



Justice Speakers Institute

SPEAKING, TEACHING & TRAINING - WORLDWIDE

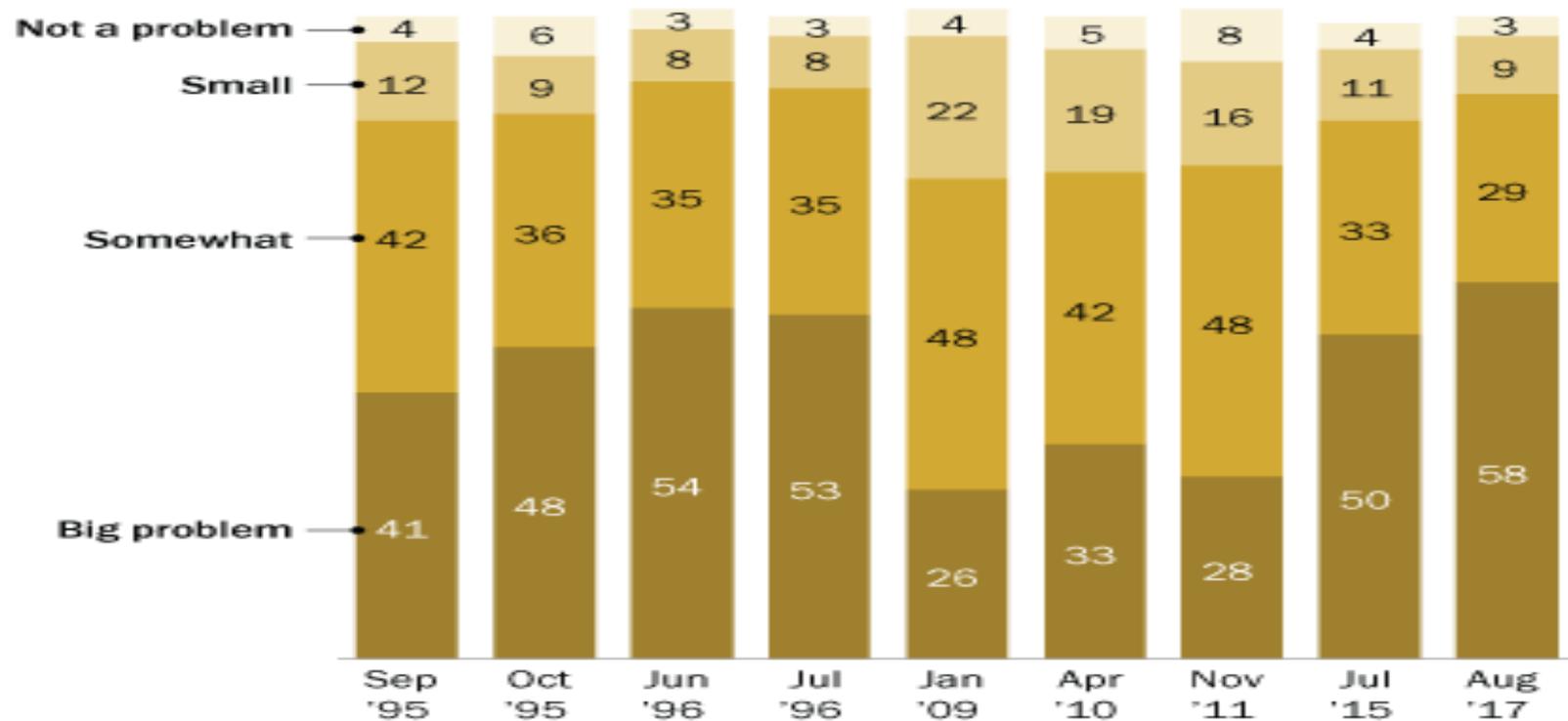
Race: It's Everybody's Business

Hon. Peggy Fulton Hora (Ret.)
Judge of the Superior Court of California
President, Justice Speakers Institute
Sept. 22, 2017
Rochester NY

OPENING EXERCISE

Growing share of the public views racism as a 'big problem'

How big a problem is racism in our society today? (%)



Note: Don't know responses not shown.

Source: Survey conducted Aug. 15-21, 2017. 1995 and 1996 surveys from Kaiser/Harvard/Washington Post. 2009 and 2010 surveys from ABC News/Washington Post. 2011 survey from Kaiser/Washington Post.

