

STATUS OF
DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES
and the United States's Violation of the
Convention on the Elimination of All Forms of Racial Discrimination

**Response to the Periodic Report of the United States of June 12, 2013,
accompanied by the Common Core Document
and Annex submitted on December 30, 2011,
to the United Nations Committee on the Elimination of Racial Discrimination**

Submitted By
Racial Justice Now!

On behalf of
62 Community Organizations
221 Community Activists and Supporters

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 2 of 36

ABOUT

Racial Justice Now! is a community based organization made up of educators, parents, clergy, and grassroots activists.



RACIAL JUSTICE NOW!

“Racial Justice Now is dedicated to fighting institutional and systemic

racism. By focusing on human rights, RJN seeks to empower other grassroots activists to challenge systemic racism by organizing and holding people in power accountable.

Contact Information:

Professor Vernellia R. Randall
vrrandall@racialjusticenow.org

Principal Author

Ms. Zakiya Sankara-Jabar
z.sankarajabar@racialjusticenow.org

Table of Contents

ABOUT RACIAL JUSTICE NOW!	2
LIST OF ORGANIZATION ENDORSERS.	4
LIST OF COMMUNITY SUPPORTERS.	6
KEY FINDINGS.	14
RECOMMENDED QUESTIONS FOR THE UNITED STATES.	14
RECOMMENDATIONS TO THE UNITED STATES.	15
WHO ARE DAEUS.	15
WHY FOCUS ON DAEUS.	16
ANTI-BLACK RACISM AND ITS IMPACT.	20
VIOLATIONS OF ICERD	
Article 2.	25
Article 3.	26
Article 5	27
APPENDIX A: BLACK FARMERS: IT'S STILL ABOUT THE LAND!	32
APPENDIX B: SEGREGATION AND ANTI-BLACK RACISM.	33
APPENDIX C: COMMENTS OF ENDORSERS.	35

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 4 of 36

LIST OF 62 ORGANIZATIONAL ENDORSERS

Africa Imports	Cultural Competency Consulting
Africa and Diaspora Development Linkages	D.C. Statehood Green
AFROAMERICAS	David F Sugerman, Attorney, PC
Allen Hydro Energy Corporation	Family Solutions INC
Allen Temple Baptist Church	Fight Racism Now (FRN)
American Institute of Human Rights	Heat Syst.Provider
Anti Racism Media	Global Afrikan Congress uk
Anti Racist Alliance	Health Equity in the Curriculum, Student Committee, Harvard Medical School
Anuword Media	Hunting Park Avenue Day Care Center, Inc.
Association of Black Psychologists	Immigrant Service Providers Group/Health
AWARE	Institute of Social Medicine & Community Health
AYA Educational Institute	Justice Advocacy Alliance
Black Empowerment Collectives	Knowledge for LIFE
Black Studies Program at the U of Mass Dartmouth	LA Progressive
Central American Black Organization	Malcolm X Center for Self Determination
Coalition to Defend Public Education	Melanie Sinclair Art
Cook County PLACE MATTERS	Miami Valley Organizing Collaborative
CREO	Morgan State University

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 5 of 36

Nancy Lockhart Partners	Shared Space at Lucy Depp Park
National Action Network, ATAC	SOL: Saving Our Legacy, African Americans for Smoke-Free Safe Places
NCOBRA	Strategic Consulting for Equity in Health
New Abolitionist Radio	The Centre for Applied Research and Evaluation- International Foundation. (careif)
One World Consulting	The Praxis Project
ONE BROWARD	The Other Side Of The Track
Paris Life LLC	The Black Think Tank
Prison Activist Resource Center	The George Washington University
Reality House Inc	UCVED
RESTITUTION STUDY GROUP	Valdon Communications
S.O.P.E.	Victorious Black Women
Same Gender Loving Movement	
Sankofa Men's leadership	
Scintilla Productions	

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 6 of 36

LIST OF 221 COMMUNITY ENDORSERS

Lucious Abrams

Black Farmer, Keysville, Georgia

Toni Lee Acevedo

Community Activist

Willie Adams

Black Farmer, Greensboro, Georgia

Betty Agin

UCVED*

Laurence Aikens

Financial Advisor

Bill Ainsworth

Master Electrician

Lindsay Ainsworth

Community Activist

Carol Allen

Health Educator Consultant I, Public Health -
Seattle & King County*

Angela Allen-Bell

Assistant Professor, Southern University Law
Center*

Mustafa Ansari

Dean, American Institute of Human Rights*

Sono Arima

Community Activist

Heather Atkinson

Community Activist

Sakiru Omofesojaiyeolaoluwa Bagbansoro

Hissm Nubian Emperor, Global Afrikan
Congress UK*

Shawnta Bailey

Community Activist

Philip Baptiste III

Community Activist

Michael Barnes

Community Activist

Patrick Barrett

Community Organizer, Sankofa Men's
Leadership*

Deborah Batchelor

Educator, Hunting Park Avenue Day Care
Center, Inc.*

June Beleford

Health Educator Consultant Iii

D. Bell

Community Activist

Janie Bemby

Black Farmer, Hawkinsville, Georgia

Robin Benton

Organizer, Anti Racism Media*

Sandra Bernabei

Founding Member, Antiracist Alliance*

Takeita Bey

Community Activist

Desiree Bizzell

Community Activist

Carol Black

Community Activist

*Organizations For Identification Purposes Only.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 7 of 36

Iris Blanchard

Counselor

Irene Crawford

Counselor

James Bloyd

Lead, Cook County Place Matters*

Bettye Jeanne Daniel

Diabetes Program Coordinato

Marie Bradford

Community Activist

Dexter Davis

Black Farmer, Sondheimer, Louisiana

Vernon Breckinridge

Black Farmer, Hennessey, Oklahoma

Lamis Deek, J.D.

Attorney

Theresa Brinson

Therapist, Black Empowermet Collectives*

Daniela Delgado

Medical Student

Rita Brown

Volunteer, Prison Activist Resource Center*

Ty Depass

Principal Associate, CREO*

Daniel Buford

Reverend, Alllen Temple Baptist Church*

Wanda Dillard

Director

Elouise Burrell

Artist, Scintilla Productions*

Carl Dix

Stop Mass Incarceration Network*

Zenobia Bush

Community Activist

Richard Dixon

Community Organizer, Miami Valley Organizing Collaborative*

Charles Campbell

Ceo, Allen Hydro Energy Corporation*

Marian Douglas-ungaro

Writer, International Human Rights Consultant, and Founder, AFROAMERICAS*

Kevin Campbell

Poet

Pamela Edwards

Professor of Law, CUNY School of Law*

Tennille Chambers

Clinical Therapist

Masai Ehehosi

Community Activist

Vallesha Coleman

Community Activist

Bee Ra El

Self Employed, Africa Imports*

Beverly Collier

Community Activist

Deadria Farmer-Paellmann

Esq., Restitution Study Group*

Mirtha Colon

LCSW-R, Central American Black Organization*

*Organizations For Identification Purposes Only.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 8 of 36

Julia Fleckman
Community Activist

Kwanda Ford
Graduate Student, Claremont Graduate
University*

Gerry Formisano
Community Activist

Jeanne Foster
Community Activist

Roland Foulkes
Founder, President & Ceo, One Broward*

Valerie Galloway
President, Valdon Communications*

Marsha Gillespie
Grants Manager, Operation Breakthrough, Inc.*

Sonia Gipson Rankin
Associate Dean, University of New Mexico*

Vernessa Gipson
Social Worker

Nozipo Glenn
Retired Social Worker

Mary Gmeiner
Community Activist

Willie Gordon
Black Farmer, Hawkinsville, Georgia

Cat Goughnour
Community Activist

Dianne Green
Community Activist

Ronald Green
Community Activist

David K. Greer
Community Activist

Otis L Griffin
Community Activist

Robert Griss
Director of Health Care Policy, Institute of Social
Medicine & Community Health*

