Southern Poverty Law Center



Response to Call for Input for Report pursuant to

Human Rights Council resolution 47/21

Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality

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**The Southern Poverty Law Center** was founded in 1971 with the purpose of ensuring that the goals of the US civil rights movement would be realized for everyone. SPLC seeks to achieve its purpose through litigation, policy advocacy, education and community organizing, and is a catalyst for racial justice in the Southern US and beyond.

1. **Introduction.**

Black people in the US face disproportionately higher rates of incarceration, persistent racial discrimination, and systemic disenfranchisement across various facets of life, including education, employment, housing, healthcare, and suffrage – an enduring legacy of slavery. Throughout history, the US has employed slavery, Jim Crow laws, the Black Codes, and legal segregation to subjugate and oppress people of African descent. The country continues to utilize the criminal legal system, mass criminalization and incarceration[[1]](#endnote-2) of Black men, boys, women and girls, and the suppression of voting rights and political representation to effectuate the racial control previously implemented through enslavement. In the 1800s, the Black Codes perpetuated control over Black people’s lives, criminalizing their ordinary conduct, e.g. owning property, restrictions on voting, conducting business, and dictating where they could live, work, and move in public spaces. Following abolition of the Black Codes and Jim Crow laws, governments continued to find new ways to criminalize Black and Brown people. Policies created as part of the “war on drugs,” like mandatory minimum sentences and policing tactics such as “stop and frisk,” are also designed to subordinate Black people. As a result, these laws and policies are disproportionately applied to Black people and lead to prison sentences that are racially disparate. The same can be said of the impact of attacks on public education and programs supporting low-income people and communities.

Systemic racism in the United States is, and has always been, rooted in ideologies of hate, white supremacy, and white Christian nationalism. The same white supremacist and neo-Nazi groups that terrorize Black communities and agitate for a white, Christian ethno-state are also promoting hate against immigrants, indigenous people, women,[[2]](#endnote-3) and the LGBTQ community at large.[[3]](#endnote-4) The devastating impacts of these ideologies are behind the proliferation of state laws attacking racially inclusive education and suppressing Black voting power, and have long culminated in varying and intersectional forms of violence against Black people and communities, including pernicious and calculated forms of dehumanizing violence against Black men and boys, Black women[[4]](#endnote-5) and girls, Black migrants,[[5]](#endnote-6) Black children[[6]](#endnote-7) and families, and Black LGBTQ persons.[[7]](#endnote-8)

**II.** **Voting Rights and Political Representation**.

Much of the ongoing systemic discrimination against and abuse of people of African descent in the US continues to be perpetuated through systematic efforts to thwart their exercise of political power. Black people and other communities of color have faced and continue to face enormous barriers to participation in representative democracy on an equal basis with their white counterparts. Barriers to the right to vote are now rapidly increasing and threaten to irreparably undermine US democracy. Following his most recent visit to the US, the UN Special Rapporteur on minority issues found that “effective protection of this fundamental human right is weak in the United States” for minority populations.[[8]](#endnote-9)

A. Laws Restricting Access to Voting.

For more than a decade, states have been steadily weakening the protections afforded to Black citizens by the Constitution and the Voting Rights Act of 1965 (VRA). In 2013, the US Supreme Court decision in *Shelby County, Alabama v. Holder*,[[9]](#endnote-10) which gutted Section 4(b) of the VRA which requires jurisdictions with a history of racial voting discrimination to obtain federal clearance to change voting laws. In 2021, the Supreme Court also severely undermined Section 2 of the VRA, which allows non-governmental plaintiffs to bring lawsuits challenging discriminatory voting practices, by making it much more difficult to prove violations.[[10]](#endnote-11)

Since the Shelby County decision, states have passed more than 100 new laws restricting voting access.[[11]](#endnote-12) In 2023, at least 14 states including Florida, Georgia, and Mississippi enacted 17 additional laws restricting or interfering with voting rights.[[12]](#endnote-13) Recently adopted laws have made it more difficult to register to vote or receive an absentee or mail-in ballot, restricted voting times or locations, and even banned and criminalized providing food or water to people waiting in long lines to vote. Some states closed or moved polling places, often with little notice, sowing confusion and requiring many voters to travel long distances to cast their ballots. Voter ID laws have been adopted in 36 states using the baseless justification of preventing “voter fraud.”[[13]](#endnote-14) The trend is continuing in 2024. Alabama, where SPLC is headquartered, passed a new law in March 2024 that criminalizes individuals and organizations that assist people in obtaining and casting absentee ballots.[[14]](#endnote-15)

A study by the Brennan Center[[15]](#endnote-16) of data for nearly 1 billion voters from 2008 to 2022 confirms that the gap in turnout between white voters and voters of color has consistently widened since the Shelby County decision, with the biggest impacts being seen in the states that had previously been covered by the VRA’s preclearance requirement. In the 2020 election, the gap between Black and white voter turnout was nearly 15 percentage points, while in 2022, it was 18 percentage points. The study concluded that hundreds of thousands of votes by people of color were lost to restrictions enacted in the formerly covered jurisdictions.

States are also passing laws that undermine election processes and allow for election subversion in direct response to the events of the 6 January 2021 insurrection at the US Capitol.[[16]](#endnote-17) Between 2021 and 2023, states passed more than 70 new laws that undermine the integrity of elections, such as by giving state officials control over election outcomes, requiring unnecessary and burdensome “audits,” and placing undue burdens on election administrators.[[17]](#endnote-18) The effect of these laws is to allow partisan actors to undermine the influence of Black votes by chilling turnout and controlling whether ballots are counted, and to sway, or possibly overturn, the results of future elections.

Although *Shelby County* allowed for Congress to restore the protections of preclearance by updating the coverage formula, which would have prevented many of these laws from taking effect, Congress has failed to act. In January 2022, bills[[18]](#endnote-19) that would restore federal oversight in locations with a history and current record of racial discrimination in voting, expand opportunities to exercise the right to vote, provide protections from voter suppression, and enhance election security were blocked in the Senate.[[19]](#endnote-20) This legislation has been re-introduced in 2023 and 2024, but has yet to be passed.

Litigation over voter suppression laws have met with mixed results. A federal district court in Florida issued a sweeping injunction prohibiting Florida from implementing many of the new measures contained in SB 90,[[20]](#endnote-21) finding they were adopted “with the intent to discriminate against Black voters.”[[21]](#endnote-22) It found the violations so egregious that it placed Florida under federal preclearance requirements for ten years and prohibited it from passing any law relating to drop boxes, line warming activities, or third party voter registration organizations without the court’s permission.[[22]](#endnote-23) The district court recognized that “the right to vote, and the VRA particularly, are under siege” in the nation’s courts as well as in its state legislatures. Proving its point, the district court’s order was blocked on appeal, and most of the challenged provisions were reinstated.[[23]](#endnote-24) In August 2023, a Georgia judge partially invalidated that state’s food and water restrictions but declined to block other parts of Georgia’s voter suppression law.[[24]](#endnote-25)

In March 2021, President Biden issued Executive Order 14019 on Promoting Access to Voting,[[25]](#endnote-26) which directed federal agencies to identify and implement “ways to expand citizens’ opportunities to register to vote and to obtain information about, and participate in, the electoral process.” For Black voters, especially in SPLC’s region, the EO addresses a deep and longstanding struggle against forces that have sought to block their access to the ballot since they gained the constitutional right to vote. In 1972 – just seven years after he and fellow activists were brutally attacked while marching for their right to vote in Selma, Alabama – the late John Lewis wrote:

Since 1965, white officials in the South who would stand to lose most from a dramatic shift in the racial composition of their electorate have waged an unholy war to cripple the enforcement provisions of the Voting Rights Act and have sought to eliminate the law completely. In the face of these inequities the role of the Justice Department in many instances has been limited to that of a fire-fighting capacity, responding only to the dictates of public pressures or outrage. There is indeed a pervasive sickness inherent in a Nation which espouses a creed of democracy and equal opportunity under the law and yet continues to deny the legitimate aspirations of its minority groups who would claim voting rights as first-class citizens.[[26]](#endnote-27)

More than fifty years later, this unholy war rages on. As much as ever, Black citizens need to see the federal government make their access to the ballot box a priority, making the issuance of this EO particularly meaningful. But two years after President Biden signed the EO, an analysis published by The Leadership Conference on Civil and Human Rights found that most agencies “had either made minimal progress on their initial strong commitments or [] left important opportunities on the table.”[[27]](#endnote-28) A letter to the White House and ten federal agencies, signed by the SPLC Action Fund and numerous other civil society organizations, outlined recommendations for strengthening implementation of the Executive Order.[[28]](#endnote-29) Some agencies have made early progress over the last year, but much more remains to be done.

