution, not quoted here. ¹⁹

¹⁵ “Status dropout rate is “the percentage of 16- to 24-year-olds who are not enrolled in school and have not earned a high school credential.”) *Status and Trends in the Education of Racial and Ethnic Minorities*, p.88. ¹⁶ Ibid. p. 88. ¹⁷ Ibid., p.88 ¹⁸ Boston, MA: Parthenon Group, no year. A very complex and in many ways confusing document. The document uses the following definitions for “Overage and Under-Credited”: At young people of age 16 with fewer than 11 credits, age 17 with fewer than 22 credits, age 18 with fewer than 33 credits, and age 19-21 with

fewer than 44 credits fall in this category. See p. 5.

¹⁹ op. cit., p. 86.

This means that close to a quarter of all African American males have been suspended (compared to 13% whites) and more than double the percentage of black males (22.6%) repeated a grade when compared to whites (10%). 6.7 percent of Black males were expelled. Of the 21.1 percent Hispanic students of the national total, 14.4 percent of male students were suspended. (The data for expulsion were identified as not reliable.)

In New York City public schools, the dropout – expulsion rate as quoted has been between 30 and 35 percent.

Unemployment of Young African American Males: A National Picture of the “Forgotten Half” and “Disconnected Youth”²⁰

The intimate connections of unemployed and jobless African American youth and the educational system represent yet another instance of the interconnectedness of the web of institutions referred to earlier. In a recent study, *The Educational Attainment of the Nation’s Young Black Men and Their recent Labor Market Experiences: What Can Be Done to Improve Their Labor Market And Educational Prospects?*²¹

the authors discuss the importance of high school and college completion in the lives of black males and the devastating consequences for school dropouts:

For males in each of the three race-ethnic groups (Blacks, Hispanic, and Whites), employment rates in 2005 increased steadily and strongly with their educational attainment. This was especially true for Black males, for whom employment rates rose from a low of 33% among high school dropouts to 57% among high school graduates and to a high of

²⁰ Ronald B. Mincy (ed.). *Black Males Left Behind*. Washington, D.C.: The Urban Institute Press, 2006, p.1 ²¹ Andrew Sum, Ishwar Khatriwada, Joseph McLaughlin and Paulo Tobar. Center for Labor Market Studies. Northeastern University, Boston, MA, February 2007. “The Economic Plight of Inner-city Black Males,” the Diversity Lecture delivered by William Julius Wilson at Brooklyn College in March 2007 drew on some of these data. He also focused particularly on inner city Black males and engaged in a discussion with Orlando Patterson’s emphasis on cultural factors in the lives of Black males. Wilson stressed the importance of structural factors in the economic plight of Black males and advocated that only an interconnected approach between structural and cultural factors and arguments.

86% among four college graduates. The fact that only 1 of every 3 young Black male high school dropouts was able to obtain any type of job during an average month in 2005 should be viewed as particularly distressing since many of these young men will end up being involved in criminal activities during their late teens and early 20s and then bear the severe economic consequences for convictions and incarceration over the remainder of their working lives.²²

This superb study follows the correlations between educational achievement or lack thereof in a variety of perspectives. Of particular interest are their findings that

The earnings advantages of better-educated Black males do not dissipate as they age. In fact, the earnings differentials between more highly educated men and their less educated counterparts tend to widen as they age reflecting a combination of more hours of work and higher wages among better-educated men.²³

This instructive report ends with the following recommendations:

Overcoming the educational and Labor market problems of the nation's young Black men will require coordinated initiatives on a wide array of fronts. There is no one single solution to this interrelated set of problems. The academic achievement skill deficit, educational deficits, and employability/earnings problems of young Black men are closely intertwined. Limited academic achievement (reading, math, writing) reduces their educational attainment, and both increase the difficulties in obtaining skilled employment and access to training opportunities both on and off the job.²⁴

In this connection, another important publication must be mentioned. *Black Males Left Behind*, edited by Ronald B. Mincy of the Urban Institute last year, analyses in great detail the relationship between less-educated African American and Latino young men in the age group from 16 to 24 years and the American labor market. This is not the place and time to discuss in detail this important publication, but it also focuses on the urgent need to help reduce the numbers of these less- or under-educated members of our society. Here is one of the relevant conclusions of the chapter, "Left Behind: Less-Educated Young Black Men:"

While the proportion of less-educated non-enrolled [in labor market] young men that is black has remained fairly stable (13.1 percent in 1979, 15.8 percent in 1989, and 15.0 percent in 1999), the actual number of these men in the labor force declined from 1.03 million in 1979 to 898,000 in 2001.

²² Ibid., pp. 2f.

²³ Ibid., p. 11. ²⁴

Ibid., p. 36.