Arlease Hall
Community Relations Director, County Health
Department*

Georg Hall
Black Farmer, Boligée, Alabama

John Hall
Community Activist

Nathan Hare
Cofounder, the Black Think Tank*

Robert Harrington
Community Activist

Leslie Harris
Professor, Emory University*

Willie Head Jr.
Black Farmer, Pavo, Georgia

Howard Henderson
Professor, Sam Houston State University*

Kathy Hessler
Law Professor, Lewis & Clark Law School*

James Hill
Community Activist

Marion Hill
Community Activist

*Organizations For Identification Purposes Only.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 9 of 36

Kamm Howard
Legislative Commission Chair, Ncobra*

James Kamau
Exec Director

Nadia Hyppolite,ma, Ms
Community Activist

Suzanne Keller
Epidemiologist

Isaiah Imani
Community Activist

Kenneth King
Community Activist

Erica Itzkowitz
Community Activist

Leslie King
Community Activist

Dolores Jackson
Retired

Ruth Klein
Community Activist

Grady Johnson
Roofer

Estelle Knox
Community Activist

Don Johnson
Community Activist

Rev. Dr.. Niinana Kweku
Family Therapist, Family Solutions Inc*

Janice Johnson
Associate Professor, John Jay College*

Sharon Kyle, J.D.
Professor of Law, Peoples College of Law*

Antwan Jones
Assistant Professor of Sociology and of Africana
Studies, the George Washington University*

Roxanne Lawson
Community Activist

Camara Jones
Senior Fellow, Satcher Health Leadership
Institute*

Linda Leaks
Community Organizer, Justice Advocacy
Alliance*

Florha Jones
Community Activist

Corey Lee
Black Farmer, Portland, Tennessee

Lovell Jones
Professor Emeritus, UT MD Anderson Cancer
Center*

Kimberly Lee
Project Director, Sol: Saving Our Legacy, African
Americans for Smoke-* Free Safe Places

Tinikia Jones
Community Activist

Nekima Levy-pounds
Professor of Law, University of St. Thomas*

Deborah Jones-Brown
Advocate, the Other Side of the Track*

John Lindsay
Social Worker, Aware*

*Organizations For Identification Purposes Only.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 10 of 36

Nancy Lockhart
Legal Analyst, Nancy Lockhart Partners*

Anthony Micheal
Banker

Hector Lopez
Community Activist

Erica Monroe
Community Activist

Alyse Lopez-salm, MPH
Community Activist

Margaret Montoya
Professor Emerita of Law, University of New Mexico School of Law*

Afiya Madzimoyo
Co-director, Aya Educational Institute*

Jeffrey J Moore
Chair CEO, Heat Syst. Provider*

Conley Major
Educator

Patricia Moran
Afroamericas*

Gustavo Makanaky
Doctor, Assim Bonanga Foundation*

Juliana Morris
Health Equity in the Curriculum, Student Committee, Harvard Medical School*

Kathleen A Maloy
Doctor, Strategic Consulting for Equity in Health*

Steven Muhammad
President, Knowledge for Life*

Elizabeth Mary
Community Activist

Onaje Muid
Clinical Associate Director, Reality House Inc*

Alicia Matthews
Associate Professor of Psychology, University of Illinois at Chicago*

Monique Mullins
Community Activist

Michael Mceachrane, PHD
Fight Racism Now (FRN)*

Thomas Myers
Repairmen, City of Columbia*

Chianti Mcgee-traore
Community Activist

Jacquelyn N'jai
Educator

Cynthia McKinney
Former U.S. Representative

Efia Nwangaza
Executive Director, Malcolm X Center for Self Determination*

Yvette Mcshan
Ceo, Victorious Black Women*

Kimberly Oleary
Professor of Law, Thomas M Cooley Law School*

Delores Mentor
Community Activist

Constance Oliver
Social Worker

*Organizations For Identification Purposes Only.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 11 of 36

Bridgett Ortega

Assistant Director, Atlanta's John Marshall Law School*

Carl Parker

Black Farmer, Ashburn, Georgia

Max Parthas

Abolitionist, New Abolitionist Radio*

Mayra Paulino

Community Activist

Carolyn Perkins

Advisor, Dayton Naacp Youth Council Advisor*

Albert Persaud

Co-founder & Director, the Centre for Applied Research and Evaluation-international Foundation. (Careif)*

Morgan James Peters

Professor and Director, Black Studies Program at the U of Mass Dartmouth*

Kelly Peterson

Community Activist

Anna Phillips

Community Activist

Gerald Pilgrim

President Gp Building Maintenance Inc., National Action Network, Atac*

Alex Pirie

Coordinator, Immigrant Service Providers Group/health*

Antoinette Poindexter

Community Activist

Prince Powell

Cook

Kara Prior

Graduate Student

Sieglinde Prior

Executive Officer 2, Ia Dept. Of Public Health*

Brenda Randall

Community Activist

Issa Randall

Artist

Paris Randall

Business Owner, Paris Life Llc*

Vernellia Randall

Professor Emeritus, University of Dayton School of Law*

Co-founder, Racial Justice Now!

Joseph Rutledge

Community Activist

Dana Reed Wise

Bureau Chief, Marion County Public Health Department*

Patricia Reid

Assistant Professor, University of Dayton*

Jose Reyes

Director, Cultural Competency Consulting*

Paula R Rhodes

Associate Professor, Univ. Of Denver Sturm Collee of Law*

Rodney Roberson

Community Activist

Glenn Robinson

System Administrator

Raymond Robinson

Community Activist

*Organizations For Identification Purposes Only.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 12 of 36

Yuri Alexander Romana

Lawyer

Loretta Ross

Speaker/writer

Staci Rucker

Assistant Dean for Student Affairs, University of
Dayton School of Law*

J Malik Russell

Anuword Media*

Sharnell Salahaldin

Community Activist

Zakiya Sankara-Jabar

Co-Founder, Racial Justice Now!

Christine Schmidt

Clinical Social Worker

Heather Schroeder

Professional Clinical Counselor

Billy Joe Scott

Black Farmer, Hawkinsville, Georgia

Willie Henry Scott

Black Farmer, Hawkinsville, Georgia

Melody Sellers

Community Activist

Kavin Shah

Community Activist

Jamia Shepherd

S.O.P.E.*

Annie Simpson

Professor of Medicine

Melanie Sinclair

Studio Artist, Melanie Sinclair Art*

Joseph Sique

Black Farmer, Jeanerette, Louisiana

Eddie Slaughter

Black Farmer, Buena Vista, Georgia

John Slaughter

Black Farmer, Buena Vista, Georgia

Thomas Smith

D.C. Statehood Green*

Darron Smith

Professor

Ebony Smith

Sr. Compliance and Audit Consultant

Sharon Smith

Antiracism Media*

Solomon Sogunro

Community Activist

Rodney Solomon

Community Activist

Kristine Stallone

Community Activist

Filomina Steady

Professor, Wellesley College*

James Stephenson

Black Farmer, Dermott, Arkansas

Gwyn Stetler

Interfaith Minister, Shared Space at Lucy Depp
Park*

Bernard Stevens

Human Service Professional, Same Gender
Loving Movement*

*Organizations For Identification Purposes Only.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 13 of 36