New threats to free and fair elections also increasingly come from far-right activists gaining or seeking to gain control of state and local election authorities.[[29]](#endnote-30) According to a report by States United Democracy Center, people who denied the legitimacy of the 2020 presidential election currently hold high-level state offices with power to oversee elections.[[30]](#endnote-31) Between 2021 and 2023, more than half of US states – including Alabama, Mississippi, Georgia and Florida – passed legislation that interfered with the nonpartisan and fair administration of elections.[[31]](#endnote-32) The person installed by far-right conservatives to oversee elections in Florida expressed doubts about the 2020 election results.[[32]](#endnote-33) In Florida’s Miami-Dade County, individuals with ties to the Proud Boys hate group registered as poll workers.[[33]](#endnote-34) In Georgia, a 2021 law allows for the replacement of county election boards if they do not meet ill-defined performance standards, as determined by a three-person panel appointed by the partisan state board of election. Increasingly, election officials are facing a barrage of false allegations and threats – a 2022 Brennan Center survey found that 1 in 6 election officials had experienced threats.[[34]](#endnote-35) Two Black election workers in Georgia – mother and daughter – suffered severe emotional distress and disruption of their lives after Rudy Giuliani and others working to overturn President Biden’s 2020 election victory in their state falsely accused them of ballot fraud. The accusations resulted in an onslaught of hateful threats that were so pervasive and violent that the mother was forced to leave her longtime home.[[35]](#endnote-36)

Against this backdrop, we are also contending with an election infrastructure that is aging – in some places crumbling. Despite their foundational role in running elections, across the Deep South civil servants do not have the funding necessary to conduct safe, and secure elections.[[36]](#endnote-37) Election infrastructure in the Deep South needs significant upfront investment to replace and repair aging systems, and funding to conduct ongoing maintenance and upgrades. States have a role to play in financing election administration in their jurisdictions, but especially in the Deep South, state governments are refusing to fulfill that responsibility, starving local election administration even as they have banned localities from accessing private funding from non-profits to fill the gap.[[37]](#endnote-38) Lack of funding for elections, not surprisingly, burdens Black voters most heavily as officials use it as an excuse for measures such as the closing of polling places in majority Black and Brown communities, resulting in overcrowding and long waits at those that remain.[[38]](#endnote-39) It will cost the United States an estimated $53 billion over 10 years to modernize the country’s election infrastructure; including more than $6 billion in the Deep South.

B. Redistricting.

Every ten years, the results of the census of US population are employed in a process of adjusting electoral districts known as “redistricting.” The process is intended to account for demographic changes in the US population. The results of the 2020 census showed that all of the growth in the US population was attributable to non-white groups.[[39]](#endnote-40) For Black voters, fair redistricting is critical to afford them a better chance to elect candidates of their choice. But the 2021 redistricting cycle was manipulated to consolidate power in one overwhelmingly white political party in Southern states, where a significant majority of people of color live, and elsewhere in the US. State legislatures used the 2021 cycle to dilute the voting power of Black and other racial minority groups. At least 74 lawsuits were filed in 27 US states challenging new district maps as either racially discriminatory or as partisan gerrymandering,[[40]](#endnote-41) which often has a racially disparate impact even if not intentionally based on racial motivations.

Black Alabama voters challenged new district maps that use both “packing” and “cracking” to dilute their vote – many Black voters are packed into a single district, and the remainder cracked among multiple districts to prevent them from swaying elections in all but a single district. In a forceful opinion,[[41]](#endnote-42) a three-judge panel held that plaintiffs were substantially likely to win on their claims that the new maps were racially discriminatory, ordering Alabama to draw new maps to correct this inequity, but the US Supreme Court put the order on hold,[[42]](#endnote-43) allowing the discriminatory district maps to remain in place for the 2022 elections. Although Alabama is 27% Black, Black voters are a majority in only one of the state’s seven districts, or just 14%.[[43]](#endnote-44)

In June 2023, the Supreme Court upheld the lower court’s ruling that held Alabama’s maps denied Black voters a fair opportunity to elect candidates of their choice and ordered the state to draw a new map with two Black-majority districts – “or something close to it”.[[44]](#endnote-45) But Alabama continued to brazenly refuse to allow its Black citizens their rightful representation. In a special session of the legislature called in response to the Supreme Court’s ruling, state legislators refused to draw a second Black-majority district, or anything like it.[[45]](#endnote-46) The three-judge panel overseeing the case rejected the Alabama legislature’s maps and appointed a special master to create new ones.[[46]](#endnote-47) In October 2023, the District Court entered an order adopting one of the special master’s proposed maps.[[47]](#endnote-48)

Following the Alabama decision, litigation continued in a number of other states.[[48]](#endnote-49) A stay was lifted in Louisiana, where state legislators drew five out of six majority-white districts despite a state population that is one-third Black.[[49]](#endnote-50) The legislature finally adopted a new map establishing a second opportunity district for Black voters in January 2024.[[50]](#endnote-51)

Like in Alabama, plaintiffs in Georgia sought one additional majority-Black congressional district. The court had allowed Georgia’s discriminatory districts to be used in the 2022 elections, finding that the election date was too close to allow them to be changed.[[51]](#endnote-52) In December 2023, the trial court issued an order accepting the Georgia legislatures new maps that added new Black majority districts but also redrew other districts to favor Republicans to the detriment of Black voters, candidates and incumbents, including Democratic Rep. Lucy McBath.[[52]](#endnote-53)

In Florida, the third most populous US state, Governor Ron DeSantis usurped the authority of the state legislature in 2021 and drew new state legislative maps that cut Black congressional representation in half. His plan also orchestrated a state legislative map that would ensure Republicans 20 of the state’s 28 districts. State legislative elections in Florida are often decided by fractions of a percentage point. Instead of drawing its own maps, the legislature abdicated that responsibility and passed the Governor’s plans.

In April 2022, civil rights groups filed a lawsuit challenging the discriminatory maps as violative of Florida’s state constitution. In September 2023, a state court held that the maps drawn by Gov. DeSantis violated Article III, § 20 of the state constitution by diminishing the ability of north Florida voters to elect a congressional representative of their choice and prohibited their use in future elections.[[53]](#endnote-54) The Florida Supreme Court has accepted the case for review, meaning the litigation will be ongoing when congressional candidates begin qualifying in April for the 2024 election.[[54]](#endnote-55)

Given that congressional maps in several of the most populous states in the US are being challenged in litigation, correcting discriminatory gerrymandered districts could determine control of Congress in 2024[[55]](#endnote-56) – and might well have changed the outcome in 2022 if the litigation had not been delayed.

C. Disenfranchisement of Voters with Felony Convictions.

In many US states, people convicted of a variety of felony offenses are automatically deprived of the right to vote, with no consideration of individual circumstances. The origins of these disenfranchisement laws were explicitly racial – the first wave of such laws was enacted in the late 1800s with the expressed intention of convicting Black people of crimes under the Black Codes and then stripping them of their right to vote.[[56]](#endnote-57) The practices of mass incarceration and disenfranchisement continue to be tools for excluding Black people from exercising political power today. Nationally, 4.6 million citizens who are no longer incarcerated are denied the right to vote due to a criminal conviction; nearly half of that population resides in the Deep South. Data estimates by The Sentencing Project as of 2022[[57]](#endnote-58) illustrate the racially disparate impact of these laws, which have the most disproportionate impact in southern states:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **State**  | **Voting Age** **Population**  | **Total Disenfr.**  | **% Disenfr.**  | **Black Voting Age Pop**  | **Total Black Disenfr.**  | **% Black Disenfr.**  |
| Alabama  | 3,709,180  | 318,681  | 8.59%  | 974,304  | 143,557  | 14.73%  |
| Florida  | 15,296,734  | 1,150,944  | 7.52%  | 2,194,488  | 291,811  | 12.78%  |
| Georgia  | 7,482,329  | 234,410  | 3.13%  | 2,412,882  | 124,858  | 5.17&  |
| Louisiana  | 3,467,869  | 52,073  | 1.50%  | 1,092,970  | 32,865  | 3.01%  |
| Mississippi  | 2,238,133  | 239,209  | 10.69%  | 822,633  | 129,495  | 15.74%  |

Such disparities are potentially outcome determinative in elections. In the 2018 election for governor in Georgia, white Republican Brian Kemp defeated Black Democrat Stacey Abrams by a margin of only about 1.4%.[[58]](#endnote-59) In the 2020 Presidential election, official counts showed former-President Trump won Florida by about 3%; President Biden won Georgia by only 0.23%.[[59]](#endnote-60)

Many US jurisdictions extend the denial of voting rights for persons convicted of felony offenses long past sentences imposed by a court – sometimes effectively for life.[[60]](#endnote-61) SPLC recently won a major victory in Mississippi, where the Fifth Circuit Court of Appeals held that the state’s lifetime voting ban for people with disqualifying felony convictions who have completed their sentences is cruel and unusual punishment in violation of the Eighth Amendment of the US Constitution.[[61]](#endnote-62) This ruling should result in the restoration of voting rights for tens of thousands of Mississippians.

