ITEM P.201
FOR INFORMATION

Disparities Experienced by Black Women and Girls Report

DRAFT Report to the 224th General Assembly (2020)

This report is an information item from a G.A. task force. It is being presented for your information.

Recommendations:

The Disparities Experienced by Black Women and Girls Task Force recommends that the 224th General Assembly (2020) approve the following:

1. Direct the Presbyterian Mission Agency (PMA) to create educational resources for congregations to learn and interrupt practices and policies that perpetuate the adultification of black girls and criminalization of adolescent behavior, seeking the advice and input of the Advocacy Committee for Women's Concerns (ACWC).

2. Direct the PMA, Office of the General Assembly, Presbyterian Foundation, Board of Pensions, Presbyterian Investment and Loan Program and the Presbyterian Publishing Foundation to invest in training and in identifying trained antiracism facilitators who will provide a geographically accessible and affordable network for congregations and mid councils, and intentionally include gender and gender identity focused on Black women and girls in antiracism and gender justice trainings.

3. Direct the PMA to:
   a. engage in the work of eradicating systemic violence against black women and girls in its work throughout all ministry areas.
   b. create educational opportunities at denominational gatherings centered on systemic violence as it relates to black women and girls, seeking the advice and input of ACWC.
   c. create opportunities for LGBTQIA+ identified Black clergy to come together for fellowship, education and mutual support for the work of ministry with a specific focus on Trans black church leadership, recognizing that the PC(USA) does not currently have an ordained or installed openly black Trans Minister of Word and Sacrament.
   d. Offer support and grants for congregations working with black queer/trans organizations and engaging in work/programming directly addressing the needs of the LGBTQIA+ community.
   e. Provide resources for making gendered groups safe, spirit-filled places for black queer and Trans women.
   f. Direct the PMA to join with non-profit organizations, like Sister Reach (https://www.sisterreach.org/), to:
      (1) provide grants for a core group of Presbyterians from different congregations in various regions in the church to receive sex education, curriculum and inclusive reproductive justice training, in order to share information with their local congregations.
      (2) support legislation that actively protects black queer and Trans women/girls and speak out against legislation that harms this community.

4. Direct the Presbyterian Publishing Corporation to:
   a. develop theology and worship resources for educating congregations in Rites of Passage and a primer/introduction to women of color, including biblical and theological studies for lay people (reference the works of Dr. Katie Geneva Cannon).
   b. become proactive in finding Black women writers to develop theology, worship and homiletics books and resources.
   c. Provide resources for awareness and sensitivity around intersections of race/gender/sexual orientation.

5. Direct Research Services in the PC(USA) to conduct a survey of Presbyterian Black women, including Black clergywomen, about their experiences within the denomination and hold regional focus groups with black clergywomen conducted by trusted, notable, black women facilitators, consulting with gender and racial justice staff in the PMA.

6. Direct the Board of Pensions to create opportunities for Black clergywomen to come together for fellowship, education and mutual support, potentially in its CREDO program.

7. Direct the PMA to continue and to increase its mission engagement efforts and appeals for Presbyterians to:
   a. support the Dr. Katie Geneva Cannon Scholarship Fund for the purpose of scholarships specifically for women of color to pursue educational studies, including doctoral studies.
   b. Increase support for the Legal Defense Fund in the Office of Gender & Racial Justice for the purpose of supporting black women in achieving racial justice and legal defense.

8. Direct the PMA and the Board of Pensions to continue providing scholarships and financial aid for Master of Divinity students and start providing scholarships for Doctor of Philosophy students.

9. Acknowledge that the work done in this area is being done by the office with the smallest budget (Office of Gender & Racial Justice in Racial Equity & Women's Ministries in the PMA). Direct the PMA to increase budget support and equity for the Racial Equity & Women's Ministries area in the PMA.

10. Acknowledge the current work being done to end Cash Bail by the Office of the General Assembly, the Stated Clerk Dr. J. Herbert Nelson, II, and the Office of Public Witness. Support legislation efforts to end Cash Bail.