James Stevenson

Community Activist

Carrie Stewart

Owner/principal, One World Consulting*

Daria Dillard Stone

Founder/servant Leader, Sharing Ministries
Llc*

David Sugerman

Attorney, David F Sugerman, Attorney, PC*

Mana Tahaie

Director of Mission Impact, YWCA Tulsa*

Janine Tebeau-Jemerson

Registered Nurse

Sandra Tetnowski

Community Activist

Makani Themba

Executive Director, the Praxis Project*

Craig Thornhill

Paralegal, University of Dayton School of Law*

Lisa Troth

Community Activist

Renata Turner

Asst. Dean, Atlanta's John Marshall Law School*

Boikai Twe

Chairperson of Psychology, Association of Black
Psychologists*

Nse Ufot

Asst Executive Director, Canadian Association
of University Teachers*

Alejandro Varela

Long Island University*

Julialynne Walker

Africa and Diaspora Development Linkages*

Karen Wallace

Attorney

Byron Ward

Community Activist

Anthony Washington

Health Home Specialist,

Boyce Watkins

Finance Professor, Syracuse University*

D. Tondelayo Watkins

Attorney, Law Offices*

Elizabeth Webster

Scientist

Jacqueline Whatley

Writer, LA Weekly & BK Nation*

Faheem Williams

Design/Builder

Raymond Winbush

Director, Institute for Urban Research, Morgan
State University*

Eloise Wyatt

Retired Teacher, Coalition to Defend Public
Education*

*Organizations For Identification Purposes Only.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 14 of 36

KEY FINDINGS

1. Widespread anti-black racism and the development of a new systemic structure of institutional oppression has caused the current (2014) economic, social and political well-being of black Americans to approximate the system of legal apartheid in the United States from 1870 to 1964.
2. In three phases of American history, the law has been used to oppress people of African descent: the invention of racial slavery, the re-creation of slave-like conditions through legal Apartheid (also known as Jim Crow) and the re-creation of Jim Crow through the new American Apartheid. All of those phases have had a profound impact on African descent, but the true nature of the impact is unknown because the United States fails to collect data on DAEUS.
3. Descendants of Africans Enslaved in the United States (DAEUS) origins are only here in the United States and cannot be compared to African immigrants or to any other racial or ethnic group. In fact, every ethnic group, – Irish, Chinese, Italians, Jews, Native Americans, Mexicans, Afro-Caribbeans, and Black Americans – has attempted to negotiate America's racial hierarchy, with the specific aim of distancing themselves from the bottom (DAEUS) and aligning with the group at the top (White). These groups implicitly accepted and perpetuated racial hierarchy, shoring up rather than dismantling white supremacy and racism.¹
4. The United States through its system of laws and enforcement of law permits and authorizes racial discrimination in every area of American life. This system is based on anti-black racism and has a disparate impact on DAEUS. Consequently, the United States violates article 2, 3, and 5 of the Convention on the Elimination of all Forms of Racial Discrimination.

RECOMMENDED QUESTIONS FOR THE UNITED STATES

5. Does the United States recognize that the situation of Descendants of enslaved Africans is different from other racial minorities? Why? Why not?
6. What studies have United States done on the status of Descendants of enslaved Africans? When was the last one done? What recommendations came out of the study? When is the next study?

¹Vilna Bashi Treitler, *The Ethnic Project: Transforming Racial Fiction Into Ethnic Factions* (2013)

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 15 of 36

RECOMMENDATIONS TO THE UNITED STATES

7. Amend census and data collection category to have more ethnic categories for Blacks including a category for DAEUS (Descendants of Africans Enslaved in the United States).
8. Conduct racial impact study on all policies and laws with particular attention to the impact on DAEUS
9. Require any federal, state, county and city that receives any federal funding to collect data on impact of programs using federal funds on DAEUS and publish that data electronically for the public.
10. Require government agencies and federal contractors to be trained on anti-black racism, systemic racism analysis and ICERD obligations.
11. Revise anti-discrimination law to include negligent discrimination.

WHO ARE DAEUS²

12. Black Americans are Americans of black African descendant, including African Americans.
13. African Americans are black Americans who are descendants of enslaved Africans in the United States. Unfortunately, in popular culture, African American is often used to describe any American who is of Black African descent. For example, President Obama is described and self-identifies as African American even though his ancestors were not enslaved in the United States.
14. For that reason, we use the term "Descendants of African Enslaved in the United States" (DAEUS) instead of African Americans.

²There is disagreement on the definition of the terms, but that disagreement does not distract from the issue presented by the report - that DAEUS are not adequately acknowledged or protected by the United States Government from anti-black racism.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 16 of 36

WHY FOCUS ON DAEUS?³

15. In order to understand the effects of systemic white supremacy and anti-black racism in the US, we need to understand the historical circumstances that make DAEUS a particularly vulnerable group.
16. The existence of DAEUS in the United States resulted from a unique confluence of historical events that brought Europeans, Native Americans, and Africans together, creating the so-called “New World” of the Americas based on Atlantic worlds of economic, cultural, and political connections. The racial and ethnic uniqueness of DAEUSs from the “discovery” and colonization of this “New World” and by subsequent events that culminated in the creation of the United States. The United States was established with a distinctive legal framework that espoused freedom and democracy while brutally suppressing people of African descent who were regarded as property and chattel. Over 543 years⁴, in three phases of American history, the law has been used to oppress people of African descent: the invention of racial slavery, the re-creation of slave-like condition through legal Apartheid (also known as Jim Crow) and the re-creation of Jim Crow through the new American Apartheid.
17. Understanding this historical trajectory is essential to understanding the situation of DAEUS. The cultural and social dynamics that followed each phase of these historical, targeted DAEUSs. Yet, DAEUSs fought, struggled, and died in an effort to hold the nation that was founded on the principles of freedom and democracy to these philosophical ideals. From 1492 through the Modern Civil Rights movement to today in the new American Apartheid, a system of white supremacy based on anti-black racism has been allowed to continue.

³ Thanks to Dr. Patricia Reid, Professor of History, University of Dayton for drafting this section.

⁴When counting the number of years if you just subtract, you will be one year short. So if you want to know the number of years (inclusive) for Jan 1, 1980 through Dec. 31, 1990. If you just subtract you will have 10 years but if you actually count the years from 1980 through 1990 it is 11 years.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 17 of 36

African American Legal Experience* 1619 to 2014
Professor Vernellia R. Randall

Time Span	Years	% US Experience	Legal Experience
1619 to 1864	246	62.1%	Chattel Slavery
1865 to 1870	6	1.5%	Reconstruction
1871 to 1963	93	23.5%	Legal Apartheid (aka Jim Crow)
1964 to 1979	16	4.0%	Affirmative Action Era
1980 to 1992	13	3.3%	Racial Re-entrenchment Era
1993 to 2014	22	5.6%	New American Apartheid (aka Implicit Bias Era)
	396		