Voters in Florida approved a law to automatically restore voting rights to about 1.4 million disenfranchised voters in 2018. In 2019, the Florida legislature passed a new law prohibiting the newly re-enfranchised (disproportionately people of color) from voting until they paid all court-related debt,[[62]](#endnote-63) which can amount to many thousands of dollars and act as a lifetime bar. In a lawsuit challenging the Florida law, plaintiffs (including two Black women represented by SPLC) argued the law was an unconstitutional poll tax. Although a district court struck down the law as unconstitutional, a federal appeals court first stayed and then overturned the ruling and reinstated the law.[[63]](#endnote-64) The US Supreme Court refused to step in.[[64]](#endnote-65)

Further discouraging formerly incarcerated people to regain their voting rights in Florida is the establishment of the Office of Elections Crimes and Security, whose ostensible purpose is to investigate allegations of voter fraud. In August 2022, twenty individuals were arrested for having voted or attempted to vote despite having convictions that made them ineligible for restoration. Those arrested said they were not aware they were not eligible, and a number of them had been cleared to vote by local election officials who were in a much better position to know.[[65]](#endnote-66) Given the long history of police intimidation and violence against Black people in the US, including their participation in suppressing Black votes, the mere presence of law enforcement at polling places can cause Black voters to stay away due to justifiable fears of being targeting for harassment, or worse.[[66]](#endnote-67) An SPLC analysis of the 2020 election cycle in our five-state region found that law enforcement officers loitering near polling places had such a chilling effect and that, in some cases, the officers overtly harassed Black voters and poll watchers seeking to protect them.[[67]](#endnote-68)

**III.** **Poverty.**

In 2019, the overall poverty rate in the US was 10.5%, but the rate for Black people was 18.8%.[[68]](#endnote-69) Poverty rates decreased to record low levels early in the COVID-19 pandemic but have increased dramatically as COVID-era support programs such as the child tax credit[[69]](#endnote-70) and supplemental unemployment compensation[[70]](#endnote-71) ended.[[71]](#endnote-72) In 2022, Black people remained 17% of those living in poverty.[[72]](#endnote-73) The intersection of race and poverty is an important factor with regard to every issue discussed in this submission, including mass incarceration, police violence, the suppression of voting rights, and discrimination against Black migrants and Black LGBTQ people – the perpetuation of poverty itself is both a cause and a consequence of systemic discrimination against Black people in the US. In this section, we briefly address some of the impacts of intersectional discrimination against low-income Black people and communities, including with regard to health care, housing, hunger, and the massive economic burdens mass incarceration inflicts on Black families.

1. Health Care.

The US does not have a universal health care system or universal health insurance coverage. Employer provided private health insurance is the primary way individuals pay for health care costs, while the federal government funds health care programs for adults over age 65, some people with disabilities, veterans, and some low-income people. The Medicaid and related Children’s Health Insurance Program (CHIP) programs for low-income Americans are largely administered by state governments, which set their own eligibility rules based on income and other criteria.[[73]](#endnote-74) More than half of children of color in the US – including Native American, Latinx, and multi-racial as well as children of African descent – rely on Medicaid or CHIP for access to health care.[[74]](#endnote-75)

Under the Affordable Care Act, passed during the Obama administration to make health care more accessible to lower- and middle-income Americans, states were given the ability to expand coverage under the federal Medicaid program to include incomes up to 138% of the federal poverty level (currently $15,060 per year for an individual). This expansion was accompanied by a large increase in federal matching funds. 39 US states have opted to expand Medicaid, but four of SPLC’s five core states in the Deep South – among the poorest states in the nation, and with the highest concentration of people of African descent in their populations – have not done so.[[75]](#endnote-76) In the 12 states across the nation that have refused to expand Medicaid, about 4 million people lack access to adequate health care.[[76]](#endnote-77) Between 2016 and 2019, the childhood uninsured rate in these states grew at nearly three times that of states with Medicaid expansion.[[77]](#endnote-78)

In Louisiana – the only Deep South state that has expanded Medicaid – the share of poor children who had at least one annual well-child checkup increased, while those receiving preventative health care in Mississippi and Texas declined. Medicaid expansion states saw lower high school dropout rates, and Medicaid expansion also significantly decreased child neglect cases.[[78]](#endnote-79) Overall, states with expanded Medicaid reported 422 fewer cases of neglect per 100,000 children younger than age 6.[[79]](#endnote-80) In states that failed to expand Medicaid, families with incomes that are above their state’s Medicaid eligibility level but still below poverty level continue to lack access to health care. The median eligibility level in those states is 41% of the federal poverty level, an annual income of $10,586 for a family of three. Childless adults also remained ineligible.[[80]](#endnote-81)

A number of states, including those that failed to expand Medicaid, have obtained waivers to impose onerous eligibility rules. Georgia, a state with among the most uninsured children in the nation, received a waiver to condition Medicaid on harsh work requirements that provided no exemption for those who are unable to meet them due to child care obligations, even for very young children.[[81]](#endnote-82) Georgia’s population is 32.6% Black, and 14% of its overall population lives below the federal poverty line.[[82]](#endnote-83) When the Biden administration canceled approval of Georgia’s work requirement waiver, Georgia sued the federal government and asserted that it would not expand Medicaid unless the requirements remained intact.[[83]](#endnote-84) Universal expansion of Medicaid would bring many health and other related benefits to children, disproportionately of African descent, living in low income families in states that have not currently opted for expansion. It appears that Georgia will not proceed with expansion in 2024.[[84]](#endnote-85)

Instead of expanding Medicaid access to people most in need, many states across the US are in the process of cutting millions of people off from existing Medicaid eligibility. During the COVID-19 pandemic, Medicaid programs were required to keep people enrolled through the end of the public health emergency – a requirement that is believed to have helped millions of families[[85]](#endnote-86) avoid falling deeper into poverty, particularly in communities of color that were disproportionately affected by the pandemic. Black people disproportionately died from COVID-19, which exacerbated the already substantial racial and economic inequities in access to health care.[[86]](#endnote-87) This requirement has now ended, and states have resumed conducting Medicaid eligibility reviews and terminating coverage for those found ineligible – a process known as “Medicaid unwinding.”[[87]](#endnote-88)

In November 2023, the SPLC Action Fund joined several civil rights and health care groups, to release *Six Months into Unwinding*,[[88]](#endnote-89) a report examining the impact of this process on Black people and other low-income communities of color. Among the findings was that 10 million people were terminated from coverage. More than half of them – 5.4 million – were people of color, including 1.8 million Black people. Nearly ¾ of those lost coverage weren’t even determined to be ineligible – they were terminated for purely “procedural” reasons such as missing paperwork. States that never expanded Medicaid will be most affected by the unwinding process, since the income thresholds for coverage eligibility remain very low. Residents of Alabama, Florida, Georgia and Mississippi make up more than 40% of those in this coverage gap.