This drop coincided with the rapid growth in the number of young black men who are incarcerated or otherwise involved in the criminal justice system.²⁵

III. DISTRIBUTION OF WEALTH AND INCOME IN THE UNITED STATES: POVERTY AND EDUCATIONAL SUCCESS OR FAILURE

For a fuller understanding of successes and failures of our children and young people in the educational institutions, we must simultaneously take into account the distribution of wealth and income in our society and its attending stratifications of social, economic and cultural privilege or the absence of such privilege. These variables are generally considered to be crucial in any such analysis. The intersections and interdependencies between class, race and educational achievement need continual analysis.

Child Poverty

Overall demographics:

According to the Federal Interagency Forum on Child and Family Statistics (2007), about 73.7 million children under the age of 18 live in the United States.²⁶ The UNICEF Innocenti Research Center in its 2007 *Child Poverty in Perspective. An Overview of Child –Being in Rich Countries* reports that the “relative income poverty” of children from 0-17 years in the United States is well over 20% -- the highest among the world’s 24 richest countries.²⁷ Other recent studies by the Annie E. Casey Foundation and the National Center for Children in Poverty offer similar results. The overall picture includes that 1 in 5 children live in poverty; 2 in 5 children live in

²⁵ Ibid., p. 3. ²⁶ *America’s Children: Key National Indicators of Well-Being, 2007*. Washington, D.C., as quoted in material prepared by the Campaign for U.S. Ratification on the Rights of the Child, July 2007. ²⁷ UNICEF (2007). *Child Poverty in Perspective: An Overview of Child Well-Being in Rich Countries, Innocenti Report Card No. 7*. Florence, Italy: UNICEF Innocenti Center, p.7 and passim. Relative income poverty is defined as “households with equivalent income less than 50% of the median.”

low-income families, and 12.4 million children live in households with inadequate access to food.

U.S. Poverty in African American, Hispanic and Native American Families:

According to the Government Accountability Office report of July 2007²⁸ which uses the data of the U.S. Census American Community Survey, 2005: “Across the nation, an estimated 23 percent of all African American families lived below the poverty level compared to only 6 percent of Whites, making African Americans nearly four times more likely to live in poverty.” In addition, “The next highest percentages of families living below the poverty level were Hispanic and Native American families, both at 21 percent.” In fact, African American and Hispanic children are deeply affected by poverty, 1 in 4 Latino children and 1 in 3 African American children. [Find source] As a result, large numbers of students in our public schools do come from families which are poor or live below the poverty level. The effects of poverty on school performance and attainment are dramatically demonstrated in a just published study of all students from low-income households and who start first grade as “high achievers.”

Relationship Between Low-Income Family Background and School Achievement: High-Achieving Students from Low-Income Households

Beyond the conventional confirmation of the dismal circumstances of underachieving children from poor families, this report, published last month, focuses on

²⁸ United States Government Accountability Office (GAO) Report to the Chairman, Committee on Ways and Means, House of Representatives. *African American Children in Foster Care. Additional HHS Assistance Needed to help States Reduce the Proportion in Care*. Washington: GAO –07-816, July 2007; p. 18. (Retrieved and printed August 2007).

children from low-income families, who start out in first grade as high-achievers and the alarming downward developments as they travel through the educational system.

*Achievement Trap: How America Is Failing Millions of High-Achieving Students From Lower-Income Families*²⁹ is a study and comparison of 3.7 million high-achieving K-12 children “residing in households with incomes below the national median rank in the top quartile academically”³⁰ when matched with cohorts from families with higher incomes. The “unequal start” is best characterized by the circumstance that among “first-grade students performing in the top academic quartile, *only 28 percent are from lower-income families, while 72 percent are from higher income families.*”³¹ *Achievement Trap* finds that in this comparison of academic performance, “[I] there are far fewer lower-income students at the highest levels than there should be, they disproportionately fall out of the high-achieving group during elementary and high school, they rarely rise into the ranks of high achievers during these periods, and, perhaps, most disturbingly, far too few ever graduate from college or go on to graduate school.”

For the purposes of our discussion, *Achievement Trap* concludes that there “are also significant differences in the high-school performance of different racial and ethnic groups.... African-American students from lower-income families have a

²⁹ Joshua S. Wyner, John M. Bridgeland, John J. DiIulio, Jr.. A Report by the Jack Kent Cooke Foundation & Civic Enterprises with Original Research by WESTAT, September 2007, 68 pages. See also “High-Achieving Students in Low-Income Families Said Likely To Fall Behind,” *Education Week*, September 19, 2007, p.12. The report is based on “three federal databases that during the past 20 years have tracked students in elementary and high school, college, and graduate school,” p. 4. The key measures used are reading and math scores. ³⁰ Ibid. p. 4. ³¹ Ibid., p. 5.

much smaller chance of rising into the top quartile in either math or reading during that period.”³²

