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Testimony regarding Bill 25-0152, the Reparations Foundation Fund and Task Force
Establishment Act of 2023

“The District of Columbia (was) the very citadel of slavery, the place most zealously watched and guarded by the slave power and where humane tendencies were most speedily detected and sternly opposed.”

-Frederick Douglass, 1883¹

The Black people of the District of Columbia have been systematically robbed. While we celebrate the District as the thriving metropolis it is today, it is also marked by profound racial disparities that have stolen Black wealth, power, labor, and lives. In the words of one Ward 7 resident, the District is a “Tale of Two Cities.”² In the telling of others, it is the former Chocolate City, which has increasingly isolated, disadvantaged, and displaced its Black residents.³ It is a city in which the racial wealth gap and income inequality are astronomical.⁴ It is a city in which the homes of Black people are largely segregated in the Southeast quadrant, and their jobs mostly segregated in lower-wage occupations.⁵ It is a city in which Black people experience profound disparity in homeownership rates, home values, and educational opportunity and outcomes. It is a city that arrests its Black residents at disproportional rates, and whose prison population is overwhelmingly and persistently Black.⁶

¹ *Black Workers Matter*, D.C. FISCAL POLICY INSTITUTE, (2020), https://www.dcfpi.org/all/black-workers-matter/#_edn1 (citing Angela Y. Davis. *Women, Race & Class*. Vintage Books, 1981, pg. 103.)

² Dyana Forester (Ward 7 resident), *Washington, D.C.: A Tale of Two Cities* (Dec. 2016), HUFFPOST.COM, https://www.huffpost.com/entry/dc-a-tale-of-two-cities_b_5846e6eee4b016eb81d823e5

³ *See, e.g.*, D.C. POLICY CENTER, GOODBYE TO CHOCOLATE CITY (July 20, 2017), <https://www.dcpolicycenter.org/publications/goodbye-to-chocolate-city/>

⁴ As described further below, in 2016, white households had 81 times the wealth of Black households in the D.C. metro region. Kilolo Kijakazi et al., *The Color of Wealth in the Nation's Capital*, URBAN INSTITUTE, https://www.urban.org/sites/default/files/publication/85341/2000986-2-the-color-of-wealth-in-the-nations-capital_8.pdf

⁵ Maps of the District's demographics from 1970 to 2015 present a stark picture, showing the Black population of the city being pushed from the north and central parts of the city into the District's southeast quadrant. Further, Black students are more likely to attend public schools that are under-resourced, outdated, and over-policed than white students. *See infra* “Harms in housing” and “Harms in education.”

⁶ In a city that is 46% Black, 90% of the District's prison population is Black. DC DEPARTMENT OF CORRECTIONS, FACTS AND FIGURES (January 2023) at 17

These racial harms are not new; nor are they inevitable. They are the legacy of chattel slavery and the exploitation of Black bodies and labor. Infamously, our country and its federal capital in Washington, DC were established on land annexed from Potomac slave plantations.⁷ The new capital was constructed by enslaved Black people, whose enslavers received payment for their forced labor.⁸ Enslaved people built the White House and the U.S. Capitol, and worked in the White House and President’s House.⁹ Washington, DC was a bustling thoroughfare for the U.S. domestic slave trade, with traffickers facilitating the sale of enslaved laborers throughout the South.¹⁰ White supremacy is thus interwoven with the founding and history of the United States, its federal capital, and the city of DC.

The current racial harms also harken back to hundreds of years of racist policy enacted at the hands of both federal and local District powers, including Home Rule starting in 1973. For over two centuries, our government— at both the federal and local level — has systematically enacted policies to dispossess Black people of their ability to own property and to create wealth. Even though slavery was abolished in the District in 1862, the effects of slavery have impacted, and continue to impact, every facet of Black life in DC. The generational ramifications of slavery systematically stripped and have continued to rob Black people of their wages, property, civil rights, and freedom to this day.

The Washington Lawyers’ Committee for Civil Rights and Urban Affairs¹¹ recognizes reparations as an urgent moral and economic imperative, and supports the Reparations Foundations Fund and Task Force Establishment Act of 2023 as a necessary first step. First, reparations are a long-overdue response to halt the theft that has been, and continues to be, inflicted on generations of Black people in DC. Second, the concept of reparations is rooted in legal and historical precedent, both nationally and with respect to DC. Finally, we urge the Task Force to review DC policies and practices over the past 50 years that have perpetuated the theft of Black wealth and opportunity.

Reparations Is Rooted in Historical and Legal Precedent

The U.S. civil legal system is grounded in the concept of providing remedies for violations of rights — an analogue for the concept of reparations. Broadly speaking, the practice of quantifying harms to calculate monetary compensation is central to the operation of our laws. When calculating compensation for economic harms, legal decision-makers look to measures of wages unlawfully withheld, projections of future earnings, lost profits, and property damage, to

<https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/DC%20Department%20of%20Corrections%20Facts%20and%20Figures%20January%202023.pdf>

⁷ *The Complexities of Slavery in the Nation’s Capital*, THE WHITE HOUSE HISTORICAL ASSOCIATION, <https://www.whitehousehistory.org/the-complexities-of-slavery-in-the-nations-capital>

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ The Washington Lawyers’ Committee was founded in 1968 to confront racial injustice, civil rights violations, and fight poverty in our community. We work to create legal, economic and social equity through litigation, advocacy, and public education. While we fight discrimination against all people, we recognize the central role that current and historic race discrimination plays in sustaining inequity. We partner with individuals and communities in Washington DC region to achieve justice.

name just a few. The law also permits compensation for emotional distress, dignitary injury, mental anguish, physical trauma, and diminished quality of life. While there is often no specific formula to quantify these non-economic harms, this ambiguity poses no barrier. Juries determine the monetary value of what they believe to be fair and just compensation. Judges also have the authority to award injunctive relief — namely, to order someone to do something, or stop doing something, to rectify harm. Further, the law recognizes that, when an injury is immediate and irreparable, a court may take immediate action and order that the harmful conduct be stopped in its tracks.