11. Acknowledge and celebrate items that the General Assembly of the PC(USA) has passed, which provides for the full inclusion of the LGBTQIA+, including the affirmation of the Trans community.

Background:

This report has been prepared in response to the immediate effects and long-term consequences of adult misperception of the ages of young black girls, the continued disenfranchisement of black women in general and in ministry more specifically, the dehumanizing practices of church and society directed toward the black LGBTQIA+ community and the criminalization of black poor people who cannot afford release from jail while awaiting trial. Provided herein are the background, recommendations and rationale, biblical/theological framing, historical and contemporary socio-political contexts and Presbyterian Church (U.S.A.) history informing these concerns. Included also are select bibliographic

resources from which educational materials can be developed to denounce the toxic theology currently undergirding the policies and practices that adversely affect this demographic of the American populace and from which the Disparities Experienced by Black Women and Girls Task Force advocates. The Disparities Experience by Black Women and Girls Task Force offers recommendations and rationales to the 224th General Assembly (2020) for corrective action specifically to address the following five areas of concern: (1) adultification of black girls, (2) gender equality for black women in ministry/toxic theology, (3) reproductive justice/human rights, (4) LGBTQIA+ equality, and (5) the elimination of cash bail practices.

Black women and girls are routinely portrayed in a pejorative manner in this country. For example, society attributes sex as a natural role to Black women and girls, thus black girls are stereotyped as hypersexualized.[i] This particular mischaracterization of black womanhood has its roots in U.S. chattel slavery to absolve white men of raping young black girls, who were instead cast as evil, lascivious seductresses. Today, in the game of identity politics, black girls are forced to choose either the good or ghetto girl role in a socio-political system that refuses to honor their critical thinking and leadership skills, casting them instead as deviants rather than reflective respondents to oppressive conditions.[ii] The consequences of these mischaracterizations place at risk, the self-esteem, infinite intellectual accomplishments, and vocational aspirations of young black girls toward the fulfillment of their God-ordained purpose in the earth.

In fact, repeated research on racial perceptions shows that blacks are perceived differently than their white counterparts. Recent reporting by the *Georgetown Law Center on Poverty and Inequality* documents survey data of predominantly white adult perceptions of black girls. Report data indicates that these mostly female participants perceived black girls ages 5-14 as more adult and less innocent of the same childhood activities as their white peers. This age misperception is known as "*adultification*," whereby adults assume black girls are older than their actual age, and thus justify harsher punishment for actual age-appropriate behaviors.

The consequences of such misperceptions in addition to the presumption of guilt and the justification of stricter punishment for actual age-appropriate behaviors are less support and fewer protections for young black girls. The implications of these misperceptions adversely affect educational opportunities (e.g. missed school days due to suspension, expulsion or arrest), which in turn can affect quality of life (e.g. expulsion/arrests/missed school days affect assignment completions and increases dropout rates, opportunities for college admissions, financial aid, living-wage and employment) and even risk life itself (e.g. missed school days places persons in high-risk situations, namely juvenile detention and other potentially unsafe environments). More importantly, this age misperception robs black girls of the innocence of childhood while simultaneously denying them the opportunity to learn, grow and benefit from youthful missteps.[iii] The findings of this 2017 Georgetown report demonstrate a clear intersectional bias in adult perceptions of white and black girls, which is suggested to be rooted in the nation's slave holding past. For example, the report notes that enslaved black children, like their parents, were considered chattel, put to work at two or three years old, perceived as unworthy of playtime and punished severely for exhibiting normal child-like behavior.[iv]

