

## A STONE OF HOPE

## US Has “Much Left To Do” On Racism: Segregation Worse Now Than In 70s

One UN committee member is shocked that “in spite of several decades of affirmative action in the United States to improve the mixing up of colors and races in schools ... segregation [is] nowadays much worse than it was in the 1970s.”

by *Carey L. Biron*

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**WASHINGTON** — The Obama administration last week sent a significant delegation to provide testimony to the United Nations on the United States’ progress in implementing a landmark



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committee in Geneva and discussed measures the administration has put in place to push against unequal metrics, stubborn realities of ongoing segregation and outright structural racism. Yet official after official also admitted to the committee’s experts that much more needs to be done.

“While we have made visible progress that is reflected in the leadership of our society, we recognize that we have much left to do,” Keith Harper, the U.S. representative to the U.N. Human Rights Council and the delegation’s leader, [stated](#) on Aug. 13. “Issues covered by this Convention are of such fundamental and deep importance that we must continue to make progress.”

Harper’s analysis constituted the United States’ opening remarks to the Committee on the Elimination of Racial Discrimination. For only the second time, the country’s record on race relations and discriminatory practices, and in particular, the federal government’s actions in this regard, were last week publicly examined against the measuring stick of international law.

This was a formal review of the United States’ progress in implementing its obligations under a treaty known as the International Convention on the Elimination of All Forms of Racial Discrimination, commonly referred to as [CERD](#) or the race convention. Formally adopted at the global level in 1965 (and signed by the U.S. the following year), the convention was ratified by the U.S. in 1994, under the Clinton administration. It remains one of just three human rights-related treaties to be ratified by the U.S.

The federal government’s formal report to the committee is available [here](#). In addition, dozens of thematic analyses by civil society groups, also formally lodged with the commission and

covering education, housing, gun violence, health care, immigration and other issues, are available [here](#).



## A structural problem

On the one hand, it's important to note that CERD came about in part due to the civil rights movement here in the U.S., as well as what was happening at the time in South Africa under Apartheid. On the other hand, many feel this initial leadership has since given way in important regards, with data suggesting broad areas in which the U.S. has made little progress or even backslided in recent decades.

An [official summary](#) of last week's discussions between the U.N. experts and civil society groups recorded one committee member's shock "to realize that in spite of several decades of affirmative action in the United States to improve the mixing up of colors and races in schools ... segregation was nowadays much worse than it was in the 1970s."

Another expert noted that "some 39 million African Americans [are] particularly affected by structural racial discrimination in the United States ... part of the broader heritage of slavery," according to the summary.

Indeed, rights advocates here say that one of the most significant impacts of the race convention has been around the broader understanding of the structural issues of racism that persist in the U.S. — those ways in which institutionalized discrimination becomes considered normal.

"Since the convention was adopted, certainly in the United States, we've seen a shift in the views on structural forms of discrimination, and I think that's been informed by the international rights dialogue," Ejim Dike, the executive director of the U.S. Human Rights Network, or USHRN, a key organizer around the recent CERD review, told MintPress News.

"You see this understanding more in policy institutions as well as on the civil society side. There is a growing recognition that we need to start to address laws that, on their face, don't seem to

have anything to do with race, but which ultimately have a broad discriminatory impact. That's an important shift before we start to see actual policy change.”



remains in contravention to its basic obligations under CERD, two decades after the treaty was ratified.

At one level, for instance, Washington has yet to provide a concrete plan for how it will implement the recommendations from the country's first CERD review, in 2008. More broadly, this is indicative of a continuing lack of any comprehensive national action plan on how federal, state and local policies will be brought directly in line with the CERD obligations.

“For instance, we welcome the recent intervention by the Department of Justice and the investigation from the federal government into the recent shooting in Ferguson, Missouri. But there are likely many Fergusons taking place around the country,” Dike said.

“So this is clearly more of a systemic issue, and going in and investigating one situation is not going to solve the problem. So we need a national plan of action to fully implement the standards in the race convention.”

## Beyond intent, outcome

Given longstanding political polarities and conservative skepticism of international treaties in Washington (a primary reason the U.S. didn't ratify the race convention sooner was due to Republican concern that it would strengthen communist powers at the global level), when the U.S. finally did ratify CERD it did so with a number of formal reservations. The treaty obligations are not enforceable in domestic court, for instance, although when there is no conflict with domestic law, judges are encouraged to align their decisions with the convention's details.

Beyond this, however, the diktats of a ratified treaty are supposed to have the same weight as federal law. Yet one of the most important points to come out of the Geneva review was an

emphasis on the extent to which U.S. law and international law as embodied in the race convention continue to be at odds with one another at a very fundamental level.



minorities. Yet under CERD, this point is taken as a given; instead, the convention goes much farther, to specifically prohibit any law that has the effect of being discriminatory. Further, it mandates that states actively work to ameliorate such situations.