1. Housing.

Affordable housing and rental assistance play a critical role in the lives of many people. These programs help reduce homelessness, move families out of poverty and improve environmental conditions that affect health. An estimated 10 million people in 2022 used rental assistance programs to afford modest housing.[[89]](#endnote-90) 4 in 10 people with low incomes in the US are unhoused or pay over half their income on rent but don’t receive federal assistance due to funding limitations. The SPLC’s focus area of the Deep South is home to states with some of the greatest need for affordable housing and tenant rights protections due to persistently poor housing conditions. According to the National Low Income Housing Coalition, the US has a shortage of 7.3 million rental homes that are affordable and available to renters with incomes at or below either the federal poverty guideline or 30% of their area median income.[[90]](#endnote-91)

At least half a million people in the US are experiencing homelessness on any given day – including about 49,000 in Deep South states – and they are disproportionately Black.[[91]](#endnote-92) The ongoing criminalization of homelessness is one of the myriad means through which the Black Codes of the 1800’s are perpetuated in the US today. Anti-loitering laws under the Black Codes were a means to control the presence of Black people following emancipation, and today loitering – typically defined as standing around idly without a purpose – continues to be a crime punishable by fines or even incarceration in many places in the US. Similarly, laws prohibiting “vagrancy,” wandering about without a home or a means of support, have been perpetuated through laws criminalizing sleeping or performing other necessary activities of daily life in public places.[[92]](#endnote-93)

1. Hunger.

Nearly a quarter of Black people and communities in the US experience food insecurity – more than double the rate for white people – and 1 in 3 Black children live in households that lack adequate access to food.[[93]](#endnote-94) The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) is intended to provide nutritious food and services to mothers with low incomes, toddlers and preschools, but significant funding shortfalls could force states to turn away eligible parents and young children for the first time since 1997.[[94]](#endnote-95) Three states served by the SPLC – Alabama, Mississippi and Louisiana – are among the top five states with the highest rates of food insecurity for children. Two other states with an SPLC presence – Georgia and Florida – rank ninth and 11th for child hunger, respectively.[[95]](#endnote-96) The Supplemental Nutritional Assistance Program (SNAP) helps provide 1 in 8 people in the U.S. with access to food.[[96]](#endnote-97) Eligible families are those with gross income less than 130% of the federal poverty level, or about $2,700 per month for a family of three.[[97]](#endnote-98) Following the expiration of pandemic-era increases, the average monthly benefit was about $182 per person and $343 per household.[[98]](#endnote-99) SPLC’s five focus states (Alabama, Florida, Georgia, Louisiana and Mississippi) have some of the nation’s highest SNAP participation rates. Louisiana ranks second with 5% of residents participating in the program. These states also have a higher proportion of Black population compared with other states.

In an effort to address the increase in child hunger that occurs during the summer months when children are not in school, the US Department of Agriculture’s Food and Nutrition Service recently introduced its Summer Electronic Benefit Transfer to provide extra grocery money – about $40 a month in the summer for each eligible child – to low income families, a program that could benefit up to 30 million children.[[99]](#endnote-100) But 18 states, including all five in SPLC’s core region, opted out of the program, shutting out 8 million eligible children.[[100]](#endnote-101) It is already too late for these children to be included for the summer of 2024, but SPLC is advocating for our states to reverse course and participate in the program beginning in 2025.

1. Financial Burdens of Mass Incarceration.

A parent's incarceration is often an economically devastating factor in a child's life. Almost half of incarcerated parents were the breadwinners for their families,[[101]](#endnote-102) and nearly half lived with their children prior to incarceration, leaving children much more likely to become impoverished and even homeless. Black children of incarcerated fathers are especially at risk of homelessness.[[102]](#endnote-103) The non-incarcerated parent frequently experiences problems obtaining childcare, which inhibits their ability to work, and they often report being unable to pay for basic needs such as food, rent, utilities, and medical care.[[103]](#endnote-104)

Expenses directly associated with incarceration are a tremendous burden. Traveling long distances to visit an incarcerated parent means costs for transportation and lodging. Charges for telephone communications, which must be paid by the family, are exorbitant. The correctional telecommunications industry collects $1.5 billion annually from prisoner phone calls, with the average cost of a 15-minute call at $5.74.[[104]](#endnote-105) A 2017 study by the Prison Policy Initiative estimated that families spent $2.9 billion per year on prison phone accounts and commissary charges for purchases such as hygiene items, pens and paper, and food.[[105]](#endnote-106) In 2023, Congress passed a new law empowering the Federal Communications Commission to take steps to reduce prison phone costs.[[106]](#endnote-107) Some new regulations to bring down phone charges ad associated fees are expected to take effect in 2024.

Many essential services, such as medical care, also come at a price for people in prison. The vast majority of states have traditionally charged fees ranging from $2-$8 per visit for medical care.[[107]](#endnote-108) It may not sound like much, but incarcerated people are paid just pennies per hour for prison labor – for example, the hourly pay scale in Oklahoma begins at just 5 cents – so the average fee of around $4 is equivalent to nearly $600 at minimum wage outside of prison.[[108]](#endnote-109)

After the incarcerated parent is released, barriers to finding employment and housing are numerous. Unpaid medical charges wind up as accumulated debt, leading to collection lawsuits and bad credit after release.[[109]](#endnote-110) Bad credit, in turn, makes it more difficult to open a bank account, get a job, or obtain an apartment lease or a car loan.

More than half of formerly incarcerated people are unable to find stable employment within the first year after release.[[110]](#endnote-111) Those that are employed earn a median income of just $10,000 per year.[[111]](#endnote-112) A severe shortage of low-income housing units, combined with the use of criminal background checks for prospective tenants, makes finding affordable housing extremely difficult for people released from prison.[[112]](#endnote-113) A 2016 HUD memo detailed the discriminatory effects of justifying a housing decision based on an individual’s arrest or conviction history that disproportionately impact African Americans.[[113]](#endnote-114)

Recognizing that public housing programs often bar people with arrest or conviction records, the Secretary of the US Department of Housing and Urban Development (HUD) directed the agency to undertake a review of all policies and programs to identify barriers to housing for those with arrest or conviction records and, to the extent legally possible, to make such policies and programs more inclusive for this group.[[114]](#endnote-115) In October 2023, HUD proposed a new regulation that would eliminate the agency’s restrictions on the use of fair housing testers with prior felony convictions, which would in turn help the agency to identify potential bias and discrimination.[[115]](#endnote-116)

Lingering court debt also places a huge financial strain on the formerly incarcerated parent. One report found that the average family paid $13,000 in fines and fees.[[116]](#endnote-117) In 2019, people in SPLC’s Deep South region (where incarceration rates are highest) owed more than $4 billion in federal criminal justice debt alone,[[117]](#endnote-118) with billions more owed in state criminal justice systems. Fees continue to be charged for required post-release supervision.[[118]](#endnote-119) Unpaid court debt can lead to driver license suspension, leaving people who live in areas that lack reliable public transit without the ability to get to a job, even if they’ve been able to find one.[[119]](#endnote-120) People who are able to make only small payments toward their court debt often find that the amount owed is going up instead of down because of added fees.[[120]](#endnote-121)

**IV.** **Hate & Extremism**.

Since its founding in 1971, one of the SPLC’s primary missions has been to stamp out racism, hate and extremism to create a more fair, inclusive, and unified nation. Over the course of our history, the SPLC has developed deep expertise in identifying and cataloging the ideologies and activities of hate and extremist groups across the United States. Our Intelligence Project program conducts the most comprehensive and up-to-date tracking and monitoring of these groups in the US. Every year since 1990, the Southern Poverty Law Center has published its Year In Hate & Extremism[[121]](#endnote-122) report providing analysis of the nature and magnitude of extremist threats in the US and forward-looking policy recommendations designed to prevent and confront violent extremism and protect democratic institutions. Our 2023 report documented 1,225 hate and antigovernment extremist groups across the US. The online world allows these groups to coordinate their activities and to recruit and radicalize people toward violent and hateful ideologies.

Infiltration of law enforcement agencies, as well as the military, by members of such groups is a substantial and growing problem, and one that has received insufficient attention from the government.

A. Extremist Presence in Law Enforcement.

The presence of white supremacy in US law enforcement is not a new problem. Indeed, the current systems of policing in the US – especially in former slave-holding states – are an outgrowth of what were once called slave patrols, organized groups of armed men that were used to enforce slavery through terror and to quell uprisings,[[122]](#endnote-123) as well as Black Codes and Jim Crow laws.[[123]](#endnote-124) Slave codes defined enslaved Black people as property, not human beings,[[124]](#endnote-125) and later the US constitution counted them each as 3/5ths of a person – but only because doing so afforded disproportionate congressional representation to slaveholding states.[[125]](#endnote-126) As a result, it is no surprise that law enforcement in the U.S. have been used as the primary mechanism for the continuous dehumanization of Black people and communities throughout US history has substantially contributed to an atmosphere that tolerates and even encourages disproportionate police violence against them.[[126]](#endnote-127)

The foundations upon which US policing was built created structures that endure to this day – structures that have inflicted grossly disproportionate harm on Black people, including more suspicion, more false arrests and police misconduct, and much more frequent and excessive police violence. It has also allowed for the persistent presence of white supremacists in US law enforcement agencies at all levels.