PEW RESEARCH CENTER



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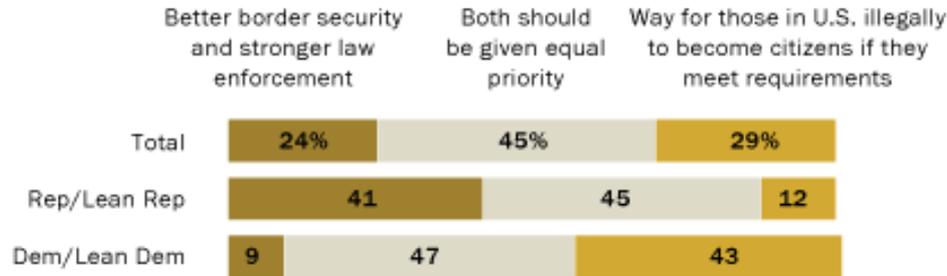
In your opinion, how much of a threat to our country's well being is the following:

- Immigration:
- White • 41%
- Non-White • 49%
- Black • 51%
- Hispanic • 38%

Sourcebook of Criminal Justice Statistics, 1999,
Bureau of Justice Statistics, Gallup
Organization, *Gallup Poll Monthly*, (December
1999) no. 411.

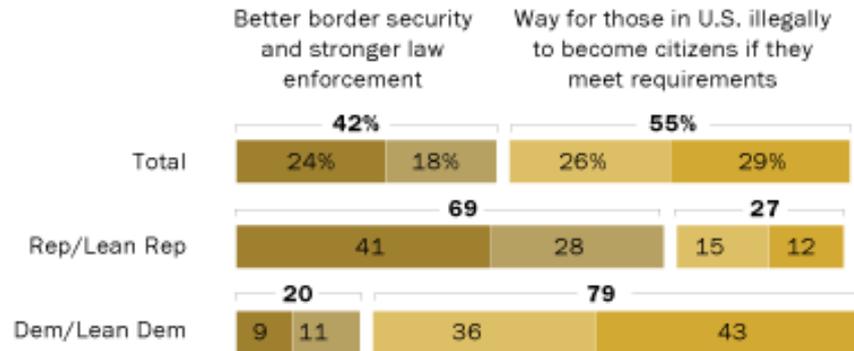
Public's priorities for dealing with illegal immigration

What should be the priority for dealing with illegal immigration in the U.S., or should both be given equal priority?



2016 Differences

When those who say 'both' are asked to choose one, overall % saying the bigger priority is...



Note: Don't know responses not shown.
Source: Survey conducted Aug. 9-16, 2016.

PEW RESEARCH CENTER

Do you feel that executing people who commit murder deters others from committing murder, or do you think such executions don't have much effect?

- **Deters**
- Whites • 51%
- Blacks • 21%
- Hispanics • 52%
- **Not much effect**
- Whites • 44%
- Blacks • 77%
- Hispanics • 48%

Would you approve of a policeman striking a citizen who...

- was attacking a policeman with his fists?
• White- 92% Non White - 83%
- was attempting to escape from custody?
• White- 73% Non White- 50%
- had said vulgar and obscene things?
• White- 7% Non White- 4%
- was being questioned in a murder case?
• White- 5% Non White- 9%

Have you ever felt that you were being stopped by police just because of your race or ethnic background?

- White
- Black
- 6%
- 42%

Do you have a favorable or unfavorable opinion of your local police in your area? Favorable...

- White • 85%
- Black • 58%

Do you feel you are treated fairly by your local police?

- White • 91%
- Black • 66%

Do you think police in your area treat all races fairly?

- White • 69%
- Black • 36%
- Hispanic • 63%

Are you sometimes afraid that the police will stop and arrest you when you are completely innocent?

- White • 14%
- Black • 36%
- Hispanic • 22%

In general, who do you think has a better chance of getting ahead in today's society- white people, black people, or do white people and black people have about an equal chance of getting ahead?

	Whites	Blacks	Equal
Total Respondents	36	6	55
White Respondents	32	6	58
Black Respondents	57	1	39

Report of the 2000 New York Times poll on race as reported in How Race is Lived in America

Law Enforcement

- Most Americans, regardless of race, think racial profiling by police is prevalent.
- 72% of young black men believe this occurs.
- “This has really created an attitudinal rift between blacks and police in today’s society.”