This practice of adultification, dehumanizes, devalues and disenfranchises young black girls. As such, not only does adultification rob black girls of their childhood innocence, but the practice robs them of healthy relationships (with God, self and others) and steals the hope-filled, constitutional expectations of adulthood (e.g. life, liberty, pursuit of happiness). The erroneous perceptions of and rush to judgment against young black girls thus necessitate critical reflection upon ecclesial themes such as theological anthropology (humanity's relationship with the divine and the inter-relationship of the human community) and upon biblical passages such as love for our sister whom we see, and love for God whom

we have not seen (1st John 4:20) among many others. As participants did not apply presumed guilt and justified punishment for age-appropriate behavior of pre-pubescent and adolescent black girls equally to white girls of the same age, this biased misperception also requires wrestling with the nation's colonial past that still undergirds contemporary race/gender relations in the present age as this practice of policing (as in surveilling) black bodies for adherence to hegemonic-imposed standards extends not only to children, but also to black female ministers, black members of the LGBTQIA+ community, reproductive justice of black people and the black poor who may find themselves in jail for their inability to pay bail. In fact, the documented bias in perceptions of black female flesh suggests an impact and importance of the intersection of race/gender identity upon spiritual formation and faith-based praxis that requires critical examination of the role this social construct has upon the theological anthropology of both the perceived and the perceiver in the matters outlined herein.

This report is, therefore, an invitation to the faithful to take seriously the critical issues confronting the dehumanized, disabused and disenfranchised of society and of the PC(USA), and to embody through praxis the words of womanist ethicist and Presbyterian minister Rev. Dr. Katie Geneva Cannon, who reminds us that as stewards charged with the sacred responsibility of justice-praxis for members of our species, our true worship of God is evidenced in a love ethic that is expressed in mutual equality, a process of making genuine, demonstrable, honest-to-goodness right-relating connections with all living things.[v]

Rationale:

The recommendations and rationales following five areas of concern: (1) adultification of black girls, (2) gender equality for black women in ministry/toxic theology (3) reproductive justice/human rights; (4) LGBTQIA+ equality, and (5) cash bail relief.

Adultification of Black Girls

Numerous psychological, developmental and educational theorists (e.g. Eric Erickson, Lev Vygotsky, Jean Piaget, etc.) suggest that children engage in certain behaviors at various ages as they grow. Since much of this research has been conducted with white male subjects, the specific behaviors identified may have limited applicability to persons-of-color and women whose actions may differ by virtue of their socialization in their respective communities. Nevertheless, the courts have ruled that children have diminished culpability as compared to adults, and thus have greater prospects for reform. However, when black children display what is otherwise considered "age-appropriate" behavior, different standards of assessment are applied and far more serious consequences can result. For example, when a 7-year-old black girl and her 8-year-old black brother had a fight (as siblings often do), both were arrested and taken into custody from an Ohio school bus. Also, an 8-year-old girl in Illinois was arrested for acting out in 2013; a 6-year old black girl was arrested in Florida in 2012 for having a tantrum; and a 12-year-old black girl from Orlando was threatened with expulsion from a Christian Academy in 2013 unless she changed her natural hair style. Fighting with a sibling, acting out, having a tantrum and wearing natural hair are not uncommon behaviors for young school age children. However, for young black girls, arrest and expulsion are extreme, life-altering, life threatening, and no doubt frightening and traumatizing outcomes for otherwise typical 7-, 6- and 12-year-old behaviors. These few examples, moreover, demonstrate that black bodies are routinely policed for adherence to conformity to standards of dominant cultural behavior, beauty, and even place in so-called "white spaces," but are not given the same benefit of the doubt for displaying frustration, hunger, or even age-appropriateness. Rather, as these few incidents clearly demonstrate blacks are perceived as a threat, and judged quite harshly when their behavior is seen as "nonconforming" to hegemonic-imposed standards.