The concept of reparations also has historical precedent. For example, when President Lincoln signed a bill in 1862 ending slavery in the District of Columbia,¹² the law also (cruelly) provided compensation to former enslavers. The board administering the act processed 930 petitions and approved compensation to the enslavers of 2,989 formerly enslaved people.¹³ More appropriately, in 1988 the federal government provided reparations to Japanese Americans for the injustices of evacuation, relocation, and imprisonment.¹⁴ The U.S. government established an Office of Redress Administration charged with administering a 10-year program to provide tax-free payments to eligible individuals of Japanese ancestry. Over \$36,974,240 was ultimately awarded.¹⁵

Finally, the District of Columbia would not be the first city to move toward a system of reparations. The movement for reparations has been led by generations of Black leaders, including Callie Guy House,¹⁶ “Queen Mother” Moore,¹⁷ James Forman,¹⁸ and others. In recent years several cities have developed and implemented reparations, including San Francisco¹⁹ and Evanston.²⁰ The state of California has established a task force to make recommendations on reparations.²¹ Closer to home, Georgetown University, which once owned and sold 272 enslaved people, has decided to pay reparations by offering scholarships to descendants of the people once enslaved and sold by the University.²²

¹² *The District of Columbia Emancipation Act*, NATIONAL ARCHIVES, <https://www.archives.gov/exhibits/featured-documents/dc-emancipation-act>

¹³ *Id.*

¹⁴ *Search the Compensation and Reparations for the Evacuation, Relocation, and Internment Index (Redress Case Files)*, NATIONAL ARCHIVES, [https://www.archives.gov/research/japanese-americans/redress#:~:text=The%20Office%20of%20Redress%20Administration%20\(ORA\)%20was%20established%20in%201988,internment%20during%20World%20War%20II.](https://www.archives.gov/research/japanese-americans/redress#:~:text=The%20Office%20of%20Redress%20Administration%20(ORA)%20was%20established%20in%201988,internment%20during%20World%20War%20II.)

¹⁵ *Id.*

¹⁶ Andrew Curry, *Callie Guy House (Ca. 1861-1928)*, BLACKPAST.ORG, (July 6, 2010), <https://www.blackpast.org/african-american-history/callie-house-c-1861-1928/>

¹⁷ Ashley Farmer, *Somebody Has to Pay: Audley Moore, Mother of the Reparations Movement*, AAIHS.ORG, <https://www.aaihs.org/somebody-has-to-pay-audley-moore-mother-of-the-reparations-movement/>

¹⁸ *The Black Manifesto at The Riverside Church*, TRNYC.ORG, <https://www.trnyc.org/blackmanifesto/>

¹⁹ *What does it take to support thriving Black communities across San Francisco?*, SAN FRANCISCO REPARATIONS, <https://www.sf reparations.org/>

²⁰ EVANSTON LOCAL REPARATIONS, CITYOFEVANSTON.ORG, <https://www.cityofevanston.org/government/city-council/reparations>

²¹ *AB 3121: Task Force to Study and Develop Reparation Proposals for African Americans*, Rob Bonta Attorney General, <https://oag.ca.gov/ab3121>

²² GU272 DESCENDANTS ASSOCIATION, <https://www.gu272.net/>

The Harms Experienced by Current Black District Residents Have Both Historical and Modern-Day Roots

Black District residents are experiencing harms from historic and modern systems that steal Black wealth, opportunity, and lives. The Washington Lawyers' Committee was created in 1968, a few years before the beginning of D.C. Home Rule. Over the last 55 years we have challenged DC laws and policies that have perpetuated the legacy of theft. Our practice areas focus on these pernicious policies, including housing and criminal legal system reform.

The District's history of de jure housing discrimination has led to present-day housing segregation and inequality.²³ Even after better-known discriminatory practices, such as restrictive covenants and redlining, had become unlawful, District government policy perpetuated housing segregation by taking action that pushed Black residents East.²⁴ The District's zoning and land use policies maintained single-family homes in neighborhoods such as majority-white Ward 3, while concentrating apartment buildings in low-income areas like Ward 8.²⁵ Early 2000s policies set into motion gentrification and rising costs,²⁶ from which the city still suffers today. In 2003 then-Mayor Williams announced a policy to attract 100,000 high-income new residents to DC. The plan targeted neighborhoods that were overwhelmingly African American and had experienced decades of disinvestment. These private "commercial, housing, and capital investments"²⁷ caused housing costs to rise dramatically and drove out Black residents.

