

**The
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on issues affecting African Americans
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**Blacks and Latinos Hit Harder In Hard Times
Color of Law
By David A. Love, JD
BlackCommentator.com Editorial Board**

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I don't have to tell you that it's tough out there. I'm talking about the recession, of course. In the end, the bursting of America's economic bubble is the worst financial news since the Great Depression. And ultimately, it is clear that the deleterious effects of U.S. capitalism know no race, ethnicity or class. Titans of industry are reduced to pauper status, working families are out of work, food, healthcare and a home, and people of all backgrounds are watching their life's work eviscerate before their very eyes. We are all bit players in the casino, and with a few exceptions such as the lucky bailout winners, most of us have crapped out, the way the casino operators intended it to work.

But at the same time, it's a little more complicated than that. While "official" unemployment nationwide is high at around 10 percent (far more when you factor in all of those people who are underemployed or have given up all hope of finding a job), unemployment is and always has been much higher in Black and Latino communities. But the gap has widened during this recession. In fact, [Black unemployment is nearly double](#) that of Whites, while Latinos are unemployed at a rate one-third higher than their White counterparts. The situation is particularly chronic [in New York City](#), where there are 80,000 more unemployed Blacks than Whites, even though there are about 1.5 million more Whites than Blacks in that city.

One explanation is that people of color are the folks last hired and first fired, or that their communities have a lower level of entrepreneurship. Some people will be quick to attribute the difference in employment levels to differences in education levels. Their argument is that people of color are lazy and not so smart, and don't apply themselves. But among those with a college education, as the Economic Policy Institute reported, Black unemployment in recent months has doubled that of Whites.

Perhaps institutional racism can explain some of the difference in unemployment levels. As [James Koch](#), an economics professor at Old Dominion University noted, "When the

economy is at or near full employment, employers don't have any choice. They have to hire the people that are available. Right now, employers can be fairly choosy. They may well choose not to hire African Americans."

This notion is worth exploring, at a time when civil rights foes have pushed back against the age of Obama. In the name of "reverse discrimination", they have declared that affirmative action and other diversity programs are a thing of the past. The unqualified minorities are taking all of the good jobs from the ever-qualified and ever-capable White men, they say. Blacks have the White House, after all, so what more do they want?

These malcontents yearn for the day when people of color were relegated to captive labor, or migrant labor, out of sight and out of mind, and nothing more. They point to the Supreme Court ruling in *Ricci v. Stefano*. In *Ricci*, the court found in favor of 17 aggrieved White New Haven firefighters (and one Latino) who claimed they were discriminated against in promotions after they passed a promotional exam. When no Black firefighters passed that exam, in a city where people of color are 60% of the population, the city discarded the results.

Little is said, however, of the recent ruling by a federal judge that New York City discriminates against people of color in the [hiring of its firefighters](#). Specifically, New York City, which is over 60% of color, has a fire department which is over 90% White (and nearly all male), a statistic that stands in marked contrast to other major cities. Blacks and Latinos disproportionately failed the recruitment exams, and those who did pass were placed further down the list than White candidates. The judge determined that "the city did not take sufficient measures to ensure that better performers on its examinations would actually be better firefighters." He added that "when an employment test is not adequately related to the job for which it tests – and when the test adversely affects minority groups – we may not fall back on the notion that better test takers make better employees."

In a majority-minority city such as New York, African Americans and Latinos are seldom found as firefighters, and some professions apparently are the functional equivalent of a family business. It seems more than mere coincidence that unemployment among people of color has skyrocketed.

Some people will always point to the scores, but the truth is that intelligence, achievement and merit cannot be reduced to a single score. But gatekeepers in education and the professions have long used standardized testing as a tool to keep racial, ethnic, class and gender diversity from entering the gate. The tests and the racism always went hand in hand. As anthropologist Carolyn Fluehr-Lobban points out in [Race and Racism: An Introduction](#), standardized intelligence testing was born of the eugenics movement and the IQ tests. These pseudo-scientific tests were first used to prove that immigrant groups, "certain undesirable non-Anglo-Saxons - especially Jews, Hungarians, Poles, Russians, and Italians - 'were mentally defective.'" What worked as a tool of class and ethnic discrimination against European immigrants was then utilized to prove the racial inferiority of "Negro, Mexican and Spanish-Indian children." And according to the [National Center for Fair and Open testing](#), "IQ tests are nothing more than a type of achievement test which primarily measures knowledge of standard English and exposure to the cultural experiences of middle class whites." Yet, society still relies on these exams, commonly known today as the SAT, ACT, GRE, MCAT, GMAT, LSAT, and bar exam, among others.

Society's gatekeepers have a lot of power. They decide who gets the job and why. They determine who is a team player, who is a good fit, who is fit to lead and who is

not. They decide who is too much of this or not enough of that, who is qualified, underqualified, or overqualified. They decide if an applicant's name sounds too "Black" or "Latino", whatever that means. They determine whose hair looks too Black. Gatekeepers create the reality, however subjective, flawed or biased the methodology. They choose the images in Hollywood and on TV, and which people will portray criminals or upstanding citizens, or nothing at all. Gatekeepers make the policies that create a mostly Black and Brown prison population, and a mostly White legal profession. They decide to fill the special education classes and foster care systems with children of color, who will, in turn, fill the prisons. Gatekeepers decide to have a panel discussion on a cable news program, and the topic is the nation's first Latina Supreme Court justice, yet none of the panelists are Latinas.

And gatekeepers lack diversity, in a nation that is becoming more and more diverse by the day. Often, their goal is to maintain a system where everyone looks the same, like the good ol' days. That is why steps are needed to ensure that the game is not rigged, as it has been for so long, so that we do not revert to the nation's default settings of power and privilege.

Harvard professor Henry Louis Gates - who had a less than positive experience with the Cambridge police department of late - said it best in his commencement address to Berea College in 2008:

For me, no matter how intelligent I may or may not be, for me to have been one of those six black boys who graduated from Yale in 1966, affirmative action was a class escalator. As far as I'm concerned, ladies and gentlemen, no one in the American academy has benefited more from affirmative action than I have. And that's why I will go to my grave as an ardent and passionate defender of affirmative action. For me to become so successful in America, and for me to become a gatekeeper of American society and stand at the gate and protest affirmative action to keep out women or people of color would make me a hypocrite as big as Justice Clarence Thomas, and I'm not that kind of person. We need more affirmative action in this country, not less affirmative action. I don't care what the White House says, and I don't care what the minority on the Supreme Court says, and that's the subject of my address this afternoon.

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The BlackCommentator Readers' Corner Blog

BlackCommentator.com Editorial Board member David A. Love, JD is a journalist and human rights advocate based in Philadelphia, and a contributor to the [The Progressive Media Project](#), [McClatchy-Tribune News Service](#), [In These Times](#) and [Philadelphia Independent Media Center](#). He blogs at [davidalove.com](#), [NewsOne](#), [Daily Kos](#), and [Open Salon](#). [Click here](#) to contact Mr. Love.

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