



# U.S. “Falling Further Behind” on Race Relations

By Freddie Allen  
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Twenty years after signing the “International Convention on the Elimination of All Forms of Racial Discrimination,” the United States continues to struggle with racial disparities in every major sector of American society.

A coalition of American civil and human rights groups, submitted a report titled, “Falling Further Behind: Combating Racial Discrimination in America,” to the Committee on Ending Racial Discrimination (CERD) that governs the international convention. The report detailed myriad disparities that still exist in the criminal justice system, education, voting, housing and immigration.

CERD is an independent panel of experts “that monitors implementation of the Convention on the Elimination of All Forms of Racial Discrimination by its state parties,” according to the website for the United Nations Human Rights Office of the High Commissioner for Human Rights.

Countries that ratify the CERD treaty must review federal, state and local laws and revise or repeal policies that perpetuate racial discrimination.

The shooting death of another unarmed Black teenager by a police officer, this time in Ferguson, Mo., has garnered international interest, including the attention of CERD that met recently in Geneva, Switzerland.

“The death of Michael Brown, has not only shocked the conscience of the nation, it has shocked the conscience of the world,” said Wade Henderson, the president and CEO of the Leadership Conference on Civil and Human Rights, a coalition of more than 200 organizations devoted to the promotion and protection of civil and human rights. “There seems to be a pattern of excessive use of force by some police officials in communities around the country, which has raised serious concerns about the level of training these officers have received in the course of the regular preparation to become police officers

and the oversight of exercised by individual departments on the behavior of individual officers.”

Henderson, former Washington bureau director of the NAACP, said that the Justice Department should review and prosecute, where appropriate, the cases in which law enforcement used excessive force and deadly force against unarmed individuals and suggested cutting federal funding to state and local law enforcement agencies that continue to violate civil and human rights of the people that they have sworn to protect.

“The world is watching the United States’ response to these tragedies and we must take swift action to release new federal guidance that will prohibit the use of racial ethnic and religious profiling by law enforcement,” said Henderson. “The Department of Justice should review and prosecute where appropriate the cases, in which law enforcement used excessive force and deadly force against unarmed individuals and when appropriate cut federal funding to state and local law enforcement agencies that continue to violate these principals.”

Henderson added: “By taking the necessary steps to address these issues we can and must halt this terrible trend.”

Henderson said that the United States ratified the international treaty in 1994 and joined the world community in its obligation under the treaty to take steps to reduce racial discrimination and disparities within our borders.

Despite the progress that has been made since the passage of the Civil Rights Act of 1964, the U.S. seems at times to be losing ground, especially when it comes to the criminal justice system.

“Discrimination and racial disparities persist at every stage of the U.S. criminal justice system, from policing to trial to sentencing,” stated the report. “The United States is the world’s leading jailer with 2.2 million people behind bars. Perhaps no single factor has contributed more to racial disparities in the criminal justice system than the ‘War on Drugs.’”

The report continued: “Even though racial/ethnic groups use and sell drugs at roughly the same rate, Blacks and Hispanics comprise 62 percent of those in state prisons for drug offenses, and 72.1 percent of all persons sentenced for federal drug trafficking offenses were either Black (25.9 percent) or Hispanic (46.2 percent), many of whom often face harsh mandatory sentences.”

“The Falling Further Behind” report said that “Stand your ground” laws on the books in 22 states have exacerbated the discriminatory treatment toward suspects of color.

“For example, a recent study by the Urban Institute found substantial evidence of racial disparities in justifiable homicide outcomes of cross-race homicides nationwide. A key finding was that Whites who kill Blacks in “stand your ground” states are far more likely to be found justified in their killings,” stated the report.

Researchers at Texas A&M University reported that jurisdictions that passed “stand your ground” laws experienced an increase in homicides.

The report also expressed the need for increasing data collection of police misconduct, including the racial identification of the victims.

“The National Police Misconduct Statistics and Reporting Project, run by the Cato Institute, reports that there were 4,861 unique reports of police misconduct that involved 6,613 sworn law enforcement officers and 6,826 alleged victims in 2010, the most recent year for which there is data,” stated the report. “There were 247 deaths associated with the tracked reports in 2010 and 23.8 percent of the reports involved excessive use of force, followed by sexual misconduct complaints at 9.3 percent.”

The report noted the government’s actions to decrease disparities in the criminal justice system, including the passage of the Fair Sentencing Act of 2010, “capping a long effort to address the disproportionate impact the sentencing disparity had on African-American defendants,” and efforts by the Justice Department to reform prosecutorial charging policies.

“The committee expressed great concern about structural discrimination in the United States and lamented the fact that there wasn’t a mention of structural discrimination in the report and suggested that the [exclusion] went against the spirit of the treaty,” said Chandra Bhatnagar, a senior staff attorney at the American Civil Liberties Union (ACLU). “In particular, with respect to affirmative action, the convention requires states that have histories and contemporary forms of discrimination that they’re fighting against to have special measures to have affirmative action and other programs that take into account the sources of contemporary discrimination.”

Bhatnagar added: “To the extent that affirmative action is prohibited in particular states that flies in the face of the requirements of the convention.”

Marcia Johnson-Blanco, co-director of the Voting Rights Project at The Lawyers’ Committee for Civil Rights Under the Law, said that the committee was struck by the continued segregation in our education system.

“Sixty years after the Brown decision, segregated schools are the norm for the majority of Black and Latino students. Millions of American students continue to attend separate and unequal schools. In 1968, 76.6 percent of Black students and 54.8 percent of Latino students attended majority-minority schools,” stated the report. “Minority students, to an overwhelming degree, disproportionately attend underfunded and under-resourced schools.”

Henderson said that CERD acknowledged the Education Department’s work on its Civil Rights Data Collection project, but was stunned to learn that analysis of the data revealed that Black children are suspended from preschool programs at a disproportionate rate.

According to the report, “In one study of Florida students, 39 percent of all Black students were suspended at least once, compared with only 22 percent of White students. This remains true regardless of age or grade. For example, in 2011, in one prekindergarten and kindergarten school in Louisiana, Black students comprised every single out-of-school suspension and half of all in-school suspensions, despite constituting only 26.5 percent of all students.”

The Education Department found that “Black children represent 18 percent of preschool enrollment, but 48 percent of preschool children receiving more than one out-of-school suspension.”

Henderson said, “There is clearly something wrong in our system with results like that.”