Recent research (e.g. *Georgetown Law Center on Poverty and Inequality 2017)* documents an ongoing misperception of black girls as older than they actual are, more knowledgeable about adult matters and deserving of punishment for nonconformity to pre-determined standards of behavior as compared to white girls of the same age and guilty of the same misbehaviors (i.e. tantrums, acting out). The result of these perceptions is that black girls frequently experience discipline for subjective reasons such as disobedience/defiance, detrimental behavior and third-degree assault and are punished more harshly including suspensions, which are connected to higher dropout rates and increased risk of contact with the juvenile justice system.[vi] Implied in this misperception is the assumption that black girls "know better," which somehow justifies more frequent and even harsher punishments for actual age-appropriate behaviors. This age misperception also assumes black girls "know more" thus they require less nurturing, less protecting, less support, and less comfort. As a result, black girls receive less consoling after a disturbing incident, have less access to mentoring relationships, have fewer advocates or defenders on their behalf, and have fewer leadership opportunities. Instead, black girls are disciplined for displaying "nonconforming" behavior (i.e. non-ladylike translated *politics of respectability*) and can end up with an expulsion or arrest record for subjective assessments, including simply engaging in 5-, 10- and 12-year-old activities. This mischaracterization leaves black girls three times more likely to be removed from their homes, to be placed in state custody than their white peers, and to receive more severe dispositions even after accounting for seriousness of offense, prior record and age.[vii]

The rationale for this recommendation, therefore, is to bring attention to the problem young black girls uniquely face as a result of adultification, to provide mentoring resources and leadership opportunities to young black girls in order to counter the adverse effects of adultification, and to heighten personal self-awareness of unconscious racial/gender biases in perpetuating this dehumanizing practice.

Toxic Theology / Gender Equality in Ministry

It is important, according to Dr. Katie Cannon, to trace the origin and expansion of the church not only because the same general schemes of oppression remain prevalent, but because as life affirming moral agents, we have a responsibility to study the ideological hegemony of the past so that we do not remain doomed to the recurring cyclical patterns of the hermeneutical distortions in the present (i.e. violence against women, condemnation of homosexuality, spiritualizing scripture to justify capitalism).[viii] Our rationale, therefore, begins with the toxic theology of the church universal and with the treatment of blacks in the United States in particular as the theological doctrines and socio-politically accepted practices of the past (e.g. U.S. chattel slavery, Jim/Jane Crow segregation) affect contemporary perceptions of black women in general and in ministry in this present age.

Traditional theological discourse has long denied all women full fellowship in the human family as image bearers of the living God since interpreters of the Genesis text blamed Eve for the "fall of humanity." For example, the doctrine of the *imago Dei* has been misinterpreted to benefit male authority and to render women subservient in their defective humanity.[ix] This toxic theology, however, has been particularly problematic for black women whose God-given identity was transformed from person to property, sanctioned theologically for exploitation and abused legally during the era of European colonial expansion and Jim/Jane Crow segregation. In fact, the first ideological myth legitimizing the hermeneutical assumption of slave apologists was the charge that Black people were not members of the human race.[x] Colonial-minded pastors and theologians created the *Curse of Ham* both to dehumanize black flesh and also to suggest that the enslavement of Africans was God-ordained. Blacks were taught that God and the white man were the same.[xi] Capitalist-minded politicians then enacted legislation to disenfranchise enslaved Africans and their U.S.-born descendants who were denied citizenship, voting rights, and access to other resources and opportunities otherwise guaranteed to those determined to be "white" and therefore "people" according to the law of the land. In addition, although white women

verbally assaulted enslaved black women for any number of alleged offenses (i.e. singing too loudly, waking too slowly, etc.) and, as Duke History and African-American Studies Professor Thavolia Glymph reports, beat and killed them [black women] in ways so disturbing that historians judged them [white women] barbaric,[1] the planation legend nevertheless enveloped white mistresses in an aura of light and vulnerability, goodness and agreeableness.[1] White women were also legally and socially recognized as human.