“What’s particularly strong about this treaty is that it looks at outcomes just as much as it looks at intent,” USHRN’s Dike said. “The way that international law looks at racism is if a disproportionate number of people in the criminal justice system, for instance, are poor or people of color, that indicates a race problem — irrelevant of intent.”

The U.S. definition of discrimination in civil rights law, she noted, generally still requires that policies are intended to discriminate in order to find disproportionate impact against any particular community. Affirmative action, then, which has received so much scrutiny from lawmakers and the legal system in the U.S. in recent years, would not only be encouraged under the international system — it would be required.

Gun violence is another policy case in point, and one that received great attention from the U.N. experts in Geneva last week. If U.S. gun policies, at the state or federal level, are found to have a disproportionately negative impact on minorities — as has repeatedly been shown — then the CERD obligations would dictate that the government is required to deal with this discrepancy.

Critics point in particular to such flashpoint statutes as the so-called “Stand Your Ground” laws on the books in certain states, which prioritize self-defense over retreat.

“The issue here is policies that aren’t discriminatory on their face but which maintain patterns of discrimination or create new ones,” Eric S. Tars, a senior attorney with the National Law Center on Homelessness & Poverty, told MintPress. “But currently, doing something about that type of problem isn’t deeply ingrained in the minds of the general populace or in lawmakers.”

Tars' office focuses on how the U.S. structures its housing finance, and the fact that minority communities continue to be disproportionately affected by homelessness. While the federal



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Thus, while none of these policies are intended to hurt or discriminate against minorities — in some cases, the opposite is true — their cumulative effect is damaging for historically marginalized communities. Under international law and the race convention, such a situation would require action from the federal government.

## Responsibility at all levels

It's not just the federal government that is required to abide by CERD, though. U.S. officials in Geneva last week repeatedly noted that the United States' federal system of government places significant responsibility for implementation at the feet of state and local governments.

In that case, many say the federal government needs to do a far better job of getting the word out to lower-level officials about the convention and its mandates.

“During the review, several CERD committee members spoke extensively on federal, state and local coordination in implementing the treaty,” Erin Smith, a project attorney at the Human Rights Institute, part of the Columbia Law School, told MintPress.

“[This included] asking the federal government to educate state and local officials about the treaty and their obligations thereunder, and encouraging the U.S. to provide funding to state and local governments to monitor and implement those obligations.”

To date, the federal government has no systematic mechanism by which it can reach out to governors, mayors and others to update and educate them on the results of treaty reviews like last week's, said the National Law Center's Tars.

“State and local jurisdictions have actual responsibilities under the convention, and it’s the federal government’s responsibility to transmit those recommendations to lower-level



well as federal personnel meeting with their local equivalents to take an active role in human rights education. It needs to be made clear that these treaties are part of our federal responsibilities, and state and local governments have a role to play.”

Tars and others are now looking to President Obama to issue an executive order that would mandate such an interagency mechanism, among other issues, before his time in office ends.

Following last week’s review, the CERD committee is expected to release formal recommendations to the U.S. by the end of the month.

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Segregation in this country exists because we have this little thing called freedom. The government doesn't tell us where to live. We get to choose.

When we bought our first house in Atlanta, we chose to do so in East Point - a famously black township within Atlanta's city limits (we are lily-white). We were happy there, and thanks to the second amendment, I felt safe enough.

Then we started breeding. Our kids went to nearly all black preschools. Once it came time to decide on a school to send our kids to, we had a choice between horribly failing public schools populated by low, and very low-income mostly black kids, or the ultra elitist private school that cost an obscene amount of money.

Then we found another choice - we could sell the home we loved, and move to the east side of town to mostly-white Decatur that had some fantastically performing public schools.

That's how we segregated ourselves.

^ | v · Reply · Share ›

**comeoriginal** · 5 years ago

the reason racism is still alive and well it's because race baiting & class warfare has never been as intense as the last 6 years. as someone who came from poverty & now I work my ass off frankly I am sick and tired of someone telling me especially considering my circumstances that I owe anyone anything!! someone please tell me why it would be racist to expect everyone who is physically capable to have the same work ethic like that I do

2 ^ | v · Reply · Share ›

**Stephen Williams** · 5 years ago

OK, riddle me this. If the USA is a "racist country against Blacks" Why do we have so many people from Africa immigrating here????? WHY would Blacks leave their Black run paradise to live in the "racist" USA? Because CERD is spreading lies and untruths.

2 ^ | v · Reply · Share ›

**Stephen Williams** · 5 years ago

CERD = TURD

1 ^ | v · Reply · Share ›

**Stephen Williams** · 5 years ago · edited

SCREW THE UN! They are a bunch of dolts who know nothing about what goes on in this country. They are a bunch of reconstituted Commies hiding behind the blue shield. Affirmative Action and other similar programs are MARXISM pure and simple. Why doesn't the UN do something about the Black crime and murder/rape committed by South African Blacks upon people of European origin in that country? Kick the UN out of the USA!