Gallup Poll, "Americans Say Racial Profiling is Widespread", Dec. 17, 1999

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Law Enforcement

- Carl Simpson, former city attorney in San Jose, CA, and part time police officer for a local community college, was awarded \$10,500 for violation of his civil rights after his detention by a police officer and park ranger.

"Former City Attorney
Investigator Wins Case
Against San Jose," Daily
Journal (April 3, 2001).

Law Enforcement

- A prosecutor dismissed charges against 17 residents who were arrested by a drug task force in Hearne TX.
- [T]he informant who was responsible for most of the arrests had failed polygraph tests when questioned about tampering with the evidence in some cases.”
 - Continued.

“Arrests by a Drug Task Force in Texas Come Under Fire,” (NYTimes Ap. 4, 01).
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Law Enforcement

- The Tulia drug task force arrested 12% of the town's black population.
- The justice department is investigating two city's task forces.

“Arrests by a Drug Task Force in Texas Come Under Fire,” (*New York Times* Ap. 4, 2011).
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Law Enforcement

- 59% of youths arrested for drug crimes in 1999 and 86% of those tried in adult court were black yet only 15% of the state's (Illinois) youth population is black.

“Report Criticizes Illinois
Drug Law,” Join Together
Online (Ap. 26, 01).

Law Enforcement

- LAPD ordered the driver of a “stolen” car to lie on the pavement and handcuffed him so tight his hands were injured and he is unable to perform surgery.
- Budget Rent-A-Car admitted they mistakenly reported the car stolen.

“LAPD Blames Car Agency
Error in Black Doctor’s
Arrest,” (LA Times Ap. 4, 01)

Law Enforcement

- Dr. Angelo E. Gousse, a professor of urology at the university of Miami, was in town to speak at UCLA.
- Dr. Gousse said the police refused to believe he was a doctor and or look at his rental contract for the car.
- He was awarded \$33 million by a LA jury.

“LAPD Blames Car Agency
Error in Black Doctor’s
Arrest,” (LA Times Ap. 4, 01)
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Law Enforcement

- Police officers of color are not immune to racial profiling.
- One undercover officer told a *New York Times* reported that while driving home from work to Brooklyn he gets stopped an average of one night a week.

Lelyveld, Joseph, *How Race is Lived in America* (Times Books, 2001) at 235.

Law Enforcement

- Combinations of circumstances that officers, from experience, have determined are consistent with a certain type of criminal activity may be considered, but such circumstances do not gain added significance merely because they have been incorporated into a "profile."

See: *United States v. Sokolow* (1989) 490 US 1, 10; *Reid v. Georgia* (1980) 448 US 438; *People v. Russell* (2000) 81 Cal.App.4th 96; *People v. Shandloff* (1985) 170 Cal.App.3d 372, 381-2.)

PERCEPTIONS OF THE COURTS

The Courts

- “We’ve been hurt more by the black robe than the white robe,” says a minister to his congregation in 2000.



The Courts

- “Appeals court judges subjectively make up their minds early on, then search for case law precedents later to support conclusions long foregone.”

Robinson, Randall, *The Debt; What America Owes to Blacks*, (Plume, 2000) at 37
www.JusticeSpeakersInstitute.com

The Courts

- “Their opinions are written in the *it*, not *I*, style so they may appear scholarly, logical and devoid of cant – as if their mothers, fathers, teachers, friends, peers hadn’t begun framing opinions for them in preschool.”

The Courts

- For a number of years the National Center for State Courts has done surveys on public trust and confidence in the courts.
- There were remarkable differences in the perceptions of whites, African Americans and Hispanics about the courts' fairness.
- On every question ranking equality and fairness, people of color more often felt the courts were biased.

For a complete report of the findings, see <http://www.ncsc.dni.us/PTC/results/finding3.htm#s1-3>

- Some findings are:

The Courts

- When a person sues a corporation, the courts generally favor the corporation over the person.”

Agree

- Whites- 65.4%
- African Americans- 70.5 %
- Hispanics- 66.3%

The Courts

- Judges are generally honest and fair in deciding cases.

Agree

- Whites- 81.2%
- African Americans- 67.9%
- Hispanics- 74.5%

The Courts

- What kind of treatment do African Americans receive from the courts?

Worse

- Whites- 42.8 %
- African Americans- 68.1%
- Hispanics- 42.2%

The Courts

- What kind of treatment do non-English speaking people receive from the courts?