By comparison, abused and exploited black women were not recognized socio-politically as human, but were characterized as foreboding, strong, bad, and angry among other pejorative descriptions. Black girls and women were sexualized by the scant attire worn in the hot climate of their native land, and by the limited clothing given for them to wear in the Americas. The sexualized characterization justified the rape of young black girls and women in order to increase the cash crop of enslaved black bodies for capitalist gain. Over the years, many and varied characterizations of black womanhood have morphed into other perhaps more popular, but no less unflattering media images that can be described from Emilie Townes summation as: Aunt Jemima – an overweight, asexual black woman who takes care of white children and whose unattractive image is intended to counter the rape narrative of the slave era; Sapphire – a loud, overbearing, emasculating, angry black woman whose intellectual insights can be dismissed; Tragic Mulatta – self-hating biracial representative of empire/empire building; Welfare Queen – the castrating matriarch bilking the system from hardworking white taxpayers; and Topsy – the lazy, mischievous, child-like, black who must be watched at all times while working or she will steal. Not one of these depictions of black womanhood in the hegemonic imagination is accurate, entitled to socio-political protection, legislative defense or even sympathy, unlike white women who, as Brittney Cooper rightly observes, the whole world rises in defense of their tears.[xii]

This unholy alliance between church and state from the nation's slaveholding past still informs the theo-political beliefs and behaviors toward people of African descent despite the passage of time and despite the passage of civil rights legislation. In fact, legal scholars and critical race theorists note that by every social indicator, racism continues to blight the lives of people of color including holders of high-echelon jobs, and police-community encounters serve as daily reminders.[xiii] Contemporary racism manifests overtly, covertly, institutionally, individually, and insidiously as microaggressions, defined as routine racist experiences that appear normal to the majority culture. For black women, these microaggressions manifest in a myriad of ways including: sexualizing, excluding, policing, neglecting and appropriating their contributions in the workplace. Black female faith leaders experience microaggressions as they endeavor to fulfill their divine call in ministerial leadership while being assigned already failing churches, having their attire policed and being questioned repeatedly about their qualifications, experience, education or vocational call/authority to occupy particular positions of leadership (i.e. senior pastor). For black women, it is as womanist scholar and Episcopal priest Kelly Douglas Brown observes, the moment the black body steps out of its chattel space, it is an imminent threat to cherished white property.[xiv]

The stripping away of black female humanity in an attempt to silence black women's voices necessitated the eventual creation in academia of a womanist methodological lens for interpreting scripture, theology, church doctrine, ethics, etc. Rev. Dr. Katie Cannon was at the forefront of this movement and noted that the substantial omission of Black women from theological discourse flows quite naturally from male theologians using analytical concepts and frameworks that take the male experience as the norm.[xv] Socio-political context shapes both theological inquiry and response.

Black women have both unique challenges and unique ministerial expertise that could benefit others. Black women, therefore, need sacred spaces to share their experiences and to mutually support one another in the ministerial journey. They also need resources to educate themselves and the community about healthy ways to respond to routine microaggressions, and to expand their knowledge of the

contributions of persons of color, black feminists, womanists and black LGBTQIA+ scholarship in biblical interpretation, theological discourse, church history, ethics, preaching, worship and religious education. The rationale for highlighting this issue is to give voice to the unique experiences of black women in U.S society and in PC(USA) ministry and to provide the missing resources to enhance their personal and professional ministerial presence, consistent with the birth of womanist pedagogy that is an effective but underused methodology in the church pioneered by the Rev. Dr. Katie Geneva Cannon, the first black woman to be ordained in the Presbyterian Church.

Reproductive Justice

Reproductive justice is more than election-year/candidate debates and yell-fests between pro-life and pro-choice advocates. Reproductive justice is a movement that encompasses the human right not to have a child as well as the right both to have a child and to parent a child in a safe and healthy environment. Childbearing and childrearing also assumes access to resources such as quality medical care to ensure a healthy birth and a living wage to materially meet the needs of the child. Access to these resources is justified on the grounds that safe, dignified fertility management, childbirth, and parenting constitute a fundamental human right, therefore, reproductive justice advocates use a human rights framework to draw attention to and to resist local/state/federal laws, public/corporate policies based upon racial, gender and class prejudice that deny people the right to control their body, interfere with reproductive decision making and prevent people from living with dignity in safe healthy communities.[xvi]

Reproductive justice also recognize transgender concerns since the definitions of womanhood, birthing and mothering do not fit neatly into the male-female binary, a construct that feels oppressive, anachronistic and invisible to some people.[xvii] In fact, some Trans people have abortions, use birth control and give birth.[xviii] In addition, reproductive justice advocates have worked to end the criminalization of same-sex relationships, promoted legislation supporting domestic partnerships and have helped to redefine decision-making about conception, reproductive health and parenthood.