The District's criminal legal practices have also been a driver of inequality in the city.²⁸ In 1981, three years before the federal government passed mandatory minimum sentences, the District dramatically tightened its criminal sentencing laws as a punitive response to the city's drug addiction crisis.²⁹ While the 1981 law contained only higher maximum sentences for the sale of drugs,³⁰ an increase in mandatory minimums swiftly followed in 1982, increasing sentences for violent crime while armed with a gun and the sale of drugs.³¹ Subsequent years saw drug prosecutions rise by nearly 300 percent, and arrests for the sales of drugs increase by a

²³ See, e.g., Metropolitan Regional Fair Housing Plan Comment by the Washington Lawyers' Committee for Civil Rights and Urban Affairs (March 31, 2023).

²⁴ Testimony of Jonathan M. Smith, Executive Director, Washington Lawyers' Committee for Civil Rights and Urban Affairs before the Committee on Government Operations, B23-0038 – Racial Equity Achieves Results Amendment Act of 2019, <https://www.washlaw.org/wp-content/uploads/2019/04/REAR-Act-testimony.pdf> (citing Mapping Segregation, Prologue DC, <https://www.arcgis.com/apps/MapJournal/index.html?appid=061d0da22587475fb969483653179091>); see also The Color of Wealth in the Nation's Capital, *supra* note 4.

²⁵ Kathryn Zickuhr, *Discriminatory housing practices in the District: A brief history* (Oct. 24, 2018), D.C. POLICY CENTER, <https://www.dcpolicycenter.org/publications/discriminatory-housing-practices-in-the-district-a-brief-history/>

²⁶ DISTRICT OF COLUMBIA ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE 2006-2011, DISTRICT OF COLUMBIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (April 2012), <https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/DC%20AI%202012%20-%20FINAL.pdf>

²⁷ *Neighborhood 10: Ten Strategies for a Stronger Washington*, BROOKINGS INSTITUTE (April 17, 2003), [Microsoft PowerPoint - brookings pdf.ppt](#)

²⁸ See Testimony of Jonathan M. Smith, *supra* note 24.

²⁹ James Forman Jr., *LOCKING UP OUR OWN: CRIME AND PUNISHMENT IN BLACK AMERICA* (2017) at p. 124, 133.

³⁰ *Id.* at 133.

³¹ *Id.* at 139.

factor of 15.³² Due to residential segregation in the city, the violence related to addiction was concentrated most heavily in poor Black neighborhoods, meaning that the punitive response was also focused most heavily there.³³ At the same time, little was done to treat drug addiction or invest in non-policing solutions to the social problems.³⁴ While the federal government waged a War on Drugs, the DC government carried out Operation Clean Sweep, in which the Metropolitan Police Department made 46,000 arrests in the first 18 months — one for every 14 residents, and more drug arrests per capita than any other comparable U.S. city.³⁵ In 1990 the Sentencing Project began documenting the outcomes of these policies.³⁶ In a statistic that was shocking yet foreseeable, one in four young Black men were on probation, on parole, in prison, or in jail.³⁷ Further, as described by legal scholar James Forman Jr., “a culture of impunity flourished with regard to . . . police intrusions into the daily lives of black citizens. Swearing and yelling, making belittling remarks . . . conducting random and unwarranted searches . . . especially for young people, this treatment became part of the social contract, a tax paid in exchange for the right to move in public spaces.”³⁸ The impacts of involvement with criminal law have been devastating, resulting in multigenerational poverty.³⁹

These policies in housing and criminal law, employed deliberately by the DC government, are an important piece of historical theft. Below, we explore some of the racial harms that have endured in DC because of these policies as well as the legacy of slavery and Jim Crow.⁴⁰

Harms in housing

As noted in 2012 by the DC Department of Housing and Community Development, “[n]o other racial or ethnic group is as segregated as the District’s Black population.”⁴¹ Maps of DC demographics from 1970 to 2015 present a stark picture, showing the Black population pushed from the north and central parts of the city into the southeast quadrant.⁴² Many residents have left the District altogether for neighboring Prince George’s County, Maryland.⁴³ In 2016 very low-income families could afford only 7 percent of rental units located west of Rock Creek Park

³² *Id.* at 143-4.

³³ *Id.* at 162, 174.

³⁴ *Id.* at 147, 169.

³⁵ *Id.* at 176.

³⁶ *Id.* at 205.

³⁷ *Id.*

³⁸ *Id.* at 171.

³⁹ Jaboa Lake, *Criminal Records Create Cycles of Multigenerational Poverty*, CENTER FOR AMERICAN PROGRESS (Apr 15, 2020), <https://www.americanprogress.org/article/criminal-records-create-cycles-multigenerational-poverty/>

⁴⁰ While our analysis is organized into sections for ease of reading, we note that all of these harms are inextricably interrelated.

⁴¹ DISTRICT OF COLUMBIA ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE AT 2, *supra* note 26.