Worse

- Whites- 51.5%
- African Americans- 66.3%
- Hispanics- 59%



AN OPENING STORY

An Opening Story...

- In March of 2000, David Crichlow became the first African American partner in the 132-year-old firm of Winthrop, Stimson, Putnam & Roberts, a revered Wall Street law firm.
- He tells the story of standing in a law office lobby, dressed in an expensive suit, waiting to meet opposing counsel who was white.

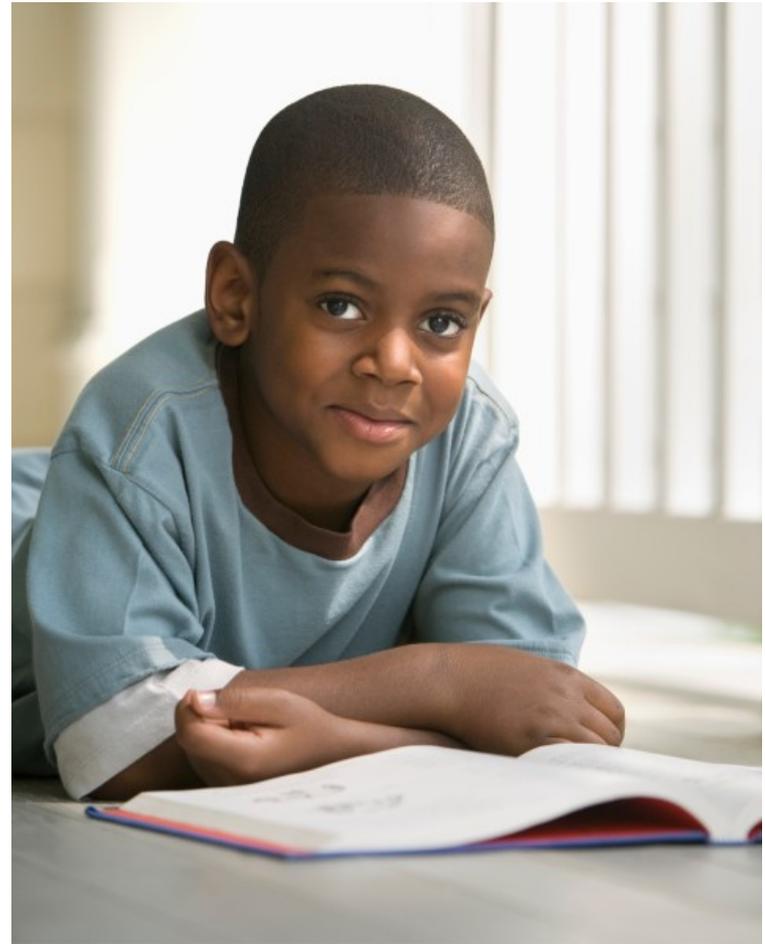
Lelyveld, Joseph, How Race is Lived in America Times Books, 2001

An Opening Story, continued

- When the opposing council appeared, he mistook the only other person there, a white man, for Crichlow.
- The white man wore green work pants and a short-sleeve shirt and was standing next to his delivery of Poland Spring water.

Will I grow up?

- A child usually says, “When I grow up....”
- Young African American children say, “If I grow up....”



True or False?

- There is institutionalized racism in our legal system.

Fairness and Neutrality

- How do you insure a fair and balanced justice system?
- What's the difference between real justice and perceived justice?
- Why should white people care?