Reproductive justice also has roots in the nation's colonizing past. For example, during U.S. chattel slavery, white enslavers and overseers raped black women and also forced sexual intercourse between enslaved persons as a means of increasing the cash crop of enslaved black bodies for capitalist gain. After the babies of enslaved blacks no longer increased the wealth of slave-owning whites, laws were enacted to encourage the sterilization of poor black women. Later, the key goal for public health officials in developing birth control clinics in poor African American communities was to "serve the public good by reducing Black fertility."[xix] Since birthing care had shifted from mid-wives to predominantly male gynecological and obstetric physicians, certain traditional care ceased replaced by public policies that had been enacted to require poor women to give birth in crumbling public institutions under circumstances that placed both mother and child at risk.

Medicaid actually paid for the sterilizations of poor women up to 150,000 annually and in 1980 a disproportionate number of the 700,000 sterilizations performed were on women of color.[xx] Federal laws also restricted financial aid to black women who became pregnant. For example, an unintended pregnancy while receiving public aid could result in reduced welfare benefits. In fact, 13 states attempted to pass laws to sterilized women for having too many children while receiving day-care, housing assistance, welfare or Medicaid.[xxi]

Today, "dog-whistle politics" enable politicians to attack particular segments of the population and yet claim plausible deniability since code words (e.g. thug, anchor baby and welfare queen) are used rather than explicit racist/sexist language to refer to particular people groups (e.g. black male, Latino/a, black women). Use of such language misinforms the masses about the actual facts. For example, despite the

racialized stereotype of teen pregnancy as a Black phenomenon, white teenage pregnancy rates are rising in states that mandate the toughest restrictions on sex education, birth control and abortion access.[xxii] It is noteworthy that conservative politicians tag poor white women as "unfit to be mothers because they don't have enough money to give their children advantages and also consider white women who don't want to have children dangerous and un-American because they refuse to provide white American citizens for the nation."[xxiii] Thus while the rationale for addressing reproductive justice is to provide sex education, curriculum inclusive reproductive justice to black women, the entire Presbyterian community would benefit in knowing the history of and evolving advocacy on reproductive justice, rights and resources available, sexual health and well-being, the work the General Assembly has done already on this topic, and to become better informed via the resources of Sister Reach that provides Adult Sex education, Lunch and Learn Workshops, Reproductive Justice and Faith Workshops centered in Womanist Liberation Theology, BOITALK programming to discuss gender non-conforming issues for women of color including: reproductive and sexual health education, social, emotional and mental health wellness, homelessness and LGBTQIA+ youth, violence and harassment, employment barriers and masculine of center motherhood.

Intersection of race, gender identity and sexual orientation

After a police raid on gay, lesbian and transgender patrons at Stonewall, protesters took to the streets for several nights. The 1969 riots begun at a Greenwich Village bar in New York City marked the start of the gay rights movement in the U.S. Subsequent to this response, the American Psychiatric Association and the American Psychological Association both stopped classifying homosexuality as a mental illness, which brought relief to many. Still the LGBTQIA+ community remains under attack. In 2016, 49 people were killed and over 50 were wounded in a mass shooting at the Pulse night club in Orlando, FL. Also in 2016, arguing that Trans persons pose a threat, North Carolina passed legislation requiring Trans people to use bathrooms corresponding to the gender on their birth certificate. In December 2019, multiple news sources (e.g. Huffington Post, https://thegavoice.com/news/trump-administration-removes-sexual-orientation-from-anti-discrimination-guidelines/) report that the Trump administration removed sexual orientation from the anti-discrimination policy of the Interior Department.[xxiv] And despite the PC(USA)'s position to welcome all gender identities into church membership, LGBTQIA+ persons still live in a society where some people choose to highlight select biblical texts to justify excluding full participation in the household of faith, gainful employment, marriage, parenthood, and even the purchase of a wedding cake (e.g. Masterpiece Cakeshop court case).