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 18 of 36

18. The situation of DAEUS is a result of racial slavery. Without the mass transfer of people from the African continent to the Americas, the invention of the white race, the construction of racial slavery under British colonial rule, and the consequent racial mixing with people of European and Native American descent, the racial category of DAEUSs would not exist. Because of the brutality of American slavery, most African cannot trace their family histories beyond their sale to a slaveholder⁵. DAEUSs who can trace their ancestors to the period of slavery usually cannot pickup the trail into any specific country or tribe in African. They have no knowledge of their African ancestry, only that their forebears arrived in the "New World" as property. This is not only tragic, but it uniquely defines native-born DAEUSs as a special group in world history – we are a product of the creation of this “New World” and deserve special recognition as a people.
19. The horror of this Middle Passage was the start of the DAEUS identity. The survivors of the Middle Passage came to comprise a generalized African culture through this shared experience of brutal suppression and exploitation.
20. In the “New World,” enslaved Africans were burdened with the responsibility of trying to understand themselves and form a new identity as their captors tried to strip them of their psychological and cultural individuality, identity and dignity. In the British North Americas the Africans were sent into regionally distinct colonies, each having established legal perpetual and hereditary slavery based on race. In each of these 13 colonies, people of African descent were held as property, and free blacks were less than and separate from whites under the law. Whether enslaved African or free, to be black meant to either be enslaved or in a state close to slavery. For example, within the first century of Virginia’s establishment (the flagship colony of the British), laws defining hereditary enslavement were based on the woman’s enslavement status, enabling holders of enslaved Africans to prosper from black women’s reproductive abilities, thus permitting the rape and forced breeding of enslaved women for the purposes of natural increase and for the profit of the slaveholder. There were miscegenation laws, where free blacks and free whites could not legally marry. The children of such unions were deemed “bastards” and were bound out by the courts. Frequently, enslaved children were separated from their parents and socialized as subjected people, as servants. The model of enslavement and the institution of racial slavery based on black subjugation in this first British colony in the New World set up the legal and economic model of slavery in Britain’s other colonies.

⁵ Not all of the slaveholder were in the south. The North just outlawed enslavement sooner.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 19 of 36

21. There have been many deep and profound questions about how black slavery and white freedom could and would co-exist in a nation that was founded not only upon religious freedom, but also upon the principles of economic and political freedom and opportunity. The founding documents like the Declaration of Independence and the United States Constitution were written by holders of enslaved Africans, and this allowed for an acceptance of the co-existence of slavery and freedom in the American mind, and the centrality of racial slavery and black subjugation in the nation's legal and racial consciousness. Americans have therefore inherited an acceptance of legal racial disparities. Even the U.S. Constitution did not have any explicit references to slavery or enslavement; it was left up to federal and state lawmakers to decide whether or not a state would be slaveowning. This conflict of state laws led to the American Civil War.

22. Even though the Civil War was fought to eliminate slavery and Constitutional amendments secured citizenship rights for DAEUSs, a protracted system of black codes established legal apartheid at the federal and state levels. This legal apartheid, commonly known as Jim Crow, resulted in separate and unequal educational facilities and opportunities, inferior housing, limited access to quality health care, and limited economic and political opportunities. In addition, lynchings and murders of DAEUS men and women went unprosecuted and created a climate of terror under which DAEUSs had no legal recourse.

23. This history, of American racial slavery and legal apartheid survives in the nation's racial and legal consciousness and perpetuates racial disparities in the United States. However, many DAEUSs without doing their own family's research, only know these broad strokes (if that) in their individual identity as a people or in their own understanding of self. It is a rich history, but one that is unveiled only through study and self-education. What makes DAEUSs unique is that they were placed into their national condition by force. Their segregation and subjugation as a result of their historical, political, and cultural, exploitation benefitted the United States. The enslavement of African thus gave other oppressed groups a legal, cultural, economic, and political advantage when they voluntarily migrated to the United States.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 20 of 36

ANTI-BLACK RACISM AND ITS IMPACT⁶

24. "There is no hierarchy of oppressions where race is concerned, but anti-black racism is the fulcrum of white supremacy." Scott Nakagawa⁷
25. A fulcrum is "the spot about which a lever turns" or "one that supplies capability for action." Enslaved Africans and their descendants laid the economic foundation for American prosperity. At the same time, DAEUSs became the common enemy to unite "white -skinned" people. Fear and loathing of black people is the driving force of modern-day racial politics. Anti-black biases are so widespread that 75% of whites and 42% of blacks reportedly have a pro-white, anti-black bias.⁸
26. Anti-black racism is killing the descendants of Africans enslaved in the United States. By looking at the health of DAEUSs, one can get a full understanding of the impact of systemic racism.
27. In the United States, an estimated 80,000 to 200,000 excess black deaths occur each year.⁹ "Excess deaths" are those that would not occur if black Americans had the same death rate as white Americans.¹⁰ These figures are the equivalent of one jumbo jet of African-American passengers and crew crashing and killing everyone each day.
28. The figure on life expectancy can also show the impact of systemic racism on African-Americans. According to the World Factbook of the Central Intelligence Agency, life expectancy at birth is a measure of quality of life in a country.¹¹

⁶Thanks to Professor Emeritus Vernellia R. Randall, University of Dayton School of Law, Dayton, OH 45405 for drafting this section.

⁷Scott Nakagawa, Blackness is the Fulcrum, <http://www.racefiles.com/2012/05/04/blackness-is-the-fulcrum/> (Last Visited: July 10, 2014).

⁸Project Implicit Bias, <https://implicit.harvard.edu/implicit/demo/background/faqs.html#faq19> (Last Visited: July 10, 2014).

⁹Vernellia Randall, *Dying While Black* (2006).

¹⁰Id.

¹¹Central Intelligence Agency, World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2102rank.html>, (Last Visited: July 10, 2014).

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 21 of 36

29. Based on international comparisons of life expectancy, the quality of life for black American males and females is worse than in several countries, including Chile, Barbados, Cuba and Jamaica.¹² That is if black American men life expectancy were ranked as a country at 69 years, black males ranked 75th behind Jamaica; black women ranked 55th behind Bosnia and similar to Jamaica.¹³ This ranking is 45 points lower than white males and 20 points lower than white females. The burden that is being carried by Descendants of enslaved Africans in the United States (DAEUS) is unknown because the United States does not collect data specific to our status.

Life Expectancy					
Males			Females		
Rank	State	Years	Rank	State	Years
1	San Marino	80	1	Japan	86
2	Japan	79	4	Switzerland	84
9	Canada	78	9	Canada	83
18	United Kingdom	77	18	Netherlands	82
30	Cuba	76	29	United Kingdom	81
	White American Male	76		White American Female	81
35	Chile	75	33	Cuba	80
44	Barbados	72	39	Barbados	79
57	Bahamas	71	46	Bosnia and Herzegovina	78
66	Antigua and Barbuda	70		Black American Female	77
75	Jamaica	69	55	Bahamas	77
	Black Americans Male	69			

2008 World Health Organization and 2008 Health, United States

Dying While Black: Colorblind Policies and Eliminating the Slave Health Deficit February 26, 2009
Copyright © 2007 Vernellia R. Randall. All Rights Reserved. Contact: randall@udayton.edu.