In January 2023, the SPLC wrote[[127]](#endnote-128) to the mayor and chief of police in Chicago, Illinois, a city whose population is 29% Black and 28% Latino, to protest the police department’s failure to terminate the employment of an officer tied to the Proud Boys,[[128]](#endnote-129) an SPLC-designated hate group that is one of the most active and violent such groups in the US. The officer was not only an active participant in the Proud Boys’ extremist activities but also lied about his participation yet was given only a 120-day suspension. SPLC’s work on this issue helped prompt a strong March 18 congressional letter,[[129]](#endnote-130) led by Reps. Casten (D-IL) and Raskin (D-MD), to Attorney General Garland, FBI Director Wray, and DHS Secretary Mayorkas, urging that they promptly implement President Biden’s May 2022 Executive Order,[[130]](#endnote-131) which mandated efforts to prevent hiring and retention of federal law enforcement officials who are engaged in white supremacy or discriminatory activities. Over 100,000 officers work for these three agencies.

Testimony before a House Oversight Committee in July 2020[[131]](#endnote-132) detailed numerous instances of white supremacist affiliation and overt conduct in police departments around the country. A 2021 investigative report[[132]](#endnote-133) revealed that members of the Oath Keepers,[[133]](#endnote-134) a far-right paramilitary organization, are active-duty police officers in many major metropolitan police departments. As SPLC has reported, Oath Keepers primarily recruit their members from the ranks of former military and law enforcement members, and engage in vigilantism, forming patrols and security squads around demonstrations and outbreaks of racial unrest. Some far-right organizations, such as the Constitutional Sheriffs and Peace Officers Association,[[134]](#endnote-135) are pro-militia, antigovernment membership organizations created expressly for law enforcement officers and current or former military soldiers. As detailed in the SPLC Action Fund’s May 2021 statement to the House Homeland Security Subcommittee on Civil Rights and Civil Liberties,[[135]](#endnote-136) members of these groups sometime take the law into their own hands, either through improper policing or by refusing to enforce laws they deem unconstitutional. Some have formed “citizen posses” or have threatened to deputize local gun owners.

The crisis of disparate police violence against Black, Brown and Indigenous people in the US is well-known. That violence is accelerated and made more lethal by the militarization of US police forces. Since its 1996 adoption, a federal program has transferred more than $7 billion in surplus military equipment to law enforcement agencies across the nation.[[136]](#endnote-137) This military equipment, including grenades, bayonets, fortified vehicles and weaponized drones, has been used to devastating effect against protestors on many occasions.

As SPLC has explained,[[137]](#endnote-138) the militarization of US police forces also provides further incitement to extremists. A common thread among many extremist movements is the belief that “a civil war or race war is imminent – even necessary – to achieve their political vision” and because they fear the government plans to take away their guns and impose a tyrannical government. “With militarized troops violently suppressing protests across the country, extremists now have abundant evidence of state-sponsored violence to prop up their conspiracy theories.” Extremists celebrate the violent use of force against demonstrators and hope the violence will escalate. The unaddressed presence of white extremists in law enforcement ranks inevitably contributes to violence against Black people, with a concerning rise in incidents specifically targeting those within the LGBTQ community.

In December 2021, SPLC’s Hatewatch reported on its analysis of Washington DC Metropolitan Police Department (MPD) documents that revealed the department closely surveilled Black-led and anti-racist groups for many years while virtually ignoring a growing threat from far-right extremists.[[138]](#endnote-139) In some instances, the department even used claims by right-wing media outlets as a basis for opening investigations into anti-racist groups. Consistent with this pattern was the relatively muted police response to the far-right attack on the US capitol, compared with the outsized and at times violent law enforcement response to anti-racism protests in Washington, DC the preceding year, illustrated in a 2021 CNN report.[[139]](#endnote-140) An SPLC Hatewatch article described the relationship between the leader of the Proud Boys and a lieutenant from the MPD’s Intelligence Bureau before the January 6 attack, as revealed by a cache of 26,000 leaked emails.[[140]](#endnote-141)

State and local law enforcement agencies are well aware of extremists within their ranks, but few have undertaken meaningful measures to address it. In 2019, an investigative report identified law enforcement officers in agencies across the country who belonged to closed Facebook groups of a racist, Islamophobic, misogynistic, or antigovernment militia nature. “More than 50 departments promised investigations,” but few concrete steps were taken.[[141]](#endnote-142) According to the Anti-Defamation League, one-third of police officers it identified as being associated with an extremist group were involved in white supremacist groups.[[142]](#endnote-143) ADL further reported that 40% of the officers it identified were allowed to remain on active duty with their departments, and several of those who were dismissed for extremist links were hired by another police department. Even in states where legislators have been inclined to propose laws to give police departments more authority to remove extremists, police officer organizations have pushed back hard.[[143]](#endnote-144)

B. Extremist Presence in the Military.

In March and October 2021, SPLC submitted Congressional testimony,[[144]](#endnote-145) and the SPLC Action Fund made a statement for the record[[145]](#endnote-146) to Congress, providing detailed analysis of the impact of white supremacy and other forms of extremism in the US military. The continuing infiltration of the US military by white supremacists and other extremists is highly relevant in the context of law enforcement-related violence because state governments can, and sometimes do, call for National Guard assistance with law enforcement activities, particularly in the context of events like anti-racism demonstrations. Thousands of National Guard members were deployed to Washington DC[[146]](#endnote-147) and across the country[[147]](#endnote-148) for Black Lives Matter protests in June 2020. The ordered crackdown on protestors was so excessive that it resulted in an internal investigation.[[148]](#endnote-149) Similar deployments to anti-racist demonstrations happened in anticipation of the verdict in the trial of Derek Chauvin, George Floyd’s killer.[[149]](#endnote-150)

**V.** **Mass Incarceration.**

A. Racial disparities in US prisons and jails.

During the nearly quarter millennium of chattel slavery in the southern United States, people of African descent were held as property, forced to labor on white-owned plantations, and beaten, tortured, and killed for the slightest perceived transgressions – or, at times, for no reason at all. Post-Reconstruction, in response to the newly emancipated status of Black people, southern states began inexorably to imprison Black people to deprive them of their full citizenship and prevent them from gaining any political power; this exception became the primary tool of racial control.

US prisons and jails hold about 2 million people,[[150]](#endnote-151) compared with about 200,000 in 1970.[[151]](#endnote-152) As of 2019, Black people made14% of the US population, 33% of the overall prison population, and 46% of those who have been incarcerated for ten years or more.[[152]](#endnote-153) Prison systems in the South, many of which are located on former slave plantations[[153]](#endnote-154) or are named after former Confederates and enslavers, have been particularly prone to perpetuating certain elements of slavery-era conditions such as forced labor,[[154]](#endnote-155) lack of safety, and the separation of children from their parents. Black Americans are five times more likely to be incarcerated in state prisons.[[155]](#endnote-156) These 2021 figures illuminate the stark racial disparities devastating our southern region:[[156]](#endnote-157)

|  |  |  |  |
| --- | --- | --- | --- |
| **State** | **Prison Population** | **% Black in Prison** | **% Black Population** |
| Alabama | 25,032 | 53% | 27% |
| Florida | 80,417 | 48% | 15% |
| Georgia | 47,010 | 59% | 31% |
| Louisiana | 26,074 | 66% | 32% |
| Mississippi | 17,332 | 61% | 38% |

Well over half of Louisiana’s prison population is Black, although Black people represent only about 1/3 of the state’s population.[[157]](#endnote-158) Black people make up about 15% of Florida’s population but are 48% of those incarcerated in Florida’s prisons.[[158]](#endnote-159)

B. Discriminatory School Discipline and Policing of Black and Brown Children.

Black children in US schools are singled out for harsh discipline at much higher rates than their white peers and are disproportionately suspended or expelled from school.[[159]](#endnote-160) This leads to Black youth being disproportionately pushed into the criminal legal system, a phenomenon known as the “school-to-prison pipeline.”[[160]](#endnote-161) Much of this school pushout and disparate imposition of discipline on Black students is tied to the looming presence of law enforcement officials – known as “School Resource Officers” – in schools.