⁴² *Percent Black Population 1970, Percent Black Population 2015*, DC POLICY CENTER, <https://dcpolicycenter.wpenginepowered.com/wp-content/uploads/2017/07/Dissimilarity-Index-2.png>

⁴³ DISTRICT OF COLUMBIA ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE AT 2, *supra* note 26 page 3; *see also* AN ANALYSIS: AFRICAN AMERICAN EMPLOYMENT, POPULATION & HOUSING TRENDS IN WASHINGTON, D.C., GEORGETOWN UNIVERSITY, p. 6, <https://georgetown.app.box.com/s/769rvofp6ow18vqi7hbvh83778g8z9xd>

but could afford 67 percent of rental units east of the Anacostia River.⁴⁴ In 2018 virtually all units that remained affordable and large enough for low-income families in particular were east of the Anacostia.⁴⁵ The DC overall Black population has dropped accordingly from 71 percent at its peak in 1970⁴⁶ to 59 percent in 2000 and 41 percent in 2022.⁴⁷ A 2023 report indicates that even Wards 7 and 8 are now seeing a decrease in Black homeowners as housing prices continue to increase.⁴⁸

In 2017 the Washington Lawyers' Committee represented the Barry Farms Tenants' association in opposition to the redevelopment of a Ward 8 housing complex. The redevelopment plan intended to decrease the number of family-sized units, threatening to displace multi- and single-generation resident families.⁴⁹ In anticipation of the redevelopment, the District Housing Authority permitted the Barry Farm units to fall into a state of gross disrepair, inducing families to transfer to more distant public housing even before the redevelopment began.

The economics of home-ownership are equally stark. While in 2016 the average white first-time homebuyer could afford 29 percent of homes sold in the city, the average Black first-time homebuyer could afford only 9.3 percent.⁵⁰ Less than half of Black households — 43 percent — owned their home as of 2016,⁵¹ and homeownership was lowest in the southeast quadrant where in 2018, 82 percent of housing units were occupied by renters.⁵² Further, as of 2016, the average home value for Black households in the DC region was roughly \$250,000, about two thirds of the home value for white households.⁵³

⁴⁴ *A Vision for an Equitable DC*, URBAN INSTITUTE (Dec. 12, 2016), <https://www.urban.org/features/vision-equitable-dc>

⁴⁵ Yesim Sayin Taylor, *Taking Stock of the District's Housing Stock*, D.C. POLICY CENTER (March 2018), https://www.dcpolicycenter.org/wp-content/uploads/2018/03/DC-Policy-Center-Housing-Report.final_March25.pdf

⁴⁶ *The Color of Wealth in the Nation's Capital*, *supra* note 4.

⁴⁷ Steven Overly, Decele Smith-Barrow, Katy O'Donnell and Ming Li, *Washington Was an Icon of Black Political Power. Then Came Gentrification*, POLITICO.COM (Apr. 15, 2022), <https://www.politico.com/news/magazine/2022/04/15/washington-dc-gentrification-black-political-power-00024515#:~:text=As%20D.C.%20has%20skyrocketed%20in,from%2059%20to%2041%20percent>.

⁴⁸ Brett Theodos and Iilina Mitra, *Homeownership and Race in DC Communities East of the Anacostia River*, URBAN INSTITUTE (February 2023), <https://www.urban.org/sites/default/files/2023-02/Homeownership%20and%20Race%20in%20DC%20Communities%20East%20of%20the%20Anacostia%20River.pdf>

⁴⁹ *Barry Farm Tenants and Allies Ass'n et. al., v. District of Columbia Housing Authority, et al. ("Barry Farm") Fact Sheet*, WASHINGTON LAWYERS COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (Aug. 29, 2017), <https://www.washlaw.org/barry-farm-fact-sheet/>; see also *Watch Committee Staff Attorney Catherine Cone Discuss Gentrification and Affordable Housing on a Panel Sponsored by the National Lawyers Guild Washington College of Law's Chapter*, WASHINGTON LAWYERS COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (APR. 21, 2017), <https://www.washlaw.org/watch-catherine-cone-participate-in-discussion-on-gentrification-and-affordable-housing-national-lawyers-guild/>

⁵⁰ *A Vision for an Equitable DC*, *supra* note 44.

⁵¹ *The Color of Wealth in the Nation's Capital*, *supra* note 4.

⁵² *Taking Stock of the District's Housing Stock*, *supra* note 45. In contrast, about 80% of homes in the northeast section of Capitol Hill and Hillcrest are occupied by owners.

⁵³ *The Color of Wealth in the Nation's Capital*, *supra* note 4.

For lower-middle income families, home ownership is the most important source of wealth accumulation and financial security.⁵⁴ Therefore, DC’s current patterns of housing segregation actively rob Black people of the opportunity to build wealth.⁵⁵

Harms in work

The city’s employment-related metrics also tell the story of a segregated and unequal workforce. Black district residents are more likely to be unemployed, or working jobs that pay lower wages, than white workers.⁵⁶ According to a 2020 study, the most common occupations held by Black workers in DC were cashiers; janitors and building cleaners; and secretaries and administrative assistants.⁵⁷ The median salary for these jobs was \$24,800, \$28,930, and \$47,340, respectively. Lower-wage jobs such as cleaners also provide fewer benefits, contain a higher risk of misclassification and wage theft,⁵⁸ and are subject to more instability, thereby compounding the disparities in pay. In contrast, the most common jobs performed by white District workers were in the judicial sector (lawyers, judges, and others); miscellaneous managers; and management analysts.⁵⁹ The median salaries for these jobs are \$161,900, \$135,970, and \$99,740, respectively.