Issues affecting black LGBTQIA+ persons are also rooted in experiences born during U.S. chattel slavery wherein the enslaved, male and female, were sexualized and raped. Blacks were given little clothing and thus were very often scantily clad thereby exposing human flesh. Moreover, they were often forced to be naked when placed onto auction blocks for sale. While rape was a common method of torture used by white slavers to subdue recalcitrant black women,[xxv] white males also raped black males, but did so with an audience. This practice known as "buck busting" was done in front of family, the plantation community or town, as a means of exercising social control over and humiliating the black man. Blacks were also subjected to public displays of sexual intercourse on "breeding" farms, sometimes forcing intercourse between family members wearing bags on their heads. Through these publicly forced acts of humiliating genital exposure, blacks learned to be ashamed of their bodies in general and of their sexuality more specifically. Adding a toxic theology via select biblical text to inherited body shaming further dehumanizes black identity formation, and a socio-political context that continuously strips LGBTQIA+ persons of hard-fought human rights also compounds daily challenges.

Needless to say, the ongoing assaults on the personhood, sexual identity and human rights of the LGBTQIA+ community are tiring, insulting, and necessitate training about the many and varied issues

affecting the daily lives of the people. For example, among black Transgender people, nearly half (47%) have been incarcerated, a rate that is 10-15 percentage points higher than the rate for all Black folk.[xxvi] In addition, 15% of Trans people live on less than $10,000/year, a rate of poverty that is four times the national average.[xxvii] Although delinquency cases resulting in detention has been rising since 1992, a lack of community-based, culturally competent, and gender-responsive services have been underutilized with girls, many of whom (approximately 40%) identify as LGBTQIA+ or gender-nonconforming.[xxviii]

Educational resources must be provided to assist both LGBTQIA+ persons and allies in understanding sexual identity and in securing safe spaces, job support, healthcare, etc. This recommendation is intended for that purpose.

Cash Bail and Legal Support

The Reagan administration tax cuts created revenue gaps across the nation. To recoup these loss monies, government agencies shifted the financial support to the users of the courts. The result of this shift was criminalization of persons who could not afford to pay fines that were once maybe $50, but was now $100, $200 or $350 or who were jailed for non-payment and required payment of a cash bail fee, that is money paid to the court as a guarantee that the defendant will appear for trial. Today, poor people's inability to pay the bloated fines and fees continues to criminalize their poverty in an unwinnable cycle,[xxix] and increases the likelihood that person will plead guilty to crimes they did not commit just to get out of jail, which creates another set of problems (i.e. housing, employment, etc.) for them.

In *Bearden v. Georgia*, the Supreme Court ruled that to punish someone for poverty violated the equal protection clause, thus an indigent defendant cannot be jailed for an inability to pay a fine unless s/he willfully refuses to pay. Nevertheless, despite this ruling, poor people, especially children, women and the homeless, are targeted by municipalities to retrieve funding shortfalls and they do so via public policies. For example, public policies require "resource officers" to be placed into public schools, particularly poor public schools of color that have "zero-tolerance policies" where children are more likely to be arrested for age-appropriate behavior than reprimanded or respected for difference. Public policies allow poor women to be evicted for calling 911 too many times for relief from domestic violence situations, and public policies target the homeless for public urination and for sleeping outdoors.[xxx]

Larger numbers of people are being arrested and held in jail for lower level offenses that in the past would have allowed for release while awaiting trial. During a year, 11.7 million people spend time in America's county and city jails. African Americans are detained at rates nearly 5 times greater than whites, three times greater than Latino and at cost of $9 billion per year.[xxxi] Between 2000 and 2014, local jail populations grew by 19.8 percent with pretrial detention accounting for 95% of that growth.[xxxii]