In July 2022, the US reached an agreement with an Alabama school district, as part of a larger desegregation case,[[161]](#endnote-162) over its finding that Black high school students were more likely to be subjected to exclusionary discipline for similar behaviors. A new SPLC report reveals many more Alabama schools disproportionately suspend Black students for the same infractions as white students.[[162]](#endnote-163) They are far more likely to wind up in Alabama’s racially discriminatory juvenile legal system, which disproportionately incarcerates Black children and criminalizes minor offenses. Similar conditions exist in Mississippi[[163]](#endnote-164) and Louisiana.[[164]](#endnote-165)

The presence of a significant number of police officers in US schools goes back to the late 1990s, when then-President Bill Clinton (who had also been a driving force behind the infamous 1994 crime bill that largely drove US mass incarceration)[[165]](#endnote-166) called for increased law enforcement presence in response to school shooting incidents.[[166]](#endnote-167) Through the Community Oriented Policing Services (COPS) program, passed as part of the 1994 crime bill, the federal government has provided approximately $1 billion in federal grants to state and local governments for the policing, surveillance, and militarization of schools. Federal support for school-based law enforcement directly promotes the school-to-prison pipeline.

The Cops in Schools (CIS) program, which funded the hiring and training of thousands of school resource officers (SROs) by local law enforcement agencies, was crafted to ensure local governments would sustain school policing even after they stopped receiving federal dollars by requiring agencies accepting CIS grants to “commit to continuing the grant-funded SROs” for an additional year after federal funding stopped. Although funding is no longer appropriated for the CIS program, jurisdictions may still use grants obtained through the Department of Justice’s COPS Office to hire SROs.

These grants have had a profound impact on the number of law enforcement officers in schools. Almost 57% of public schools nationwide reported having security staff present at least once a week in 2016, compared with the 22% of schools with a law enforcement presence in 1997, and the mere 1% of U.S. schools that reported having a stationed law enforcement officer in the 1970s. By 2019 more police officers than nurses worked in Florida schools.[[167]](#endnote-168) The increase in officers in schools disproportionately harms students of color, students with disabilities, and LGBTQ students. In 2018, nearly 64% of students in schools that were majority students of color had security staff on campus at least once a week.

The direct consequence of police in schools, coupled with the systemic biases and failures of police departments across the country, is the criminalization of typical adolescent behavior, with deep and disturbing discriminatory implications. For example, while Black students represent only 15% of the student population nationwide, they make up 33% of those arrested despite research showing that students of color do not misbehave more than their White counterparts. In 2018-2019, police arrested Florida elementary school students, as young as 5 and 6 years, 345 times.[[168]](#endnote-169) Black students were 4.5 times more likely to be arrested for disorderly conduct at school. For Black girls, the figure was 6 times.[[169]](#endnote-170) Black youths are disproportionately targeted for arrest and are more likely to be placed in solitary confinement.[[170]](#endnote-171) These arrests and other disciplinary actions can significantly impact students’ educational attainment and devastate young people’s futures. One study found that experiencing an arrest for the first time in high school nearly doubles the odds of a student dropping out, and a court appearance nearly quadruples the odds of a student dropping out. Research directly links the CIS grant program to decreased graduation rates of approximately 2.5 percent and college enrollment rates by 4 percent.”

The increased presence of law enforcement officers in schools supported by COPS Office funding also undermines student safety. Although proponents of school policing often cite student safety as their primary justification, there is no substantial evidentiary support for that assertion. In fact, several studies have suggested that the presence of prison-like conditions such as armed officers may actually make students feel less safe than if there were no police in the school. Some researchers have even found that mass shooters are actually drawn to locations with armed guards, as many are seeking a violent end to their own lives. Moreover, in schools with predominantly Black and Brown youth — where SROs are concentrated — children are often the victim of violent and unchecked attacks by SROs themselves, many of whom are trained to enforce the criminal code rather than help foster a nurturing environment.

C. Children Prosecuted as Adults.

Many US states frequently charge and prosecute children in the adult criminal justice system. Those convicted “as adults” are often incarcerated in adult jails, and are denied adequate educational, mental health, and rehabilitative services. According to the Equal Justice Initiative, about 4,500 children are incarcerated in adult jails and prisons at any given time. They are 36 times more likely to die by suicide than those detained in juvenile facilities and are at much higher risk of sexual violence. Some states attempt to shield these children from violence by placing them in solitary confinement, which is also traumatizing and exacerbates the mental health challenges many of these children already faced.[[171]](#endnote-172) Children incarcerated in adult prisons face lifelong detrimental effects, including lower educational and vocational success, higher rates of recidivism, and worse health outcomes, including a higher rate of premature death.[[172]](#endnote-173)

The state of Florida prosecutes more children on felony charges than any other – nearly 4,500 in the last five years. This figure actually represents a reduction in the sheer number of such charges from a decade earlier, when 10-12,000 children annually were being charged in adult courts, but as a percentage of overall juvenile arrests, the rate has increased. [[173]](#endnote-174) Unlike most other states, Florida law allows prosecutors to make the decision to charge children as young as 14 in the adult system without any court oversight, a decision that is not appealable. Although juvenile courts can also transfer children to adult courts, 98% of adult charges brought against juveniles in Florida are the result of prosecutorial decisions. Black children are arrested in Florida far more frequently, and those who are charged with crimes are more likely than their white peers to be subjected to adult courts and jails. In fiscal year 2020-21, 46% of juveniles arrested in Florida were Black, but they represented 61% of those prosecuted in the adult system.[[174]](#endnote-175)

One particularly problematic issue is teenagers being charged with sex offenses for engaging in consensual sex acts with other teens. Once convicted, these teens are not only subjected to incarceration. They are also saddled with the burden of lifetime sex offender registry, which tremendously limits their opportunities for stable employment, housing, and social integration. In an Alabama lawsuit, *Pennington v. Taylor*, SPLC and other civil rights organizations represented three Alabama men who were victims of this outrageously unfair system.[[175]](#endnote-176) Two of the men had been charged as teens after engaging in consensual sex with another teen. The complaint describes how the sex offender registry requirement has been an obstacle to housing, stable employment, and even their ability to have normal relationships with their children and grandchildren.

D. Children of Incarcerated or Formerly Incarcerated Parents.

As the crisis of mass incarceration in the US escalated over the past several decades, it brought with it a companion crisis – hundreds of thousands of children whose parents are currently incarcerated, and millions more with a parent who was formerly incarcerated and labors under the immense, often lifelong burdens placed on people who have served their criminal sentences. These crises disproportionately impact people of African descent.

The number of children with a father in prison increased 500% from 1980 to 2000.[[176]](#endnote-177) As of 2016, more than 5 million children had experienced parental incarceration. While 1 in 28 children across the country now experiences parental incarceration (compared with just 1 in 125 in 1985), there is a stark racial disparity. 11.4% of Black children have had at least one incarcerated parent, while 1.4% of their white peers have experienced this.[[177]](#endnote-178) In Louisiana, one of the five states in SPLC’s core region, at least 94,000 children have a parent behind bars.[[178]](#endnote-179)

Nearly half of those incarcerated in state prisons, and more than half of those in federal prisons, were parents of minor children as of 2016. The average age of the children of federal prisoners was 10 years.[[179]](#endnote-180) At the time the survey was conducted, the Black federal prison population outnumbered both the white and the Latinx populations.[[180]](#endnote-181) Parents are often incarcerated in facilities far away from their children, preventing meaningful opportunities for visitation.[[181]](#endnote-182) Children are at high risk for being placed into foster care, where their relationship with the parent may be permanently severed and parental rights terminated.[[182]](#endnote-183) Even if the parent is released from prison with parental rights intact, it may be difficult or impossible to reclaim the relationship – the burdens of court debt, unemployment, and housing instability, combined with the years of having missed both everyday interactions and milestones in the child’s life, often lead to a failure to meaningfully reconnect.

