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Daniel N. Clay, J.D., LL.M., J.S.D.
Assistant Professor
Department of Criminal Justice

1570 Baltimore Pike
Dickey Hall, Room 318
Lincoln University, PA 19352-0999
484-365-5271
dclay@lincoln.edu

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**WRITTEN TESTIMONY OF DR. DANIEL N. CLAY BEFORE THE JOINT HEARING OF THE HOUSE
EDUCATION COMMITTEE AND THE PENNSYLVANIA LEGISLATIVE BLACK CAUCUS ON
FINANCIAL SUPPORT AND RESOURCES FOR HISTORICALLY BLACK COLLEGES AND
UNIVERSITIES**

Introduction

Good afternoon Chairman Schweyer, Chairman Nelson, Ranking Member Topper, members of the House Education Committee, and members of the Pennsylvania Legislative Black Caucus.

My name is Dr. Daniel N. Clay and I was appointed as an Assistant Professor of Criminal Justice at Lincoln University of Pennsylvania in August 2023. I sincerely appreciate the opportunity to appear before you to discuss the vital need and the direct, meaningful impact of the Commonwealth's continued financial support for Historically Black Colleges and Universities (HBCUs).

Today, I will briefly discuss my background and experiences in education at public and private colleges and universities – most of which were considered Predominately White Institutions (PWIs). Then, I will discuss my perspectives as a new faculty member at an HBCU, particularly emphasizing the comparative needs and disadvantages faced by Lincoln University students. Finally, I will discuss the programs, experiences, resources, and opportunities that public funding has provided Lincoln University students and faculty in addressing these needs and remedying these disadvantages as we prepare students to learn, liberate, and lead.

Experiences at PWIs

I found my passion for education during my 2L year of law school when I won a Marshall-Brennan Constitutional Law Teaching Fellowship. While most fellows were placed in disadvantaged communities or otherwise failing schools, I was placed at one of the top and most affluent public high schools in the country – Cambridge Rindge and Latin School in Cambridge, Massachusetts. While the school was fairly diverse and located in an urban area, the students did not suffer from the same disadvantages as other urban high schools in the area. Whereas students in nearby areas such as Dorchester or Roxbury, Massachusetts had to walk through high crime and gang riddled neighborhoods to get to school, my students had to walk across Harvard University's campus.

Mission: Lincoln University, the nation's first degree-granting Historically Black College & University (HBCU), educates and empowers students to lead their communities and change the world.

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Because of the school location, tax-base, and resources, students at Cambridge Rindge and Latin School excelled. While my students' hardest decision was which ivy league school to attend, students at neighboring schools were asked to decide between working two jobs so their family could eat or attending class. Students in surrounding schools did not have the luxury of being able to focus on their education, because most were just trying to survive. As such, I learned very quickly that school funding is often the difference between a student's success or failure. Put more bluntly, I learned that school funding means the difference between college and a career or, sometimes, prison and death.

Nowhere was the importance of funding more evident than at the culminating event of the Marshall-Brennan program – a nationwide high school moot court competition in Washington D.C. During the competition, I could not help but notice the glaring differences between my students and the rest of the participants. While my students were polished, well-read, and able to recite precedent with ease, their opponents – all juniors and seniors in high school – were struggling to read their remarks and often resorted to sounding out elementary-level words. This vast disparity was not because I was a good teacher (admittedly, at the time, I had no idea what I was doing) nor was it because the other students were unintelligent, less motivated, or less deserving. Instead, my students could focus on school and look forward to their bright futures, while the other students had to focus on staying alive.

The role of resources in student success was made even more clear when I accepted my first post-law school position. I graduated in the top 5% of my law school class so I was fortunate to have several offers upon graduation. Despite offers from top Boston firms, I accepted a position at the University of Alabama. While this was a state university, due to its reputation as the number one football school in the nation and its massive student population drawing from across the country, funding opportunities were nearly unlimited. If either faculty or students had an idea for a new program, project, career preparation opportunity, etc., it was routinely and easily funded. As a result, not only could faculty make significant and meaningful contributions in their field, but the students also thrived inside of the classroom, outside of the classroom, and in their subsequent careers.

One such initiative that I created was the "Access to Justice Internship Program." As noted above, the University of Alabama is comprised of a large and diverse student population. While most of my students were strong academically, a large number of my students – disproportionately students of color – hailed from areas of the state with severe socioeconomic challenges and failing schools. As a result, the students did not have the same academic opportunities or resume-building opportunities that would make them competitive for the law school admissions process. With one simple brainstorm, the university was able to fund my idea of partnering with outside legal research organizations to give these underrepresented students the opportunity to develop their legal research and writing skills and, ultimately, become published authors on a legal topic. As a result of this funding opportunity, the vast majority of the program's participants graduated and attended law school.

After leaving the University of Alabama, I held positions at several PWIs including Elmira College, Wells College, and Wilmington College. Given the tuition that these institutions charged, most of my students came from moderately to highly advantaged backgrounds and school districts.

Not only were these students much more prepared to succeed inside of the classroom, but they were able to take advantage of numerous opportunities enabled by these colleges' large endowments and high tuition. As a result, the vast majority of my students either enrolled in post-graduate education programs or entered their career fields with ease. In short, the success of these students is a testament to the critical role of funding and resources on student outcomes.

Comparative Needs & Challenges of HBCU Students

As noted above, I have just completed my first year of service as a faculty member at Lincoln University of Pennsylvania. I was excited to join Lincoln not only because of its most famous alumnus in my field – Thurgood Marshall – but also because it is an HBCU. Specifically, I believed I could offer my unique insights, experiences, and expertise to help bridge the gap in student outcomes and lessen the underrepresentation of people of color in the legal field. So far, it has been an undertaking unlike any other I have had, but one truth remains – funding and resources matter.