In addition to occupational segregation, explicit markings of slavery’s race-based codifications persisted in employment laws until 2022. The D.C. Occupational Health and Safety Code and D.C. Human Rights Act both excluded “domestic servants” —adopting federal statutory language explicitly intended to exclude Black workers.⁶⁰ During the New Deal era, Southern congressmen launched a campaign to exclude Black employees from federal worker protections to preserve the quasi-plantation style of agriculture that pervaded the segregated Jim Crow South.⁶¹ While many of these exclusions were purged on the federal level earlier, D.C.’s

⁵⁴ WEALTH ACCUMULATION AND HOMEOWNERSHIP: EVIDENCE FOR LOW-INCOME HOUSEHOLDS, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT at vi-1 (Dec. 2044),

<https://www.huduser.gov/publications/pdf/wealthaccumulationandhomeownership.pdf>

⁵⁵ HOMEOWNERSHIP, RACIAL SEGREGATION, AND POLICY SOLUTIONS TO RACIAL WEALTH EQUITY, Brookings (Sep. 2021), <https://www.brookings.edu/essay/homeownership-racial-segregation-and-policies-for-racial-wealth-equity/>

⁵⁶ *Black Workers Matter*, *supra* note 1.

⁵⁷ *Id.*

⁵⁸ Comments on RIN 1235-AA43: Employee or Independent Contractor Classification under the Fair Labor Standards Act, WASHINGTON LAWYERS’ COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS, (December 13, 2022).

⁵⁹ *Black Workers Matter*, *supra* note 1.

⁶⁰ Testimony of Sarah Bessell in front of the Committee on Labor and Workforce Development, WASHINGTON LAWYERS’ COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (Jun 16, 2022), <https://www.washlaw.org/wp-content/uploads/2022/06/Domestic-Worker-Written-Testimony-WLC-06.16.22.pdf> ; *see also* Tess Bon, *Activist: Exclusion of domestic workers from federal labor law ‘a legacy of slavery,’* The Hill, <https://thehill.com/hilltv/rising/453397-activist-exclusion-of-domestic-workers-from-federal-labor-laws-a-legacy-of/> (July 16, 2019), <https://thehill.com/hilltv/rising/453397-activist-exclusion-of-domestic-workers-from-federal-labor-laws-a-legacy-of/> . The exclusion of agricultural workers from various worker protections stems from the same racist history.

⁶¹ Sean Farhang & Ira Katznelson, *THE SOUTHERN IMPOSITION: CONGRESS AND LABOR IN THE NEW DEAL AND FAIR DEAL*, 19 *STUD. AMER. POL. DEV.* 1, 6, 12-13 (Spring 2005); Ira Katznelson, Kim Geiger & Daniel Kryder, *LIMITING LIBERALISM: THE SOUTHERN VETO IN CONGRESS, 1933-1950*, 108 *POL. SC. Q.* 285, 290 292-93 (1993).

exclusion persisted until 2022, shutting out a predominantly women-of-color workforce from important legal protections.⁶²

Unsurprisingly, income inequality follows the racialized trends in employment and housing. Black people in the DC region have the lowest per capita annual median income, \$29,927, when compared to that of white people at \$92,758.⁶³ White residents have a median household income of \$141,650, over three times higher than that of Black residents, which is \$45,072.⁶⁴ Finally, the racial wealth gap in the DC metro region is colossal; in 2016 white households had 81 times the wealth of Black households.⁶⁵

Harms in education

While the U.S. Supreme Court's decision in *Bolling v. Sharpe*⁶⁶ struck down segregated education in DC, the legacy of a separate and unequal education system is still the reality for many Black families today. Black students are more likely to attend public schools that are under-resourced, outdated, and over-policed than white students.⁶⁷ Schools located east of the Anacostia River have been deprioritized for modernization projects, languishing in disrepair.⁶⁸ As a result of this neglect and ongoing segregation, Black students do not have what they need to succeed. A 2018 study concluded that Black students are, on average, 4.9 grades behind their white counterparts and 15.2 times as likely to be subject to discipline in D.C. Public Schools.⁶⁹ In the 2021-2022 school year white students graduated from high school in DC within four years of matriculation at a rate of 95 percent, while African-Americans have a four-year graduation rate of 74 percent.⁷⁰ White students met or exceeded expectations in English and Math at significantly higher rates than Black students.⁷¹ Many young people in the District have experienced trauma and adverse childhood experiences that are proven to impact students'

⁶² *DC Domestic Workers Bill of Rights*, NATIONAL DOMESTIC WORKERS ALLIANCE, <https://www.domesticworkers.org/programs-and-campaigns/developing-policy-solutions/bill-of-rights/current-campaigns/dc-domestic-workers-bill-of-rights/>; see also Julia Wolfe et al., ECONOMIC POLICY INSTITUTE, *Domestic workers chartbook: A comprehensive look at the demographics, wages, benefits, and poverty rates of the professionals who care for our family members and clean our homes*, at Charts 2 and 5, <https://files.epi.org/pdf/194214.pdf>.