1 ^ | v · Reply · Share ›



**kirk** → Stephen Williams · 5 years ago

Ummmm, let me see, i wonder why. Hmmm. R u frigg'in' serious? lol.



We DO have a long ways to go with racism in the USA.

The black on white crime is out of control, yet the unbiased mainstream media prefer to stick their heads in the sand about it. The foaming hatred perpetrated against European Americans is at an all time high, yet the media AND the government want to pretend it doesn't exist.

A long way to go, indeed.

3 ^ | v · Reply · Share ›



**DailyKenn** · 5 years ago

For those who don't comprehend doublespeak -- or whose minds are tainted by the after affects of too much Kool-aid -- the international community is reaffirming its commitment to displace Western culture. The Obamabots have rehearsed their roles to perfection, articulating foregone conclusions.

Racism is a code word for anti-Western culture and the ethnic groups that sustain it.

The problem seems to be that white Americans are a stubborn lot. Even those with brains saturated in Kool-aid can't help themselves from being innovative and inventive, a genetic function that cultural Marxism prefers to pretend is a social construct.

Were those anti-Western haters at the United Nations truly concerned with racism, they would be railing against black-on-white crime that plagues our nation's urban centers while calling for an invasion of Zimbabwe and South Africa to dispose of blatant racist regimes with overt policies of systematic destruction.

True anti-racists would, in fact, praise Western society for providing health care technology to the world community. They would erect statues to honor the likes of Thomas Edison, Alexander Graham Bell, Louis Pasteur, and a pantheon of thousands of creative white people whose innovations have enhanced every aspect of human life.

If they were honestly endeavoring to purge the world of hate and racism, they would first glance into their collectivist mirrors and concede that their own anti-Western and anti-White hate is the last frontier of real racism.

7 ^ | v · Reply · Share ›



**kirk** → DailyKenn · 5 years ago

Oh boo hoo, cry me a frigg'in' river why don't ya. U might actually have to earn something, for once, just like the rest of us. Imagine that, equal opportunity for all. Does that concept bother you, make you feel insecure?

1 ^ | v · Reply · Share ›



**rudeboi** → DailyKenn · 5 years ago

How is it that a people that have market cornered on everything now want take over victimhood? The

only white I see is after labor day. The world worship whiteness and still you whine.

4 ^ | v · Reply · Share ›



1 ^ | v · Reply · Share ›

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**Dan Wilcox** · 5 years ago

Tax incentives to help low income people afford housing are racist? This was your best example of how US law is in violation of United Nations racial equality mandates?

This article states that segregation is worse now than in the 70's. I was a kid in the 70's and in my eyes the US is way more integrated now. Way more Americans today (at least in Oregon where I live) are hanging out publicly in mixed racial groups. We the people just elected a black president, twice. With resources like the internet and wikipedia there is no excuse for a lazy article making statements like "integration is worse now" without spending 30 minutes online or taking a trip to the local mall to see that just isn't true.

I also agree with the author that too high a percentage of black americans end up in prison... but they committed serious crimes. It isn't like we let our white, latino or asian criminals go free. If the author or the United Nations is sitting on some sort of answer that will get the hordes of stupid buttholes to spit out their grills, quit calling each other the N word, quit idolizing gangstas, quit committing the crimes that force a society to lock them up, then we are all interested to hear what you have to say. This evil is so infectious we even have white criminals that fit that description! White america, black america, fill-in-the-blank america... No law abiding citizen wants this.

4 ^ | v · Reply · Share ›

**kirk** → Dan Wilcox · 5 years ago

You obviously are uneducated on the racist judicial system. You could not be further from the truth in regards to racial discrimination against black. And you haven't a clue, it seems, when it comes to employment discrimination and institutionalized racism. You should take the time to educate yourself.

1 ^ | v · Reply · Share ›

**BobL** → Dan Wilcox · 5 years ago

A good deal of progress in race relations had been up until six years ago. Can you think of anything that happened six years ago that could have reversed that? Anyone? Bueller?

^ | v · Reply · Share ›

**Dan Wilcox** → BobL · 5 years ago

The biggest event on everyone's mind 6 years ago was the subprime mortgage crisis that financially devastated America and the world. The second biggest was that people were screaming for health care reform because a large segment of the population didn't qualify



presidents who is good at talking, not so good at working. Honestly I can't think of a president in the last 25 years who would have been actively involved in racial issues (in any sort of constructive way). America is and has been like a ship without anyone steering the thing - It goes where the wind, the money and the ocean currents take it.

I still don't believe what this author is saying. I don't think segregation is worse now.

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