During the interview for my current position, I was made aware that members of Lincoln University's faculty must work twice as hard to educate our students. First, we must remedy the shortcomings and deficiencies of the public schools from which our students matriculated. A large number of our students hail from inner-city schools that are either failing, dangerous, or so severely underfunded, due to the tax-base, that meaningful classroom instruction severely suffers and extra-curricular educational opportunities are almost non-existent. Thus, largely through no fault of the student, underclassmen at Lincoln lag far behind their peers at PWIs.

As such, our work as faculty frequently must begin at the remedial level. It is hard to teach a student how to write a legal memorandum or a properly formatted and cited research paper, when they still struggle with the basics of capitalization, punctuation, sentence structure, etc. Once we bring these students up to par, Lincoln's remarkable faculty then strive to graduate students who are as qualified and academically able – if not more so – than their peers at competitive institutions and PWIs. This is a lot to accomplish in just four years and the faculty is working diligently, but we need the resources to do it.

The unique challenges faced by Lincoln students are not limited to their academic disadvantages. Instead, they face daily struggles and must manage responsibilities that their peers at other institutions simply do not have. While these students have left impoverished and frequently dangerous neighborhoods, their families and their lives are still there. For perspective, at other institutions I have had a handful of students who have had grandparents pass away. However, at Lincoln, this term alone, I have had four students who had to return home because a relative was murdered, brutally attacked, or over-dosed on illegal narcotics. A student cannot be at their best when their daily reality includes such fear and loss.

While these struggles do not represent all students at Lincoln University, their impacts are felt campus-wide. While most college students across the country face the pressures of school, work, family, worries about the future, an ever-increasing debt load, etc., students at HBCUs, like Lincoln, carry much greater loads and much greater pressures than the average college student.

Further, due to institutionalized inequities, in order to be competitive in the career marketplace, our students must be as good as or better than their peers.

In short, in the race of life, HBCU students start much further behind, traverse many more obstacles, and often must run further past the finish line than their peers. While as a nation and a commonwealth we have undoubtedly made significant gains, we must acknowledge that this disparity still exists. Thus, for the sake of equity, the sake of our students' futures, and the sake of their communities, funding HBCUs such as Lincoln remains vital. Our students are no less deserving, intelligent, motivated, driven, or capable of unparalleled success than their peers, but they do need the community and the Commonwealth of Pennsylvania to continue to invest in their success.

Addressing Needs & Remediating Disadvantages

As noted above, while students at HBCUs are in dire need of continued funding and resources, we are sincerely and indescribably grateful for the funding allocated by the Commonwealth in the past. While we do not have nearly the same resources as the University of Alabama or other institutions where I have taught, due to the state funding we have received to-date, we are able to offer programs and resources on campus to elevate our students and give them a fighting chance for the future.

In my short tenure at Lincoln University, I have been able to implement or help to implement a series of programs and professional opportunities for my students made possible, in-part, by state funding. Specifically, this academic year my department has or will:

- Implement a competitive mock trial program and team.
- Continue to improve Lincoln University's moot courtroom with technology that students will encounter during their careers in the field.
- Plan and coordinate travel for students to attend professional events or experiences directly related to their careers including law school admissions forums, law school visits, court visits, live autopsies, etc.
- Bring speakers and experts in the field to campus. Of note, this year, our department brought representatives from the Department of Homeland Security, Pennsylvania Attorney General's Office, Pennsylvania Department of Corrections, Oxford Police Department, and the Chester County Coroner's Office.
- Purchase real and reusable "practice-ready" crime scene investigation kits for students enrolled in the Criminal Justice – Crime Scene Investigation track to use for their courses.
- Establish and expand the HBCU Undergraduate Center for Forensic Science.

Other professors in my department shared the impact of public funding that they have received to better serve our students, the community, the profession, and the Commonwealth. One notable example shared by my department chair, Dr. Shannon Felicano, involved a \$7000 Pennsylvania Goal Course Development Grant which enabled her to redesign the structure and curriculum of several courses around an "open educational resources" framework. Because of these changes, students

saved on average \$149.95 per course or, cumulatively, \$22,192.60 in just one year. It is anticipated that this level of student savings will continue well into the future. This is just one of countless examples of how faculty are good stewards of funding and the public trust for the betterment of our students.

The projects that I have described above only represent the work of the Department of Anthropology, Sociology, and Criminal Justice as a result of funding received directly or indirectly from the Commonwealth. While other departments across our campus are engaged in equally important and meaningful projects, many with even smaller budgets, I am the most proud and the most qualified to discuss the projects with which I have been personally involved. If one department at Lincoln University can accomplish so much in just one year with a shoe-string budget, imagine what we can do with even more resources.

Conclusion

In the future, I implore you to continue to invest in our students. An investment in an HBCU like Lincoln University is not only an investment in deserving students and a dedicated faculty, but it is an investment in the future of our communities, the Commonwealth, and the nation. As one of Lincoln's most famous alumni, Thurgood Marshall, once said: "none of us got where we are solely by pulling ourselves up by our bootstraps. We got here because somebody – a parent, a teacher, an Ivy League crony or a few nuns – bent down and helped us pick up our boots." On behalf of the faculty of Lincoln University, I thank you for helping us and our students pick up our boots and build an even brighter future.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "D. N. Clay". The signature is stylized and cursive.

Daniel N. Clay, J.D., LL.M., J.S.D.