⁶³ Camille Busette and Samantha Elizondo, *Economic Disparities in the Washington, D.C. metro region provide opportunities for policy action*, BROOKINGS.EDU (Apr 27, 2022), <https://www.brookings.edu/blog/how-we-rise/2022/04/27/economic-disparities-in-the-washington-d-c-metro-region-provide-opportunities-for-policy-action/#:~:text=In%20Washington%2C%20D.C.%20specifically%2C%20the.Black%20residents%2C%20which%20is%20%2445%2C072.>

⁶⁴ *Id.*

⁶⁵ The Color of Wealth in the Nation's Capital, *supra* note 4.

⁶⁶ *Bolling v. Sharpe*, 347 U.S. 693 (1954)

⁶⁷ Testimony of the Washington Lawyers' Committee for Civil Rights and Urban Affairs School Budget Oversight Hearing Before the Committee of the Whole of the Council of the District of Columbia (March 28, 2022).

⁶⁸ *Id.*

⁶⁹ What Data On the Racial Divide In Schools Says About the Washington Region (Oct. 19, 2018), <https://wamu.org/story/18/10/18/data-racial-divide-schools-says-washington-region/> (citing Pro Publica, *Miseducation of the District of Columbia*, <https://projects.propublica.org/miseducation/district/1100030>)

⁷⁰ STATE OF D.C. SCHOOLS, 2021-22: LEARNING, MEASURING OUTCOMES, AND ON RECOVERY, D.C. POLICY CENTER (Mar. 15, 2023), D.C. Policy Center, *State of the DC Schools Report 2021-2022*, <https://www.dcpolicycenter.org/publications/schools-21-22/>.

⁷¹ *Id.*

mental health and ability to learn.⁷² This is particularly evident when considering the District’s Black young people’s experiences with racism, community violence, and police violence. Black students are also more likely to be arrested at school for normal adolescent behavior than their white counterparts. In 2019, 92 percent of school-based arrests were of Black youth.⁷³ Girls of color are often the targets of harsh school disciplinary responses to their behavior due to stereotypes about gender and race.⁷⁴

Harms from the criminal law system

The criminal law system is another vestige of slavery that has perpetrated violence on and stolen opportunity⁷⁵ from Black District residents. At the front end of the system, police practices vary depending on the skin color of the persons being policed.⁷⁶ In 2020 Black men were more than 8 times as likely to be stopped by police as their white counterparts in D.C.⁷⁷ While making up 46.5 percent of the D.C. population, Black people comprised 72 percent of those stopped by law enforcement.⁷⁸ In a 2013 study the Washington Lawyers’ Committee found that District wards with more Black residents had more arrests, and even in wards where fewer Black people live, they made up a disproportionately high percentage of arrestees.⁷⁹ Similarly in 2018 the Washington Lawyers’ Committee reviewed data from the MPD on their practices to enforce the fair evasion statute, finding significant racial disparities in enforcement.⁸⁰ Ninety-one percent of citations/summons were issued to Black people – 72 percent Black men, 20 percent Black women and 46 percent Black young people (under 25 years of age).⁸¹ Just last year, the

⁷² *Id.* (“Adverse childhood experiences, or ACEs, undermine a child’s sense of safety and stability. They include abuse, neglect, exposure to violence at home or in the community, substance misuse, and instability due to parental separation. They also include social factors such as economic hardship, homelessness, and discrimination. Decades of research link ACEs to lifelong negative health and social outcomes); *How Trauma Impacts School Performance*, <https://mhanational.org/how-trauma-impacts-school-performance>

⁷³ STATE OF D.C. SCHOOLS, 2021-22, *supra* note 70 (citing The 2019 School Report Card, which indicates that there were 338 total arrests of students across the District – 312 of the arrests were of Black students and 26 of the arrests were of Latino students. (104 of the arrests were for students with disabilities)).

⁷⁴ Rights4Girls & Georgetown Juvenile Justice Initiative, *Beyond the Walls: A Look at Girls in DC’s Juvenile Justice System*, 9, <https://rights4girls.org/wp-content/uploads/r4g/2018/03/BeyondTheWalls-Final.pdf>

⁷⁵ See generally Michelle Alexander, *THE NEW JIM CROW* (The New Press), 2010; see also Kica Matos, *The Chains of Slavery Still Exist in Mass Incarceration*, VERA INSTITUTE (Jun 17, 2021) <https://www.vera.org/news/the-chains-of-slavery-still-exist-in-mass-incarceration>

⁷⁶ See Testimony of Jonathan M. Smith, *supra* note 24 (citing Understanding Racial and Ethnic Disparities in Arrest: The Role of Individual, Home, School and Community Characteristics; <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5509345/>)

⁷⁷ *D.C. Police Officers Sued for Illegal Stop-and-Frisk of Latino Man*, WASHINGTON LAWYERS’ COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS, (Jan. 12, 2022), [D.C. Police Officers Sued For Illegal Stop-and-Frisk Of Latino Man – The Washington Lawyers’ Committee \(washlaw.org\)](https://www.washlaw.org/)(citing [DC-Gang-Database-and-Stop-and-Frisk-Fact-Sheet.pdf \(washlaw.org\)](https://www.washlaw.org/))

⁷⁸ *Id.*

⁷⁹ *Racial Disparities in Arrests in the District of Columbia: Implications for Civil Rights and Criminal Justice in the Nation’s Capital*, WASHINGTON LAWYERS’ COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (July 2013); https://www.washlaw.org/pdf/wlc_report_racial_disparities.PDF

