

158 Years of Challenge to Equality and Equity!

**By
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Since the Civil Rights Act of 1866 and the 14th Amendment's Equal Protection Clause of 1868 were passed, the civil rights battle has persisted, preserving the nation's class structure. A century later, with segregation and discrimination still widespread, U.S. President Lyndon B. Johnson enacted the 1964 Civil Rights Act to end segregation and discrimination based on race, color, religion, or national origin¹. 58 years later, we find ourselves once again in a civil rights battle along the lines of race and wealth. Prejudice and discrimination are deepening divides of privilege, distrust, fear, and segregation in our country.

Between 1868 and 1964, barriers and patent acts of discrimination were unapologetic. Jim Crow laws inhibited social integration, wealth creation, political engagement, and representation for people of color. One of the most blatant practices before and during the Jim Crow era was a segregated school system. In all aspects, these laws were discriminatory to the ethnic minority community. They marginalized our ethnic minority communities over the long-term while simultaneously growing and preserving the social, economic, and political strength of the privileged class. From the 1930s through the 1970s, public policies, private sector practices, and the National Housing Act of 1934 instituted “Redlining” practices (housing discrimination through racially restrictive zoning ordinances). Redlining had a lasting impact, limiting wealth creation by minimizing opportunities for people of color to own homes, while protecting the property values of the privileged class.

A cornerstone of these discriminatory practices was school segregation. The 1954 *Brown v. Board of Education*² case ended “Separate but Equal” school segregation laws established in 1896. Despite the ruling, it took decades for the U.S. to implement an integrated school system. The El Paso Independent School District, for instance, did not comply with the Supreme Court's decision for another 22 years, until the 1971 *Alvarado v. El Paso Independent School District* case³. Jim Crow discrimination lasted well into the 1970s, continuing to perpetuate racial inequality by the upper class.

After victories for basic education and school integration, the next challenge became securing equal access to higher education. This became the next battleground. The privileged class targeted affirmative action in higher education enrollment. Allan Bakke⁴ challenged the Regents of the University of California affirmative action policies in the recruitment of Black medical students. The Supreme Court ruled in a split decision stating “affirmative action programs that consider race as one of the factors among many in the

admissions process is permissible under the 14th Amendment and that racial quotas are unconstitutional and violate the Equal Protection Clause of the 14th Amendment.” Unfortunately, additional cases citing Bakke continue to challenge affirmative action in higher education.

In *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*⁵ and *Students for Fair Admissions, Inc. v. University of North Carolina*⁵, the Supreme Court ruled that “...both race-conscious admissions programs violated the Equal Protection Clause of the 14th Amendment and Title VI of the Civil Rights Act of 1964.” These rulings have effectively weakened affirmative action, extending their impact to other areas of life. For example, in an unintended consequence of these rulings, minority owned businesses are now facing even greater barriers to participation.

158 years of civil rights battles and economic disparities have injured the lives and opportunities of ethnic minority communities across the country. This has affected every aspect of their lives: health, security, education, wealth, and professional growth—depriving them of a life of dignity! Empowering our communities with fair and equitable opportunities unlocks a world where all families and communities thrive.

A 2017 study using U.S. Economic Census Data identified the current state of ethnic minority businesses in the U.S. The information was sobering. The amount of business transacted was \$36.57 trillion in total sales and revenues. Of the \$36.57 trillion, \$23.9 trillion or 65.36% was with non-classified businesses. The remaining \$12.06 or 34.64% was with businesses classified by race and ethnicity. Of the classified \$12.06 trillion, only \$1.46 trillion or 13.09% was with ethnic minority businesses. The remaining \$11.20 trillion or 86.90% was with white businesses.

2022 U.S. Economic Census Data shows the amount of business transacted was \$49.99 trillion. Of the \$49.99 trillion, \$32.16 trillion or 64.32% was with non-classified businesses. The remaining \$17.83 trillion or 35.68% was with businesses classified by race and ethnicity. Of the classified \$17.83 trillion, only \$2.15 trillion or 13.71% was with ethnic minority businesses. The remaining \$15.68 trillion or 87.94% was with white businesses.

It is important to note that non-classified businesses grew 25.66%. Growth for white owned businesses grew 28.58%. and classified ethnic minority owned businesses was 31.80%. Although ethnic minority business growth outpaced non-classified and white owned businesses, total ethnic minority business is \$2.1 trillion of \$49.9 trillion or 4.30%. Additionally, considering average inflation rates of 2.64% over the last five years (excluding COVID year 2022), ethnic minority business growth declined.

The ongoing battles against equality and equity preserve the upper-class structure that benefits the needs of the few over the needs of the many. The privileged continue to thrive through education, reinforcing their role within the upper class. With only 95 ethnic minority CEOs in the Fortune 500, limiting access to high quality education further reduces the opportunity for minority leaders to excel into boardrooms. Combined with efforts to restrict education and limited support for ethnic minority businesses, the distribution of economic and political power clearly remains safeguarded in the hands of the upper and privileged class.

Unfortunately, almost 160 years since the passage of the 1866 Civil Rights Act, we still find ourselves battling attacks on education, business programs, contracting opportunities, and the advancements of ethnic minority communities. As leaders, it is our duty to stand up, speak up, and fight against personal and institutionalized discrimination. We are at a pivotal moment. It is crucial we, as members of society, leaders of both publicly traded and private companies, and public servants, unite to end the ongoing efforts to maintain a class structure that constrains people of color from growth in education, employment, wealth, and political power. We must be relentless in our battle to ensure the future of our communities of color is better today and, in the years to come!

1. Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat.241 (1964).
2. Brown v. Board of Education, 347 U.S. 483 (1954).
3. Alvarado et. al vs. El Paso Independent School District, 426 F. Supp. 575 (W.D. Tex. 1976).
4. Regents of the University of California v. Bakke, 438 U.S. 265 (1978).
5. Students for Fair Admissions, Inc. v. President and Fellows of Harvard College, 600 U.S. (2023). Students for Fair Admissions, Inc. v. University of North Carolina, 567 F. Supp.3d 580 (M.D.N.C. 2021)