While the federal report on Ferguson, MO, brought the issue of high fines ($531 for high grass and weeds)[xxxiii] and criminalizing the poor to light, there are Fergusons all across the country. Consider this incident as recounted by Georgetown Law Professor Peter Edelman in *Not a Crime To Be Poor: The Criminalizing of Poverty In America*: a Georgia resident received a ticket for rolling through a stop sign for which the judge issued a $135 fine to be paid immediately. When she could not pay the amount in full, she was offered the opportunity to pay $267 over a three-month period while on probation. She refused to sign the paperwork, and was then threatened with five days in jail or another $50 assessment to be paid immediately. Fortunately, the woman's fiancé was present at the time, pawned some items on the spot so the woman was free to go. The woman, however, remained at risk for arrest had she missed even one payment over the three month probation period.

Consider also another famous incident of a person who could not make bail: 16-year old Kalief Browder who was jailed for three years at Rikers Island in New York for allegedly stealing a backpack. According to reporting, he was abused by both guards and inmates, spent a significant amount of time in solitary confinement, and attempted suicide multiple times. Eventually, he was released from prison, but committed suicide two years later. Not only does this pre-trial imprisonment increase risk of mental health issues, as the Browder case exemplifies, it also increases risk of false confessions and the increased jail time increases the likelihood of conviction. Attorney Edelman notes that clients take a plea in order to get out rather than fight the case while sitting in jail, even if they have a great defense or are totally innocent, and notes that 50% of defendants not detained before trial over a 10-year period were convicted versus 92% of those who had been detained.[xxxiv]

Cash bail practices destroy lives, cause loss of jobs, separate families, and even kills. This practice adversely affects blacks for a number of reasons at a higher rate than other demographics and necessitates intentional, well-researched education by dedicated advocates like Dr. J. Herbert Nelson, II, and the Legal Aid for Racial and Intercultural Justice Fund in the Office of Gender & Racial Justice, BailProject and National Bail Out #FreeBlackMammas.

Presbyterian History

The Presbyterian Church, like other mainline denominations, has a complicated history with Blacks in America. For example, Presbyterians, like Methodists and Baptists, have been on both sides of the enslavement debate. Both slavery and the institution's most vocal critics were denounced at the 1850 Assembly. Abolitionists within the denomination hoped the church would take a stronger stance against the institution of slavery and against slaveholders within the denomination. Eventually the southerners left the church and New School abolitionists in several presbyteries in upstate New York and in the Midwest joined a number of Old School clergy and laymen to form the Free Presbyterian Church.[xxxv] The Presbyterian Church was again divided over blacks in America – this time in regard to participation in and support of the 1960s Civil Rights Movement. Similarly, the church was split in support of black civil rights during the mid-20th century. According to Frederick Heuser, many Presbyterians supported peaceful civil rights protests, but many did not.[xxxvi] In addition, Heuser says:

> The 1950s and 1960s were decades when Presbyterians, like Americans in general, had to come to terms with the racism that had been deeply embedded in American society since the founding of the United States. That racism assumed a new level in the years following the American Civil War. Despite the passage of the 13th, 14th, and 15th amendments to the U.S. constitution, the concept of separate but equal affirmed by the Supreme Court in the landmark *Plessy v. Ferguson* case of 1896 became a part of the American mindset and legal landscape. Interestingly, Associate Supreme Court Justice John M. Harlan, a Presbyterian, had argued against the majority decision in the Plessy case, claiming the constitution as colorblind.[xxxvii]

The church stands again at a socio-political crossroads as the nation is divided racially, politically, generationally, and must choose on which side of history she will stand – like New School Abolitionist forging a path forward for the poor, dehumanized and disenfranchised.

Appendix

Select Bibliographic Resources

Following is a partial listing of scholarly resources that were used in the preparation of this report and that can be used to develop educational material to address the five issues of concern highlighted in this report.

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