⁸⁰ *Unfair: Disparities in Fare Evasion Enforcement by Metro Police*, WASHINGTON LAWYERS’ COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (2018), https://www.washlaw.org/wp-content/uploads/2018/12/2018_09_13_unfair_disparity_fare_evasion_enforcement_report.pdf

⁸¹ *Id.*

Metropolitan Police Department admitted that its “Gang Database” which purports to predict whether someone poses a threat of violence based on who they associate with contains only one person identified as white,⁸² despite the existence of multiple white supremacist gangs in the District — including the Proud Boys⁸³ and Patriot Front.⁸⁴

The racial disparities carry through to prison, exacting physical and psychological harm on Black people.⁸⁵ Not only does the District have one of the highest rates of incarceration in the nation⁸⁶ but in a city that is 46 percent Black,⁸⁷ 90 percent of the DC prison population is Black.⁸⁸ Although DC has experienced a steady decline in the proportion of Black District residents since 1970, the percentage of incarcerated Blacks, in particular Black men, has remained relatively high and stable.⁸⁹

Clients of the Washington Lawyers’ Committee have been tortured,⁹⁰ physically abused, and denied basic medical care.⁹¹ As described by one incarcerated D.C. resident, “This place is a revolving door of death and depression.”⁹²

Even on its back end, the criminal system continues to steal Black opportunity. Upon returning home from prison or jail, Black residents often find themselves excluded from access to basic life necessities due to their conviction record, trapping families in generational cycles of

⁸² Testimony of Carlos Andino, Equal Justice Works Fellow, before the Council of the District of Columbia, Committee on the Judiciary and Public Safety, Concerning the Year 2021 to 2022 Performance Oversight of the District of Columbia Metropolitan Police Department (February 17, 2022), https://www.washlaw.org/wp-content/uploads/2022/02/WLC-Gang-Database-Testimony-by-Carlos-Andino-Final-Version-2_17_22-Accessible.pdf

⁸³ *Proud Boy sentenced to 4.5 years in prison in Jan. 6 case*, still says election was stolen, ABC NEWS (August 22, 2022) <https://www.nbcnews.com/politics/justice-department/proud-boy-sentenced-45-years-prison-jan-6-case-still-says-election-was-rcna44793>

⁸⁴ *Hate Map by State*, SOUTHERN POVERTY LAW CENTER, <https://www.splcenter.org/hate-map/by-state> (last visited June 12, 2023).

⁸⁵ Katie Rose Quandt and Alexi Jones, *Research Roundup: Incarceration can cause lasting damage to mental health*, PRISON POLICY INITIATIVE (May 13, 2021) <https://www.prisonpolicy.org/blog/2021/05/13/mentalhealthimpacts/>; Emily Widra, *No escape: The trauma of witnessing violence in prison*, PRISON POLICY INITIATIVE (Dec 2, 2020), <https://www.prisonpolicy.org/blog/2020/12/02/witnessing-prison-violence/>

⁸⁶ BUREAU OF JUSTICE STATISTICS, CORRECTIONAL POPULATIONS IN THE UNITED STATES, <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5177>

⁸⁷ UNITED STATES CENSUS BUREAU, QUICKFACTS DISTRICT OF COLUMBIA, <https://www.census.gov/quickfacts/DC>

⁸⁸ DC DEPARTMENT OF CORRECTIONS, FACTS AND FIGURES (January 2023) at 17 <https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/DC%20Department%20of%20Corrections%20Facts%20and%20Figures%20January%202023.pdf>

⁸⁹ Malcolm Morse, *True Justice: The Disturbing Truth about Incarceration in D.C.*, GEORGETOWN JOURNAL OF LAW & MODERN CRITICAL RACE PERSPECTIVES, (Feb 17, 2020), <https://www.law.georgetown.edu/mcrp-journal/blog/true-justice-the-disturbing-truth-about-incarceration-in-d-c/>

⁹⁰ *Deadly Conditions at USP Thomson*, WASHINGTON LAWYERS’ COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (JUNE 3, 2022), <https://www.washlaw.org/deadly-conditions-at-usp-thomson/>

⁹¹ *District of Columbia Sued Over DC Department of Corrections Lack of Medical Care*, WASHINGTON LAWYERS’ COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (April 26, 2023), <https://www.washlaw.org/district-of-columbia-sued-over-dc-department-of-corrections-lack-of-medical-care/>

⁹² *Voices from within the federal Bureau of Prisons: a System Designed to Silence and Dehumanize*, MORE THAN OUR CRIMES and WASHINGTON LAWYERS’ COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (SEPTEMBER 2022), <https://www.washlaw.org/wp-content/uploads/2022/09/Voices-from-Within-More-Than-Our-Crimes-Sept-2022.pdf>

poverty and incarceration.⁹³ DC employers, including formerly WMATA,⁹⁴ have shut out applicants with a record without rational basis. As a result, formerly incarcerated people have a higher rate of unemployment than others.⁹⁵ Housing providers, too, often screen out tenants with conviction records.⁹⁶ The barriers to economic opportunity permeate even some government programs intended to aid marginalized communities.⁹⁷

The Washington Lawyers' Committee Supports the Bill as an Essential First Step

The Washington Lawyers' Committee for Civil Rights stands in support with those advocating for the Reparations Foundation Fund and Task Force Establishment Act of 2023 because it provides a path forward for government action to repair the harms inflicted on generations of Black D.C. residents. As a city, we must act with the exigency that the theft of Black wealth, power, labor, and lives demands. We urge the Council to study and recognize the policies propounded in particular by DC lawmakers over the past 50 years that have perpetuated and compounded discrimination and inequality.