30. This difference in health is a result of institutional and systemic racism and the impact of slavery, legal apartheid, and the new American apartheid.¹⁴

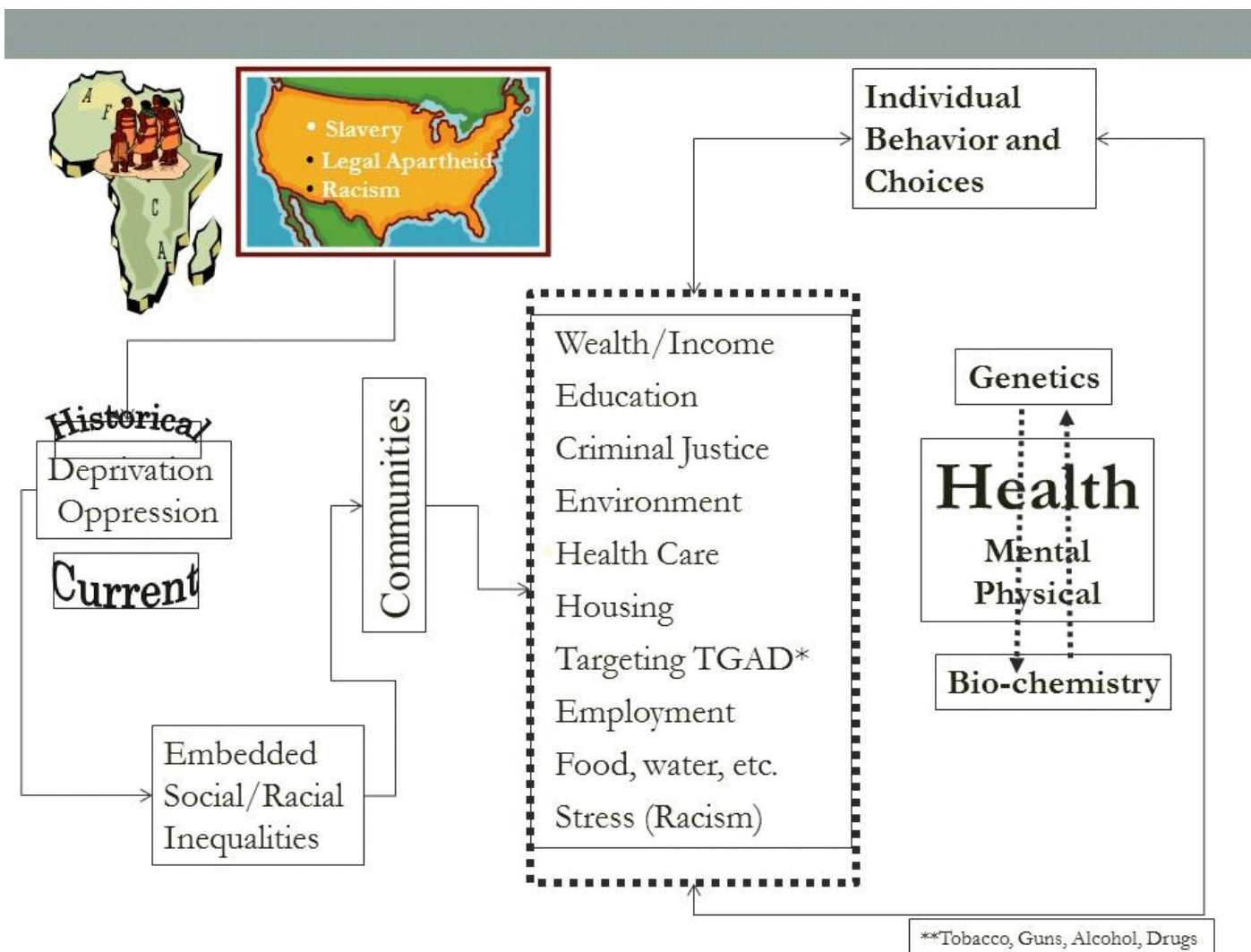
¹²Randall, *Dying While Black*, supra. 10.

¹³Id.

¹⁴Id.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 22 of 36



STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 23 of 36

31. Distinguishing racism from classism is critical to understanding the state of DAEUS. According to one study, race and class are independent factors. Low-income whites live three years longer than low-income blacks, and middle-income whites lived ten years longer than middle-income blacks.¹⁵ In another study, black women with a college education had more low birth weight babies than white women with less than a high school education.¹⁶ This means that while middle-income blacks are doing better than low-income blacks, institutional and systemic racism prevents middle-income and poor blacks from doing as well as middle-income and poor whites.
32. This is because the United States has a system of oppression that is every bit as onerous as legal apartheid. Racially neutral laws and policies form the basis of the new American apartheid. However, these laws and practices are implemented in a way that has an unintended discriminatory effect. US anti-discrimination law addresses only intentional racism. Congressional Republicans and Democrats have both refused to allow DAEUSs and other's access to the courts for implicit and institutional discrimination.
33. The old system of racism on which much of America law is based requires an explicit belief in white superiority, active promotion of segregation, a belief in a biological-based intellectual inferiority and blatant discrimination. This sort of discrimination is perpetrated by individuals and institutions. In the new American apartheid, the racial discourse and practices that have a discriminatory impact are increasingly covert based on implicit biases. The new American apartheid avoids racial terminology, claims that whites are also victims of discrimination, avoids direct racial references in politics, and has rendered the mechanisms of racial inequality invisible. The new American apartheid has reestablished many of the elements of legal apartheid. Among those elements are stated-sanctioned violence, residential and educational segregation, a system of economics that depends on keeping blacks from fully participating in the system, and restrictions on their political and civil rights.
34. This new American apartheid is promoted by both liberals and conservatives. Conservative defenders of the new American apartheid believe that the racial hierarchy is legally irrelevant to the constitutional principle of legal protection unless it is state-sponsored, conscious discrimination and unless that behavior is the proximate cause. The conservative response to racial inequality is to do nothing. Moreover, conservatives are convinced that racial re-marginalized groups should merely choose the proper cultural values so that they can take advantage of the new race-blind landscape.

¹⁵Id.

¹⁶Id.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 24 of 36

35. Liberal supporters of the new American apartheid think that race does matter but not much. They are sometimes capable of being race-sensitive, but rarely. They view frontal attacks on racial conditions as divisive and prefer not to take direct action against racial inequality. They, like conservative supporters of the new American apartheid are convinced that racially marginalized groups should just change their cultural values.
36. What both liberal and conservative supporters of the new American apartheid ignore is that systemic and cultural racism is having a devastating impact on the descendants of Africans enslaved in the United States.
37. The entire history of enslaved Africans and their descendants has been one of deprivation and oppression. Our ancestors were stolen from the continent of Africa and dragged to the Americas. Slavery in the United States denied enslaved African and their descendants any legal status, and severed their connections to their traditional culture, language, religion and history. DAEUS origins are only here in the United States and cannot be compared to African immigrants or to any other racial or ethnic group.
38. Oppression based on socioeconomic class, gender, religion and sexual identity complicate the situation of some DAEUS.¹⁷
39. DAEUS suffer harm passed down from generations of oppression and a current system of embedded social and racial inequalities that deprive them of opportunities and undermine the welfare of each member of the community regardless of his or her socioeconomic class.
40. Supporters of the new American apartheid fail to recognize that the choices that DAEUS make are based on the choices that are available to them. In the sea of racial oppression and deprivation, DAEUS do not have the same choices or receive the same treatment of that similarly situated whites do.

¹⁷ For example, African American Rastafarian experience significant discrimination in the South Carolina corrections system.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 25 of 36

VIOLATIONS OF ICERD

41. In relationship to DAEUS, the United States has violated Articles 2, 3 and 5 of the Convention on the Elimination of All Forms of Racial Discrimination.¹⁸

Article 2

42. The United States has violated Article 2-1(a)¹⁹, 2-1(b)²⁰, 2-1(d)²¹ by not eliminating all forms of racial discrimination. The Court of the United States interpretation of Title VI of the Civil Rights Act of 1964 is that it forbids intentional discrimination. The law permits all other forms of discrimination including negligent discrimination. There is nothing on in the constitution that explicit limits discrimination law to intentional. Since most discrimination is based non-intentional conduct, the law permits most discrimination.
43. Furthermore, United States has blocked direct access to the court for disparate impact discrimination. In 2001, in *Alexander v. Sandoval*, the Supreme Court held that individuals could not sue for disparate impact discrimination because it was a right of action created through regulation. The Court held that the only recourse was to file a complaint with the appropriate government regulation. This could have been remedied by the passage of a law granting direct access to the courts. However, in the 13 years since that decision there has been no attempt to solve this problem by any president or the congress. This is devastating since most discrimination is disparate impact or negligent discrimination based on implicit bias rather than intent. Thus, the United States has allowed a law to stand that perpetuates racial discrimination rather than eliminate it.