Numerous studies have shown that parental incarceration can lead to developmental and behavioral consequences and causes social and emotional impacts that can last into adulthood. These include elevated risk for depression, anxiety, substance abuse and suicidality, as well as difficulty in forming secure relationships.[[183]](#endnote-184) Perhaps more surprising is the damage that can be done to the physical health of children who experience parental incarceration. Studies show that the risk of adverse childhood experiences (ACES) is elevated for children with incarcerated parents, and these contributed to poor physical health outcomes such as lung and heart diseases. One federal government study showed a link between parental incarceration and a range of medical problems later in life, such as asthma, migraines, high cholesterol, and HIV/AIDS.[[184]](#endnote-185)

**VI.** **The Broken US Child Protective System.**

US states funnel a disproportionate number of Black children into foster care and other so-called child protective processes. According to the National Association of State Legislatures, “children of color are more likely to experience multiple placements, less likely to be reunited with their birth families, more likely to experience group care, less likely to establish a permanent placement and more likely to experience poor social, behavioral and educational outcomes.”[[185]](#endnote-186) In 2018, Black children were 14% of the overall US child population but represented 23% of those in foster care.[[186]](#endnote-187) The trauma of family separation has many long-term impacts, including on physical and mental health, and increases the likelihood of involvement in the criminal legal system.[[187]](#endnote-188)

The inequality of poverty plays a role in the racial disparities in foster care placement. Children are often removed from homes based on “neglect” or “abandonment” that is, in reality, poverty – kids who are left at home without supervision because the family could not afford childcare, for example, or school truancy caused by lack of transportation or inability to acquire school necessities. “Poverty is a risk factor for neglect” because of the extreme stresses of poverty, but “poverty does not equate to neglect.”[[188]](#endnote-189) In many US states, authorities do little to address poverty issues that correlate to higher rates of foster care, and at times take punitive steps that exacerbate the problem. For example, states that revoked food assistance benefits as a sanction for unemployment saw a 13% increase in foster care placement, and those that limited such benefits to a five year period or increased benefit denials saw elevated rates of child neglect cases and foster care placement.[[189]](#endnote-190) According to the nonprofit Children’s Rights, medical professionals are twice as likely to screen Black infants for signs of maternal drug use, and Black families are almost twice as likely to be investigated for abuse or neglect. School workers are more likely to report suspicions of abuse or neglect of Black students.[[190]](#endnote-191)

The parental rights of Black parents overall are terminated at higher rates than for white parents.[[191]](#endnote-192) Racial disparities in mass incarceration contribute to this problem – one study showed that about 1 in 8 parents who have a child placed in foster care because of incarceration lose their rights permanently, regardless of the nature and severity of their offense.[[192]](#endnote-193) Many times, the incarcerated parent has no legal representation and isn’t even allowed to attend the hearing at which parental rights are severed.[[193]](#endnote-194) Whether or not legal counsel is provided in such cases varies from state to state,[[194]](#endnote-195) sometimes from court to court within a state. Families who received representation are more likely to get their children back, and the amount of time in foster care is likely to be reduced, while the children were no more likely to experience later mistreatment.[[195]](#endnote-196)

For many kids, disproportionately Black, the trauma of foster care is only the beginning. In Alabama, SPLC and other advocacy organizations have sued the state for discriminating against foster children and other youth with psychosocial impairments – disproportionately Black – by segregating them in restrictive residential psychiatric facilities, denying them the opportunity to grow up in loving homes and receive care in community-based settings.[[196]](#endnote-197) Black youth in the custody of the state face a higher risk of such confinement because the state places 41% of Black foster children who are diagnosed with an emotional disturbance in residential psychiatric facilities, but only 31% of their non-Black peers.[[197]](#endnote-198) Children languish in these facilities, in “dangerous, dirty, and violent conditions,”[[198]](#endnote-199) far longer than medically necessary.

The state of Florida has gone even farther in systematizing the involuntary commitment of children to psychiatric facilities. Pursuant to the “Baker Act,” more than 37,000 children each year are involuntarily committed, often at the behest of schools, police and foster care facilities, and often for minor behavioral issues. A disproportionate number of these children are Black and Brown.[[199]](#endnote-200) The law permits children taken to these facilities to be held for up to 72 hours without court review, but some unscrupulous facilities are known to prolong this period by filing a petition to hold the child longer but then dropping the petition shortly before a scheduled hearing. One facility held people of all ages for an average of more than 8 days and dropped 86% of petitions it filed before they could be heard.[[200]](#endnote-201) Children reported being forced to sleep on a bare cot with no blanket, being housed with much older children who frightened and intimidated them, and not being allowed to communicate with family.

**VII.** **Black Migrants**.

For decades, Black migrants have disproportionately faced abuse and discrimination in the US. A February 2022 letter to President Biden from over 100 lawmakers[[201]](#endnote-202) outlined the issues and called for a thorough investigation and response. The letter detailed “a long history of inhumane treatment of Black migrants,” citing the refoulement and detention of Haitian refugees as one glaring example. It pointed out that “although Black immigrants comprise just 5.4 percent of the unauthorized population in the United States, and 7.2 percent of the total noncitizen population, they were 10.6 percent of all immigrants in removal proceedings between 2003 and 2015,” and are disproportionately subjected to detention and solitary confinement.

Racially discriminatory immigration policies and enforcement in the US are part and parcel of the demonization of Black and Brown migrants for political purposes. As hard-right actors weaponize America’s demographic changes to instill fear and resentment, far-right media and politicians have openly promoted “replacement theory,” and the fear incited by it has been used to justify racially motivated immigration policy. This has been especially true in Southern states. Officials in border states, where white nationalist and antigovernment groups have “intercepted” and interrogated migrants[[202]](#endnote-203) (sometimes with the knowledge and acquiescence of Border Patrol agents[[203]](#endnote-204)), have especially tried to ramp up fear of white replacement to undercut their political opposition. Texas is currently in litigation over its efforts to enforce a draconian law, known as SB 4, that would allow state and local law enforcement to arrest and deport undocumented migrants.[[204]](#endnote-205)

In March of 2022, DHS produced a report,[[205]](#endnote-206) following an internal investigation, on extremism within the agency. The report calls for the development of policies and procedures to address the problem, including clear policies on what constitutes violent extremist behavior and guidance on how DHS officials should respond to it. Unfortunately, the report focuses narrowly on “violent domestic extremist” conduct, leaving open the potential for those who adhere to white supremacist or other extremist ideologies to continue to be in positions in which they arrest, detain, interrogate, or otherwise interact with Black and Brown migrants in a harmful, discriminatory manner. However, it does call for measures to reinforce and enhance compliance with the agency’s ethics standards and code of conduct, and for education about the threat posed by extremism within the agency. More than a year later, members of Congress wrote to the Secretary of DHS seeking information about how the agency would address the serious concerns raised by its own report.[[206]](#endnote-207)

It is well established that the US criminal justice system disproportionately targets Black people, and this leads to higher rates of detention and deportation for Black migrants. A 2020 report provides an overview of “Black Immigrants in the Mass Criminalization System.”[[207]](#endnote-208) Black immigrants are more likely to be detained for criminal convictions, and much more likely to be deported for criminal convictions than other immigrants.[[208]](#endnote-209) Deportation proceedings stemming from criminal conviction often results in the immigrant being held in mandatory detention, with no right to a bond hearing, sometimes for prolonged periods. Drug-related crimes are disparately enforced against Black people, who are almost 4 times more likely than white individuals to be arrested for marijuana possession, even though usage rates are comparable. Black people are more likely to be arrested for marijuana possession in every single state in the country. The authors of an ACLU report[[209]](#endnote-210) found that more than one out of every five noncitizens facing deportation on criminal grounds before the Executive Office for Immigration Review is Black.

A Human Rights Watch report explains the repressive and ongoing crackdown and persecution by Cameroonian authorities against anglophones, dissidents, and perceived dissidents, which has killed thousands of innocent people.[[210]](#endnote-211) It also chronicles the mistreatment and wrongful asylum denials of Cameroonians in the US and calls for immediate Temporary Protected Status of Cameroonians and the return of 190 Cameroonians deported in 2020. Though conditions in Cameroon had not improved, the US immigration court grant rate for asylum or other relief to Cameroonians dropped by approximately 24 percent from fiscal year 2019 to 2020 – a substantial difference from the 6 percent drop in the overall rate. In late 2020, deportations surged. The Human Rights Watch report documents serious flaws and misconduct by officials at all stages of the asylum process.Although the Biden administration eventually extended Temporary Protected Status to Cameroon in the Spring of 2022, TPS has been granted to immigrants from white majority countries like Ukraine without such unwarranted delays.