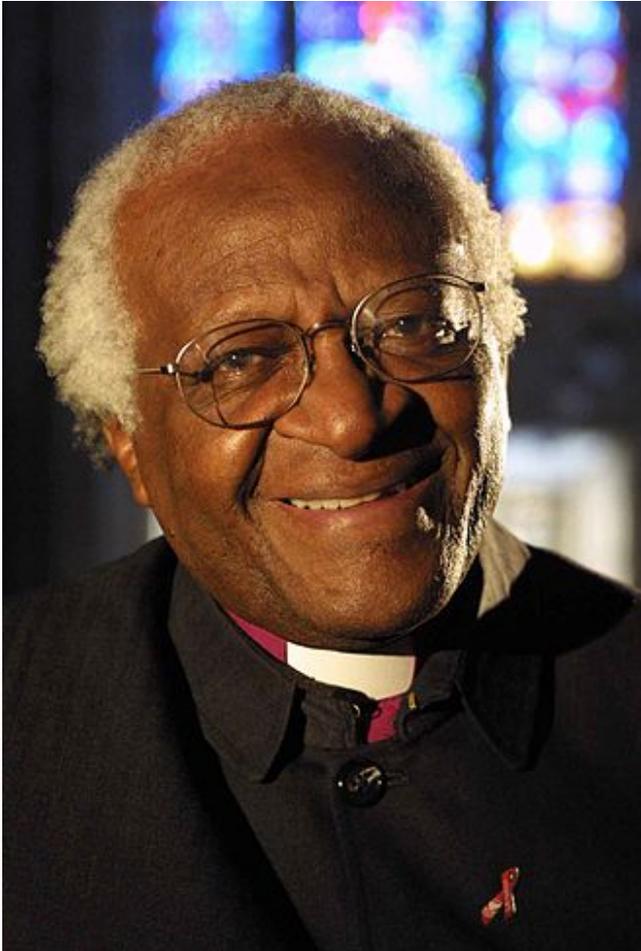
July 7, 2016

- “Neither hate nor blame will lead to the justice and peace we all want.
- “You shouldn’t have to choose between the police and the citizens they were chosen to protect.
- “It’s not a white issue, not a black issue. It’s an American issue.”
- President Obama

No Justice, No Peace

Trayvon Martin = No conviction
Sandra Bland = No conviction
Kathryn Johnston = No conviction
Sean Bell = No conviction
Eric Garner = No conviction
Rekia Boyd = No conviction
Amadou Diallo = No conviction
Mike Brown = No conviction
Kimani Gray = No conviction
Kenneth Chamberlain = No conviction
Travares McGill = No conviction
Tamir Rice = No conviction
Aiyana Stanley-Jones = No conviction
Freddie Gray = No conviction

Whose side are you on?



- “If you are neutral in situations of injustice, you have chosen the side of the oppressor.”
- Bishop Desmond Tutu

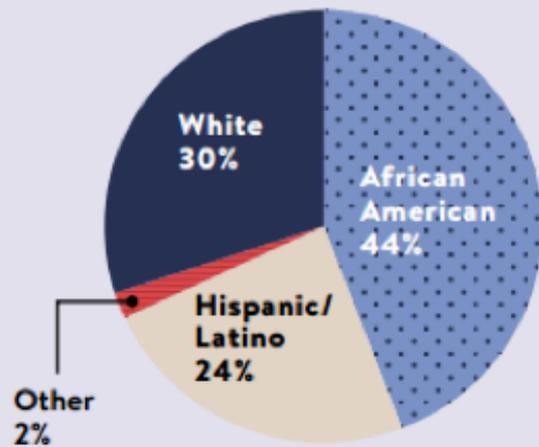
White Privilege

- White Privilege means White people have some unearned social advantage just because they are White.

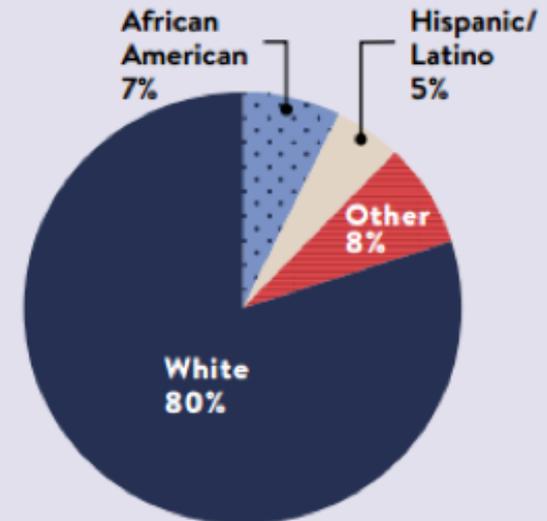
DISCUSSION QUESTIONS

Ethnic breakdown

DEFENDANTS



TRIAL JUDGES



What's the Difference?



White racism tied to fatal heart disease

- Living in unabashedly racist communities can shorten the lives of both blacks and whites, according to new research.
- Researchers compared the racial biases of nearly 1.4 million people nationwide to death rates in more than 1,700 counties.
- Their findings suggest that blacks and, to a lesser degree, whites who reside in overtly racist communities are more prone to dying from heart disease and other circulatory diseases.
- Science Daily: Racial Issues News (Sept., 8, 2016)

“THE CONVERSATION”

- Did you get it?
- Have you given it to your kids, relatives?
- Under what circumstances did you learn about it?