¹⁸ Article 1(1): "In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

¹⁹ Article 2-1(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.

²⁰ Article 2-1(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations.

²¹ Article 2-1(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 26 of 36

Article 3.²²

44. The United States as violated article 3 by establishing and maintaining system of racial segregation and apartheid.
45. Since slavery, the United States has supported segregation in housing and education.²³ Despite the *Brown v. Board of Education* and Civil Rights Act of 1964, the segregation and isolation of black children has increased.²⁴ In fact, “40 percent of black students attend schools that are more than 90 percent minority, up from 34 percent 20 years ago. Then, black students typically attended schools where 40 percent were low-income; it's now 60 percent.”²⁵
46. Furthermore, through mass incarceration, United States have de facto re-established slavery. The prison system has become a financial center fueled by black bodies. “Between 1990 and 2009, the inmate population of private prisons grew by 1,664% . Today approximately 130,000 people are incarcerated by for-profit companies. In 2010, annual revenues for two largest companies — Corrections Corporation of America and the GEO Group — were nearly \$3 billion.”²⁶
47. The school-to-prison pipeline is out of school suspensions and expulsions that lead to dropout and prison. The out-of-school suspensions start early. While black children represent only 18% of preschool enrollment, they represent 42% of the preschool children suspended once, and 48% of the preschool children suspended more than once.²⁷

²²Article 3: States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

²³ See, Appendix B, *infra*.

²⁴ *Id.*

²⁵ *Id.*

²⁶ Lisa Wade, Race, rehabilitation and Private Prison, (Jan. 25, 2013) <http://thesocietypages.org/socimages/2013/01/25/race-rehabilitation-and-the-private-prison-industry/> (Last Visited: July 7, 2014).

²⁷U.S. Department of Education Office for Civil Rights Civil Rights Data Collection: Data Snapshot (School Discipline) March 21, 2014 <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf> (Last Visited: July 14, 2014)

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 27 of 36

Article 5(a)²⁸, 5(b)²⁹, 5(e)³⁰

48. DAEUS communities are immersed in a sea of systemic and cultural racism that limits the individual and community choices and opportunities.³¹
49. Systemic and cultural anti-black racism are evident in black-white disparities in every major area of American life. For instance:
 - a. wealth and income For every \$6.00 Whites have in wealth Blacks have \$1.00.³² For every \$2.00 Whites have in income Blacks have \$1.00.³³

²⁸ Article 5(a): The right to equal treatment before the tribunals and all other organs administering justice;

²⁹ Article 5(b): The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

³⁰ Article 5(e) Economic, social and cultural rights, in particular: (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration; (ii) The right to form and join trade unions; (iii) The right to housing; (iv) The right to public health, medical care, social security and social services; (v) The right to education and training; (vi) The right to equal participation in cultural activities;

³¹ National Urban League, One Nation, Underemployed: Jobs, rebuild America, 2014 State of Black America, http://iamempowered.com/sites/all/themes/newiae/SOBA/SOBA2014_HTML5/SOBA2014-SinglePgs/index.html (Last Visited: July 24, 2014)

³² Signe-Mary McKernan, Caroline Ratcliffe, Eugene Steuerle, and Sisi Zhang, Less Than Equal Racial Disparities in Wealth Accumulation, <http://www.urban.org/UploadedPDF/412802-Less-Than-Equal-Racial-Disparities-in-Wealth-Accumulation.pdf> (Last Visited: July 14, 2014).

³³ Drew Desilver, 5 Facts about Economic Inequality, Pew Research Center, (January 7, 2014); <http://www.pewresearch.org/fact-tank/2014/01/07/5-facts-about-economic-inequality/> (Last Visited: July 14, 2014).

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 28 of 36

- b. educational For example, Black students represent just 18 percent of preschool enrollment but 42 percent of the students who are suspended once and 48 percent of the students who are suspended more than once.³⁴
- c. criminal justice For example, Black men are more than six times as likely as white men to be incarcerated.³⁵
- d. healthcare For example, Blacks are 3 times less likely to receive heart catheterization, angiography or coronary heart bypass even when one controls for severity of illness and ability to pay.³⁶
- e. housing For example, Blacks since 2007, nearly 8% of Black Americans lost their homes to foreclosure compared to 4.5% of whites at similar income levels. In fact, Black Americans are more than 70% more likely to have been foreclosed.³⁷
- f. employment For example, the black unemployment rate averaged 16.1 percent in April, May, and June 2011, compared to an average of 7.9 percent for whites. That is, the Black unemployment rate two years into the recovery was more than twice as high as the white unemployment rate.³⁸

³⁴ U.S. Department of Education's Office for Civil Rights, *Expansive Survey of America's Public Schools Reveals Troubling Racial Disparities* (March 12, 2014) <http://www.ed.gov/news/press-releases/expansive-survey-americas-public-schools-reveals-troubling-racial-disparities>, (Last visited: July 14, 2014); National Education Policy Center, *Seeing Past the "Colorblind" Myth of Education Policy: Why Policymakers Should Address Racial/Ethnic Inequality and Support Culturally Diverse Schools*,

³⁵ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2012); Bruce Drake, *Incarceration gap widens between whites and blacks*, Pew Research Center (Sept. 6, 2013) <http://www.pewresearch.org/fact-tank/2013/09/06/incarceration-gap-between-whites-and-blacks-widens/> (Last Visited: July 15, 2014).

³⁶ Randall, *Dying While Black*, *supra*. 10.

³⁷ National Association of Real Estate Broker, *The State of Housing in Black America* (2013), <http://bit.ly/1l7a3vh> (Last Visited: July 16, 2014).

³⁸ Christian E. Weller and Jaryn Fields, *The Black and White Labor Gap in America: Why African Americans Struggle to Find Jobs and Remain Employed Compared to Whites*, Center for American

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 29 of 36

- g. food For example, only eight percent of blacks live in a tract with a supermarket, compared to 31 percent of whites.³⁹
- h. land For example, Black Farmers represent less than 1% of all farmers in the U.S., but more than 60% are in jeopardy of losing their land and their farms⁴⁰
- i. in the targeting of DAEUS communities with tobacco, guns, alcohol and drugs.⁴¹

50. The total 2014 Equality Index of Black America was 71.2%, meaning that black Americans enjoy less than 75% of the benefits and privileges of white Americans.⁴²

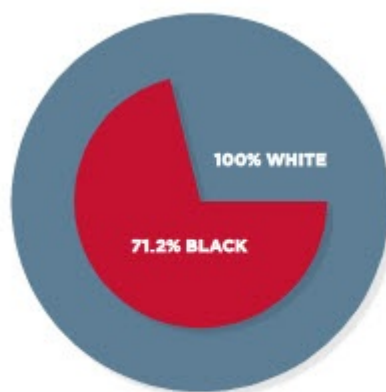


FIGURE 1
2014 Equality Index is 71.2%

Progress (July 25, 2011) ,
http://cdn.americanprogress.org/wp-content/uploads/issues/2011/07/pdf/black_unemployment.pdf (Last Visited: July 17, 2014).

³⁹ Sarah Treuhaft and Allison Karpyn, The Grocery Gap: Who Has Access to Healthy Food and Why It Matters, PolicyLink (2013) http://thefoodtrust.org/uploads/media_items/grocerygap.original.pdf (Last Visited: July 17, 2014).