Black immigrants from Cameroon and several other African countries who ICE refused to release on parole suffered serious abuse as they were detained for over a year in Louisiana. In 2020, a group of 45 individuals wrote letters protesting their treatment in immigration court.[[211]](#endnote-212) Alongside other groups of Cameroonians detained by ICE, they organized protests across the US. The protests were met with brutal violence, repression, solitary confinement, deprivation of potable water, communication blackouts, and denial and cover up by ICE and the for-profit private prison operator, Geo Group. SPLC and other civil rights organizations submitted a complaint to the Department of Homeland Security seeking an end to these practices,[[212]](#endnote-213) and another complaint regarding coerced signatures on deportation paperwork.[[213]](#endnote-214) In 2021, complaints were also filed regarding racial discrimination and abuse against Black immigrants in Louisiana ICE facilities,[[214]](#endnote-215) and describing horrific “WRAP” devices that strapped asylum seekers in torturous stress positions sometimes for hours at a time, as they were being forcibly deported back to Cameroon.[[215]](#endnote-216)

**VIII. Measures to Prevent Bias-Motivated Violence**.

As right-wing extremism is increasingly mainstreamed, its adherents attain more numerous and higher public offices, and technological advances like artificial intelligence proliferate, the need to find innovative ways to enable the public – especially young people, parents, and educators – to recognize and be resistant to disinformation and radicalization is more urgent than ever. SPLC, in partnership with American University’s Polarization and Extremism Research & Innovation Lab (PERIL), is working to develop and disseminate tools to inoculate youth against radicalization and build community resilience through early prevention and non-carceral solutions.[[216]](#endnote-217)

*A Parents & Caregivers Guide to Online Radicalization*[[217]](#endnote-218) helps adults who care for and closely interact with young people to understand how online radicalization can happen and how to recognize the signs and offers productive strategies for intervening. *A Community Guide to Online Radicalization*[[218]](#endnote-219) aims to empower adults in young people’s broader social networks to also recognize and help to interrupt the process of radicalization. Accompanying these resources are supplemental guides specifically geared towards the important roles of educators,[[219]](#endnote-220) counselors,[[220]](#endnote-221) and coaches and other mentors.[[221]](#endnote-222) In addition, the suite of resources includes a separate guide touching on special topics, including male supremacy, elections and other times of national stress, migration, conflict and climate-related crises.[[222]](#endnote-223) All of these resources are available in English, German, Portuguese and Spanish. Three separate assessments conducted since their release have demonstrated that these guides are highly effective tools for assisting their target audiences to intervene against extremist radicalization.[[223]](#endnote-224)

In July 2023, in partnership with PERIL and Everytown for Gun Safety, SPLC released a report detailing the early results of a of study youth attitudes around gun ownership, usage and violence. We asked more than 4,100 young people in the US between the ages of 14 and 30 questions about their access to guns, how safe they feel, their experiences with gun violence, their political views, media they consume and how they think about male supremacy, racial resentment and the Second Amendment to the US Constitution.[[224]](#endnote-225) Among the findings was that the stronger a respondent’s belief in being “safer with guns than without,” the higher they scored on both male supremacy and racial resentment.[[225]](#endnote-226) Pointing up the need for early intervention to prevent adoption of extremist views that can fuel violence, the report’s authors concluded that “[f]or many, guns and gun ownership have come to symbolize the preservation of a certain type of Americanness: one based on the primacy of the white, cisgender and heteronormative nuclear family to the detriment of Black, Indigenous, Asian and Asian American, Latinx/a/o, Pacific Islander people and LGBTQ people.”[[226]](#endnote-227)

SPLC is currently partnering with PERIL in a two-year pilot program to develop Community Advisory, Resource and Education (CARE) Centers. The CARE Centers, which take a public health approach and are modeled on German mobile advisory centers, will provide on-site trainings, assessments, referrals, and other resources to those impacted and affected by hate, discrimination, and supremacist ideologies as well as those susceptible to radicalization. The first two centers will be located in the states of Georgia and Michigan.

The State of Washington is also taking a public health approach to the prevention of domestic extremism. Earlier this year, it began a process to establish a domestic violent extremism commission[[227]](#endnote-228) to work on efforts to prevent and interrupt radicalization. It is an excellent first step, but far more needs to be done, and soon.

Both the US and the international community should encourage media and digital literacy programs that help young people build resilience against manipulative ideologies while providing them with the skills to navigate a rapidly changing online landscape. In an effort to bolster those skills and awareness, SPLC is engaged in a multi-year partnership with the International Research & Exchanges Board (IREX) to adapt its Learn2Discern[[228]](#endnote-229) program to American middle school contexts. The curriculum has proven successful in helping young people improve their ability to discern fact from fiction. When considered alongside SPLC’s Learning for Justice’s[[229]](#endnote-230) educational approaches that are grounded in anti-bias, social justice and inclusion, these resources provide a systematic approach to media, information and civic literacy that governments should promote in schools.

In testimony provided to the New York City Council’s Committee on Civil and Human Rights in November 2020,[[230]](#endnote-231) the SPLC Action Fund outlined seven key areas in which students need support in developing digital and civic literacy skills, including:

* Students can locate and verify reliable sources of information.
* Students understand how digital information comes to them.
* Students can constructively engage in digital communities.
* Students understand how online communication affects privacy and security.
* Students understand that they are producers of information.
* Students understand their role as customers in an online marketplace.
* Students can evaluate the value of the internet as a mechanism of civic action.

This testimony also highlights strategies developed in Finland and Denmark that have shown promising results in addressing the harms of disinformation and detecting and de-escalating radicalization. These strategies provide valuable models for government intervention before radicalization leads to violence.

The international community must break out of siloed responses to race-based hate and extremism occurring in countries around the world and work together to develop and implement effective responses that curb radicalization *before* it leads to violence. While UN Special Procedures include a Special Rapporteur on countering terrorism while protecting human rights, that mandate is focused on safeguarding against abuses that arise from global counterterrorism measures, and other mandates address hate and extremism on a piecemeal basis. A mandate specifically focused on the rising influence of hateful and extremist ideologies – one devoted not only to responding to its impacts but to preventing it from continuing to spread – is desperately needed.

**IX. Recommendations.**

The SPLC Action Fund recently released its policy platform, *Toward a Just and Equitable Future*,[[231]](#endnote-232) an action guide containing recommendations for US political candidates and office holders, and for policy makers at all levels of the US government. We incorporate those recommendations here. While they are specifically geared toward the US government, we recommend the underlying principles to all UN member states as vital actions that must be taken to address and prevent systemic discrimination, including intersectional discrimination, against people and communities of African descent. Our recommendations fall broadly within the following areas:

* The support and protection of voting rights and fair political representation for people of African descent requires governments to prioritize measures to combat discrimination, ensure access to voting, oppose efforts to restrict the vote, and provide robust funding for elections at all levels.
* End reliance on escalating police presence and incarceration as measures to address community safety, require accountability for law enforcement actions, and prohibit practices that contribute to police violence against people and communities of African descent.
* Eliminate laws and practices that criminalize poverty and homelessness and focus resources instead on community-based supports that reduce crime and increase safety, such as housing, medical and mental health care, access to adequate food, and childcare and other employment supports, and eliminate barriers to such supports for formerly incarcerated people.
* End the over-criminalization of children and youth by raising the age for juvenile prosecution to at least 14 years, prohibiting the incarceration of children and youth for nonviolent offenses, and investing in community-based alternatives that prioritize rehabilitation.
* Reject the demonization and dehumanization of migrants, provide effective paths to obtaining asylum, end the practices of holding refugees and asylum seekers in detention or deporting them to countries where they face persecution, and provide humane and cost-effective community-based management of immigration.
* Ensure equitable, inclusive and non-discriminatory access to programs that provide support for low-income people and ensure that people have adequate income and support to sustain a humane standard of living, including access to affordable housing and high-quality, inclusive education.
* Publicly reject hate and extremism, including hate crimes and threats based on race, ethnicity, religion, sexual orientation or gender identity, and vigorously enforce hate crime laws.
* Develop and promote civics education, digital literacy initiatives, culturally competent and linguistically accessible conflict resolution programs, and other initiatives to reduce structural racism, as well as funding for communities to implement their own related initiatives.

Thank you for the opportunity to submit this input. For additional information, please contact LaShawn Warren, Chief Policy Officer (lashawn.warren@splcenter.org) or Lisa Borden, Senior Policy Counsel for International Advocacy (lisa.borden@splcenter.org).

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