An Apology

“[I want] to acknowledge and apologize for the actions of the past and the role that our profession has played in society’s historical mistreatment of communities of color.”

Terrence M. Cunningham, President,
International Association of Chiefs of Police

Oct. 17, 2016

Racial Battle Fatigue

- William Smith at U. of Utah studied the impact of racial microaggressions — the subtle indignities, assaults and insults that whites inflict upon marginalized people of color — on Black faculty at predominantly white colleges.
- Microaggressions maintain white privilege and create unnecessary stress in Black people
- The stress of existing in white spaces is “mentally, emotionally and physically draining” for people of color.

Love, David, “‘Racial Battle Fatigue’ is Real: Victims of Racial Microaggression Are Stressed Like Soldiers in War,” *Atlanta Black Star* (Nov. 11, 2016)

A Different World View

- 92 percent of white police officers believe the United States has already assured equal rights for African-Americans.
- Only 29 percent of black officers agree.

Bromwich, Jonah Engel, "White and Black Police Officers Are Sharply Divided About Race, Pew Finds," *The New York Times* (Jan. 11, 2017)

Progress

- Racial Disparity: Legislators in Illinois authorized use of racial impact statements to project the effect of sentencing legislation, and will require regular reports on racial effects of decision-making at various stages of the justice system.

President Obama

- “...[R]ace remains a potent and often divisive force in our society.
- “I’ve lived long enough to know that race relations are better than they were 10, or 20, or 30 years ago – you can see it not just in statistics, but in the attitudes of young Americans across the political spectrum.”

President Obama’s Farewell Speech

Jan. 10, 2017

Built-In Bias

- “A [2012 study into implicit bias](#) found that being aware of your bias and caring about its effects are powerful tools in the fight against it.
- “Working hard is key here, though. In 2015, Carnegie Mellon researchers published findings that [almost everyone is blind to their own biases](#), and this is not easy to overcome.”
- Starr, Michelle, “Turns Out Our Biases Really Are Stronger Than Our Ability to Perceive Facts,” *Science ALERT* (Sept. 5, 2017)

What will you do?



RESOURCES

The Civil Rights Division's Pattern and Practice Police Reform Work: 1994-Present



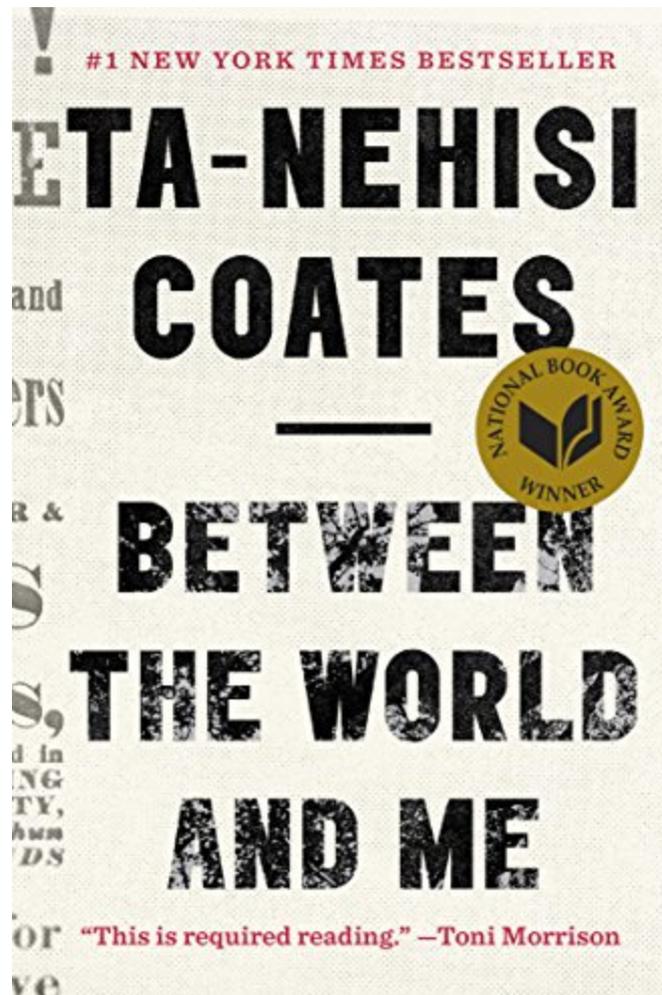
Civil Rights Division
U.S. Department of Justice