IV. JUVENILE AND CRIMINAL JUSTICE SYSTEMS

The retention, suspension, expulsion and dropout rates in our national and local K-12 public schools, as we noted earlier, cannot be viewed without their often intimate connections to the systems of juvenile and criminal justice. Of particular interest here are the disciplinary measures employed in our public schools. Little known to most people, the Disciplinary Code³³ – from Kindergarten to grade 12 within the New York City public school system— is an extraordinary document and instrument for “disciplining” school children in our city. As remarked by the Supervisory Judge of one of New York City’s five Family Courts, this disciplinary code does not provide adequate representation for the students facing disciplinary measures or for their parents. Only students and their parents who are able to afford legal counsel have a fair chance of being adequately represented once a student faces disciplinary sanctions. (Source: personal conversation.)³⁴ In recent years, the movement of school children and young people from the public schools into local and state detention centers, jails and prisons as many of you have heard has come to be known as the “prison pipeline.”

³² Ibid, p. 18. ³³ The New York City Department of Education. *Citywide Standards of Discipline and Intervention Measures. (The Discipline Code and Bill of Student Rights and Responsibilities, K-12.)* Effective September 2007. ³⁴ Many organizations such as Advocates for Children try to assist parents with children in disciplinary procedures, but it is only a fraction of the overall cases.

Children and Juveniles in Detention Centers and Prisons: The Case of New York City and New York State

The vast numbers of children and youth in detention centers, jails and prisons represent in practice an invisible reality. They together with the thousands of foster care children in New York City and State alone have become our invisible children. That the overwhelming majority of these children come from minorities and are Black or Hispanic is a terrible and damning social fact. And there are more Black and Hispanic males in the prison and foster care population than young females.

In New York City alone we have within the last year, according to the latest 2007 Mayor's Management Report,³⁵ admission of nearly 6000 youth, ages 7 – 15, to the “three secure and 17 non-secure detention group homes throughout the City.”³⁶ The secure detention centers are Bridges – formerly Spofford, Crossroads, and Horizon. “The average daily cost per juvenile in detention”³⁷ is for Fiscal 2007 \$551, which equals over \$200,000 per year. 82% of these detainees are male and 18% of them are juveniles.³⁸ Other sources point out that 95% of these juveniles are “African American and Latino youth,” who comprise a little less than two-thirds of all youth in New York City.” By contrast, 5% of white youth who as a whole “comprise 25 percent of all children in New York City”³⁹ are detained. That most of these

³⁵ It is important in New York State to distinguish between “juvenile delinquents” (JDs) and “juvenile offenders,” JO's. Family Court adjudicates juvenile delinquents from 7 – 15 years of age. By contrast, all children 13, 14 and 15, who are accused of a felony, are directly remanded to criminal court and tried as adults. The New York Juvenile Offender law came into existence in 1978.

³⁶ *The Mayor's Management Report. Fiscal 2007. City of New York. Michael R. Bloomberg, Mayor, September 2007, p.141.* <http://www.nyc.gov/html/ops/downloads/pdf/mmr/djj.pdf> (September 19, 2007), which contains the report of Neil Hernandez, Commissioner of the Department of Juvenile Justice. ³⁷ *Ibid.*, p. 142. ³⁸ Information from Mischi Faruque, Correctional Association. ³⁹ “Juvenile Detention in New York City,” Correctional Association, September 200, 2 page flyer.

incarcerated children come from the poorest neighborhoods does not come as a surprise.

On the New York State level, OCFS operates 34 youth prisons and jails. The racial and ethnic divisions correspond pretty much to those of the NY City public schools. Blacks and Hispanic youth make up about 85% of all these inmates.

In short then, the large percentages of Black and Hispanic adult men in our national and state penitentiary systems, has its equivalent and counterpart among children and young people under the age of 16 in detention centers and youth prisons across the city and state of New York.

The Effects of Mass Incarceration on Families, Neighborhoods and Communities

We must, however, add to the detention and incarceration of children and juveniles the circumstance that many of Black and Hispanic children and juveniles live in families and neighborhoods that include incarcerated fathers as well as mothers, brothers and sisters, uncles and aunts, friends and neighbors. In *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*, the editors argue that “the routine workings of an increasingly massive and punitive criminal justice system have consequences not only for these individuals whose lives are directly touched, but for an extended group of parents, spouses, children, friends, and communities who have committed no crimes but must suffer the largely invisible punishment that are the result of our current approach to criminal justice.”⁴⁰ In one of its chapters, Todd R.

⁴⁰ Marc Mauer and Meda Chesney-Lind (eds.) New York: New Press, 2003, p.1.

Clear – one of our colleagues in CUNY – argues that “The lifetime probabilities of spending time in prison are 28.5 per 100 for African-American males and 16 per 100 for Hispanic males, about six and four times higher respectively, than for white males. Incarceration is far more an issue for minority communities than in white communities, especially young men.”⁴¹

⁴¹ “The Problem with ‘Addition by Subtraction’: The Prison-Crime Relationship in Low-Income Communities,” *ibid.*, p.184.