⁴⁰ Appendix A: Black Farmers: It's Still About the land!, *infra*; USDA Extension Service at University of Arkansas

⁴¹ Randall, Dying While Black, *supra* 10.

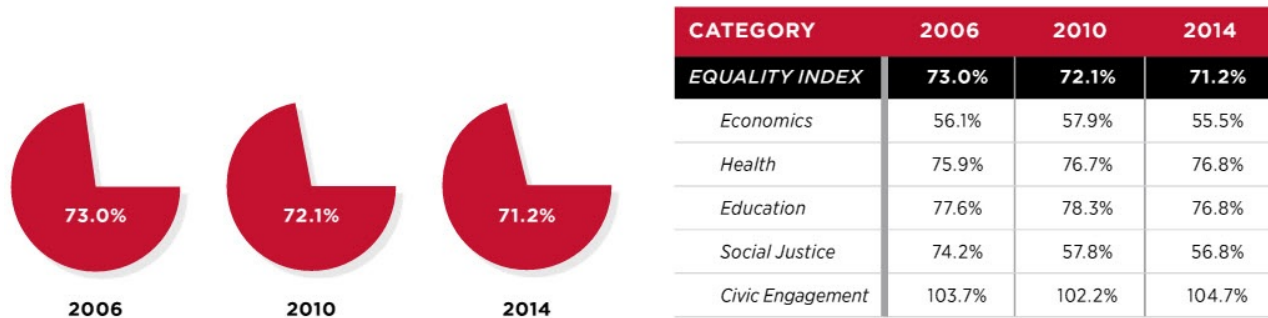
⁴² National Urban League, State of Black America: One Nation Underemployed: Jobs Rebuild America (2014) <http://bit.ly/1mRDZ34> (Last Visited: July 17, 2014).

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

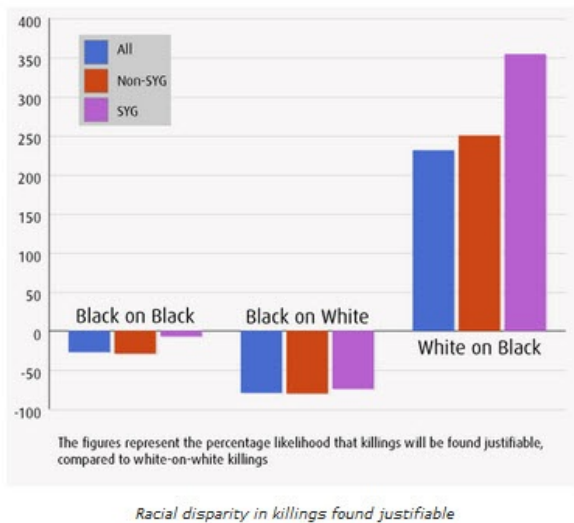
Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 30 of 36

51. The situation has gotten worse since 2006, with the equality index dropping by two points. The most disturbing drop is in “Social Justice.”⁴³

FIGURE 4
Equality Index for 2006, 2010 and 2014



52. In eight years, Blacks have lost almost 20 points in “Social Justice,” meaning that Blacks have only slightly more than 50% of the rights and opportunities that whites do when it comes to “equality before the law” and “victimization and mental anguish.”⁴⁴ This is due to rampant racial profiling and “Stand your Ground” laws which permit killings based on fear and suspicion. Furthermore, given the anti-black bias, these laws are not enforced equitably.



⁴³Id., p.26.

⁴⁴Id., p.26.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 31 of 36

53. Even more disturbing is the widespread lynching of Black Americans. Between 1882 and 1968, there was 3446 known lynching.⁴⁵ That is, on average 40 per year. In 2012, there were 136 extrajudicial killings or lynching of unarmed black men by police, security guards and vigilantes.⁴⁶ Thus, in 2012, one black person was killed in an extrajudicial shooting every 28 hours.
54. Another area of racial oppression is mass incarceration. 1 in every 15 Black men are incarcerated in comparison to 1 in every 106 white men.⁴⁷ Black women are three times more likely than white women to be incarcerated.⁴⁸
55. This is especially disturbing as the for-profit prison system takes over responsibility for incarceration. Given the profit and economics in prisoners, it returns black bodies to the state of slavery and legal apartheid. The federal government has done little to stop this type of racial discrimination.
56. Systemic and cultural racism has an impact on all people of color: Asian, native American and Hispanic. Because of Anti-black racism, however, Blacks suffer disproportionately. The burden that is being carried by descendants of enslaved Africans in the United States (DAEUS) is unknown because the United States does not collect data specific to our status.

⁴⁵Walter Thomas Howard, *Lynchings: Extralegal Violence in Florida During the 1930s*, p. 18 (2005).

⁴⁶Malcolm X Grassroots Movement, *Operation Ghetto Storm: 2012 Annual report on the Extrajudicial Killings of 33 Black People by Police, Security Guards and Vigilantes* (April 2013), <http://mxgm.org/wp-content/uploads/2013/04/Operation-Ghetto-Storm.pdf> (last Visited: July 17, 2014).

⁴⁷ Sophia Kerby, *The Top 10 Most Startling Facts About People of Color and Criminal Justice in the United States A Look at the Racial Disparities Inherent in Our Nation's Criminal-Justice System*, (March 13, 2012) <http://www.americanprogress.org/issues/race/news/2012/03/13/11351/the-top-10-most-startling-facts-about-people-of-color-and-criminal-justice-in-the-united-states/> (Last Visited: July 17, 2014).

⁴⁸Id.

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 32 of 36

APPENDIX A

BLACK FARMERS: IT'S STILL ABOUT THE LAND!⁴⁹

57. Black farmers in the United States continue to suffer from unlawful racial discrimination and persecution. Despite anti-discrimination laws, the United States Department of Agriculture (USDA) is responsible. Discrimination in the USDA farm loan and benefit programs has been well documented. This discrimination includes denial of production loans, other financial assistance available to white farmers, and program benefits. Black farmers continue to experience hostility, bias, and outright discrimination especially at the county-level offices of USDA.⁵⁰ In the 1980s, the USDA gutted its civil rights enforcement program and USDA Secretary Thomas Vilsack, appointed by President Obama, has failed to fire a single employee for discrimination that he maintains “happened twenty years ago.”
58. In 1932, when the USDA was founded, Blacks owned approximately sixteen million acres; today, that has dwindled to approximately three million, and Black farmers are struggling to hold on to that land for themselves and their children. Half of those three million acres are at risk of foreclosure. As Black farmers have been denied access to loans for chemicals and irrigation systems, they possess today the most virgin U.S. farmland available for organic, biodynamic farming.
59. When Black farmers filed a class-action lawsuit against the USDA in *Pigford v. Glickman*, the Clinton Administration negotiated a settlement in 1999. There has been absolutely no progress since then. The problem has been allowed to fester and USDA has regressed on the issue of civil rights. Black farmers claim that they are being persecuted for bringing these issues to light and live in fear that USDA will take their farms. They contend that the USDA promised debt relief, but never delivered it. The United States government offsets any payment received by the Black farmers for discrimination by reducing the amounts of their pension, Social Security income, or other federal government payments. Further, because of these deliberate actions on the part of the United States government, Black farmers have poor credit histories that render them no choice but to pay as much as 49% interest when borrowing money to carry out their farming activity.
60. The United States government does not hesitate to spend trillions of dollars on war. It is a shame when the US declares war on a segment of its own population.

⁴⁹Written by Cynthia McKinney, Former United States Representative.