The Washington Lawyers' Committee also recommends that the Council consider the potential racial impacts of utilizing as funding revenue collected by the Department of Motor Vehicles. More than 97 percent of the total fines and forfeitures collected by the DC Government each year come from parking and traffic tickets. Black motorists in D.C receive 65 percent of tickets even though they comprise 43 percent of the population.⁹⁸ A report by the D.C. policy center noted that a driver in a neighborhood that is predominantly Black is over 17 times more likely to receive a moving violation than in a predominantly-white neighborhood — despite the

⁹³ *The Collateral Consequences of Arrests and Convictions under D.C., Maryland, and Virginia Law*, WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (Oct. 22, 2014), https://www.washlaw.org/wp-content/uploads/2018/12/wlc_collateral_consequences_report.pdf

⁹⁴ *Landmark Case: Holding Metro Accountable*, WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS, <https://www.washlaw.org/who-we-serve/client-stories/landmark-case-holding-metro-accountable/>; *Washington Lawyers' Committee for Civil Rights, NAACP Legal Defense Fund, and Arnold & Porter LLP Challenge WMATA's Unlawful Background Check Policy* (July 30, 2014), WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS, <https://www.washlaw.org/wmata-press-release/>

⁹⁵ Justin Staley, *People leaving prison have a hard time getting jobs, The pandemic has made things worse* (Mar. 31, 2021), PBS.ORG, <https://www.pbs.org/newshour/economy/people-leaving-prison-have-a-hard-time-getting-jobs-the-pandemic-has-made-things-worse>; *Laying the Groundwork: How States Can Improve Access to Continued Education for People in the Criminal Justice System*, JUSTICE CENTER THE COUNCIL OF STATE GOVERNMENTS (2020), https://csgjusticecenter.org/wp-content/uploads/2020/02/Laying-the-Groundwork_Feb2020.pdf

⁹⁶ *See Lawyers' Committees Urge D.C. Council to Lift Housing Barriers Facing People with Criminal Histories*, WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (July 11, 2016), <https://www.washlaw.org/lawyers-committees-urges-dc-council-to-lift-housing-barriers-facing-by-people-with-criminal-histories/>; see also *Housing Opportunities Made Equal of Virginia (HOME) and Former Tenants Sue to Protect Housing for Persons with Criminal Records*, WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (Oct. 24, 2019), <https://www.washlaw.org/housing-opportunities-made-equal-of-virginia-home-and-former-tenants-sue-to-protect-housing-for-persons-with-criminal-records/>

⁹⁷ *Civil Rights Organizations Sue the Small Business Administration for Excluding Business Owners with Criminal Records from COVID-19 Relief Loans*, WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS (Jun. 16, 2020), <https://www.washlaw.org/civil-rights-organizations-sue-the-small-business-administration-for-excluding-business-owners-with-criminal-records-from-covid-19-relief-loans/>

⁹⁸ *Driving DC To Opportunity*, TZEDEK DC at 11- 12, <https://static1.squarespace.com/static/57056a9e0442629a7a43ca60/t/608635b59618be5fc287fc67/1619408310140/Driving+DC+to+Opportunity+-+Tzedek+DC.pdf>

fact that the Black neighborhoods do not experience a higher number of car crashes.⁹⁹ Because the District is currently exploring various options to achieve its Vision Zero goals and has sought the testimony of the Washington Lawyers' Committee on this topic, we recommend that the Council look closely at whether funding reparations from parking and traffic-related fines and fees is incongruous. We advise the Council to look at other localities to consider other potential sources of funding. In Evanston, Illinois, reparations were funded from a sales tax on the sale of marijuana.¹⁰⁰ Providence, Rhode Island used money from the federal American Rescue Plan to create a municipal reparations commission, which recommended the creation of a bail bond fund.¹⁰¹ We urge the Council to order the Task Force to consider sources of funding tailored to the specific racial landscape of Washington, D.C.

⁹⁹ William Farrell, *Predominantly black neighborhoods in D.C. bear the brunt of automated traffic enforcement*, D.C. POLICY CENTER (Jun. 28, 2018), <https://www.dcpolicycenter.org/publications/predominately-black-neighborhoods-in-d-c-bear-the-brunt-of-automated-traffic-enforcement/>

¹⁰⁰ Ashley Brown, Emilie de Sainte Maresville, and Allie Yang, *How the 1st US City to fund reparations for Black residents is making amends*, ABC NEWS (Mar. 1, 2021), <https://abcnews.go.com/US/1st-us-city-fund-reparations-black-residents-making/story?id=76118463>

¹⁰¹ Jessica Chasmar, *\$10M in ARP funds went to Providence 'reparations' commission pushing for bail fund, K-12 racism curriculum*, FOX NEWS, (Oct. 10, 2022), <https://www.foxnews.com/politics/10m-arp-funds-went-providence-reparations-commission-pushing-bail-fund-k-12-racism-curriculum>