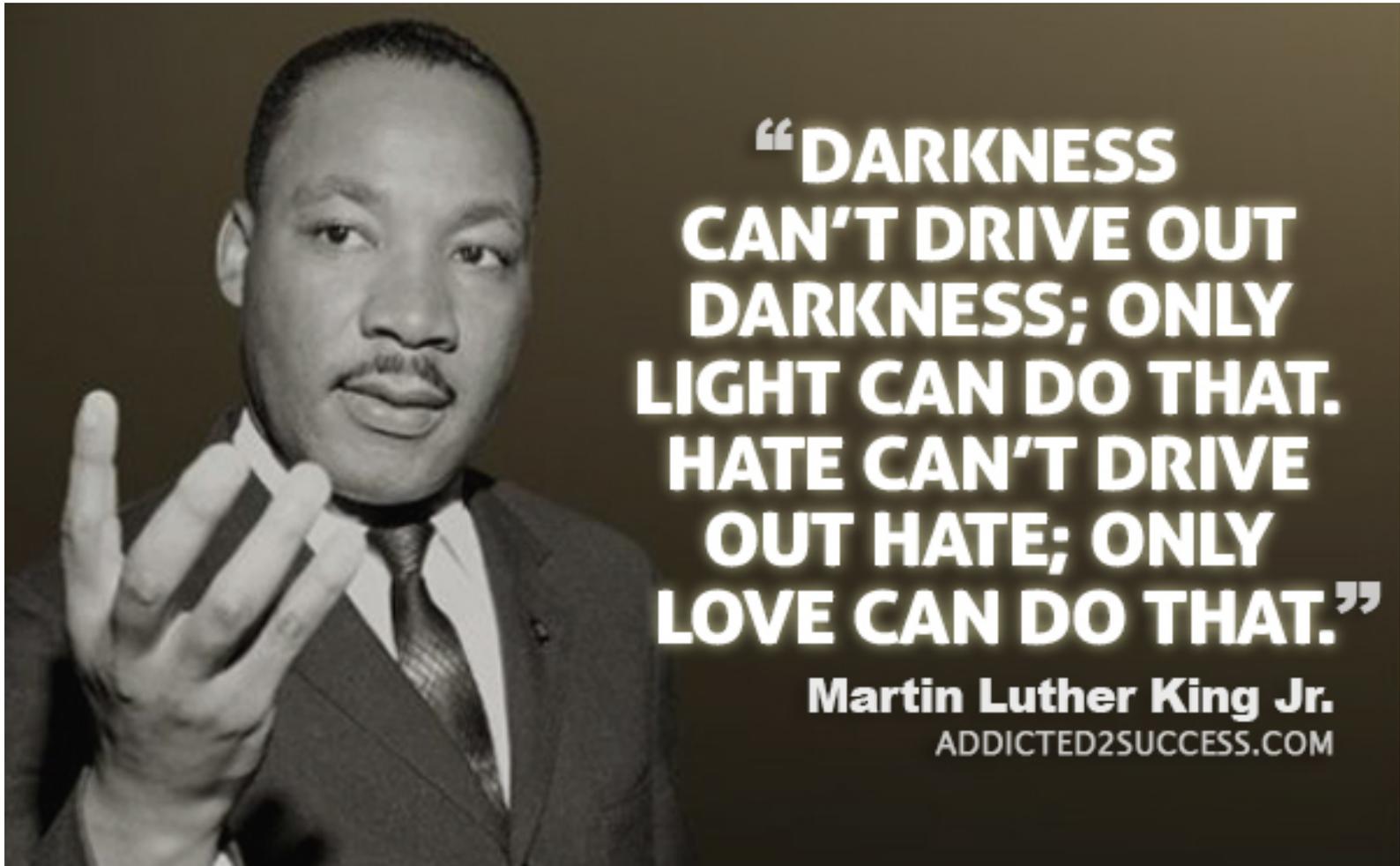
January 2017



Kaepernick.jpg







**“DARKNESS
CAN'T DRIVE OUT
DARKNESS; ONLY
LIGHT CAN DO THAT.
HATE CAN'T DRIVE
OUT HATE; ONLY
LOVE CAN DO THAT.”**

Martin Luther King Jr.
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