⁵⁰See for example, *Decline of Black Farming in America*, United States Commission on Civil Rights, Washington, D.C., February 1982 and *The Minority Farmer: A Disappearing American Resource. Has the Farmers Home Administration Been the Primary Catalyst?* H.R. Res. No. 101-984 (1990).

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 33 of 36

APPENDIX B SEGREGATION AND ANTI-BLACK RACISM⁵¹

61. . . . Even sophisticated policymakers now generally assert that black students' residential isolation is de facto, but the proposition is dubious.
62. The federal government led in establishing metropolitan residential segregation. From its New Deal inception, federally funded public housing was explicitly segregated by government. Nationwide (not only in the South), projects were officially designated either for whites or blacks. Once white families left the projects for the suburbs, most public housing was purposely placed only in black neighborhoods.
63. In the mid-20th century, the federal government subsidized relocation of whites to suburbs and prohibited similar relocation of blacks. The Federal Housing Administration and the Veterans Administration recruited builders to construct giant developments in the East . . . These builders received federal loan guarantees on explicit condition that no sales or resales be made to blacks.
64. Federal and state bank regulators approved and encouraged "redlining" policies, banning loans to black families in white suburbs and even, in most cases, to black families in black neighborhoods, leading to those neighborhoods' deterioration and ghettoization.
65. The Internal Revenue Service unconstitutionally extended tax favoritism to universities, churches, and other nonprofits that enforced racial segregation. . . .
66. Urban renewal programs of the mid-20th century often had undisguised purposes of forcing low-income black residents away from universities, hospital complexes, or business districts and into new ghettos. Real estate is highly regulated, but state authorities never punished brokers for racial discrimination, and rarely do so even today when discriminatory practices remain. Public police and prosecutorial power enforced racial boundaries: North, South, East, and West, in thousands of incidents police stood by as mobs firebombed and stoned homes purchased by blacks in white neighborhoods, while prosecutors refused to charge easily identifiable arsonists. These and other forms of racially explicit state action to segregate the urban landscape violated the Fifth, 13th, and 14th Amendments. Yet the term "de facto

⁵¹ Excerpted from: Richard Rothstein, Segregated Housing, Segregated Schools Education Week (March 24, 2014) http://www.edweek.org/ew/articles/2014/03/26/26rothstein_ep.h33.html (Last Visited: June 24, 2014).

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 34 of 36

segregation," describing a never-existent reality, persists among otherwise well-informed advocates and scholars.

67. Private prejudice certainly played a large role, but the federal government helped create and sustain private prejudice. White homeowners' resistance to black neighbors was fed by fears that African-Americans who moved into their neighborhoods would bring slum conditions with them. Yet slum conditions were created by overcrowding caused almost entirely by government refusal to permit African-Americans to expand their housing supply and by municipalities' discriminatory denial of public services. In the ghetto, garbage was collected less frequently, and neighborhoods were often rezoned for industrial or even toxic use. White homeowners came to see these conditions as characteristics of black residents themselves, not the result of racially motivated government policy.
68. Even those today who understand this dramatic history may think that because these policies are mostly those of the past, segregation persists mostly because few blacks can afford to live in middle-class neighborhoods.
69. Yet the federal government also contributed to this unaffordability with discriminatory labor-market policy. At the behest of Southern congressmen, New Deal labor standards, like minimum wages and the right to unionize, excluded from coverage, for undisguised racial purposes, occupations in which black workers predominated.
70. The federal government granted exclusive collective bargaining rights to segregated private-sector unions, including some that entirely excluded African-Americans from their trades, into the 1970s. Government thus depressed income levels of African-American workers below levels of comparable white workers, contributing to black families' inability to accumulate the wealth needed to move to equity-appreciating white suburbs. . .

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 35 of 36

APPENDIX C: SELECTED COMMENTS OF ACTIVISTS AND COMMUNITY SUPPORTERS

71. The United States of America must address the endemic discrimination against Descendants of Africans Enslaved in the United States (DAEUS) and the United States Violation of the International Convention on Elimination of All Forms of Racial Discrimination. This document is what we have been waiting for and will serve us well in building a human rights demand in the USA.
72. We as a people are in deplorable condition. We find ourselves in this condition because of systematic racism, alienation, joblessness, no direction and hopelessness.
73. I especially like the concept of "negligent discrimination" as a more accurate descriptive explanation on the continuum from "intentional discrimination" to "disparate impact" in characterizing the African-American Legal Experience from 1492-2014 in perpetuating racial disparities in the US system of legal apartheid through state-sanctioned violence, residential and educational segregation, constraints on economic participation in the economy, and restrictions on political and civil rights.
74. Our ancestors, deserved to have their past restored to all its glory, it should not just be about the West's story.
75. I also endorsed and supported this initiative to give clarity of overdue reparations owed to my Nubian African Black ancestors.
76. Also repatriation, the fact that many later generations are caught up on islands far away from their Motherland and forced to call home, just like the language they are forced to speak.
77. I wish it was some way to sue the government for all the mental health problems that plague the African community. Also, I believe we would accomplish more by really put our effort into really organizing to over throw this illegal and unjust system.
78. I'm so enlightened and excited to have read this and I totally support all efforts for the benefit of our people.
79. I know that we have been denied justice and equality that all human deserve. We shall never stop until justice is granted.
80. In my lifetime, please!!!
81. Institutional and systemic racism continues to be the form of enslavement our society continues to hold onto. It is so unfortunate because it continues to manifest the evil that is a cancer to our entire world!

STATUS OF DESCENDANTS OF AFRICANS ENSLAVED IN THE UNITED STATES

Response to the Periodic Report of the United States of June 12, 2013,
to the United Nations Committee on the Elimination of Racial Discrimination Page 36 of 36

82. International recognition that the enslavement of Africans, as well as the continuing struggles of their descendants in this hemisphere, was the cornerstone of wealth-creation in the US & Western Europe is but the first step toward a necessarily protracted program of restorative justice. and while recent apologies for historical atrocities & the election of a black man to the White House were deeply appreciated as symbolic acts of contrition, as Martin Luther King, Jr. reminded us, ""of what use is the right to sit at an integrated lunch counter when one lacks the price of a meal?"
83. A nation offering itself to the world as a beacon of freedom & justice must go much further than mere words or symbolic acts to make a people damaged by 400 years of oppression, disparity & marginalization whole again.
84. It is LONG OVER DUE to do the right thing with respect to NAMING, UNDOING, ERADICATING the modern anti-Black / pro-WHITE racism targeting the Earth's original people --- BLACK Men, Women and Children of African descent.
85. Justice for Black African Americans who are the Descendants of Africans Enslaved.
86. Now is the time to outlaw all forms of racism and indeed all oppression exacted on the basis of an individual's inherited physiognomy.
87. Complete and serious attention to this matter is decades, centuries over due.
88. Since the enactment of discrimination laws for enforcement, discrimination appears to be poised and strenghtened to dodge liability as perpetrators find and mask themselves in new ways to promulgate their racists agenda on all fronts within society such as education, employment, grants, housing, law enforcement, policy making, and voting rights, etc.
89. Thank you. There are things that need to be said on the subject, and WE the Descendants should be doing our homework-documenting family stories.
90. We must recognize the racial injustices past and present and take clearly planned, well-funded steps to correct them!!!
91. We want an equal playing field.
92. As in slavery, the United States government did and continues to acquiesce and/or join local governments and vigilantes in suppressing any and all forms of African American defense or resistance to racial atrocities, without and with armed self defense. Today, there are still COINTELPRO/Modern Civil Rights Era human rights defenders and political activists criminalized and illegally held in U.S. federal and state prisons for as much as 40 years, much of the time in solitary confinement without remedy,