

U.S. Judge Decries Racism Endemic in Judicial System

By Vernon Jarrett

Just as racial profiling by this nation's law-enforcement officers is finally being exposed, evidence of racial discrimination throughout America's federal and state judicial systems can no longer be ignored, according to a former New York federal judge.

Federal Judge Robert L. Carter, senior judge of the U.S. District Court for the Southern District of New York, pulled no punches when he spoke before the New York County Lawyers' Association at the fourth annual Howard Burns Memorial Lecture. He charged that racial discrimination is so widespread in America's criminal justice system that its correction is as crucial as providing equal educational opportunity for inner-city children.

Carter said that throughout his career as a lawyer and judge, he had been concerned chiefly with racial inequality in education; however, recent research had forced him to conclude that "at every level and in every phase of the various systems, racism is a plague."

Strong language for a senior federal

judge, who complains 15 percent of the nation's youth population, make up 32 percent of those arrested on drug charges — and 63 percent of those cases have been moved up to adult criminal courts.

Does this mean that black criminality outrageously surpasses that of other races? No. The message lies in the court system's mistreatment of blacks. According to the Department of Health and Human Services, in 1994 blacks comprised only 15 percent of America's drug users. However, they made up 37 percent of those arrested and 53 percent of state-court convictions.

If blacks made up only 15 percent of our drug users, Carter asked, how was it that nationwide, 66,000 were arrested as opposed to 15,000 whites? And why were 73 percent of all juveniles arrested between 1990 and 1995 for drugs black, while only 26 percent were white?

Members of Congress were astounded when in 1995 the Sentencing Commission exposed the fact that 52 percent of crack users were white, in contrast to 38 percent who were black. Yet blacks represented 90 percent of the total number

Statistics

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judge who has spent 25 years on the federal bench.

Carter finds it appalling that reports from the Department of Justice show that of the 1.8 million people in local, state and federal prisons, 900,000 — or 50 percent — are black. Blacks make up between 12 percent and 13 percent of the nation's total population.

He said it was sad for the white nation when in 1950 America had from "five to 10 times" the number of people incarcerated as other Western nations. The racial data makes the scenario worse, he said. In 1950, America imprisoned blacks at a rate 20 times the rate that Europeans jailed their citizens. He noted that in 1992, the Department of Justice reported that one in three black males between the ages of 20 and 29 were involved with the justice and prison systems.

If this trend continues, one in four black male babies born today will spend at least a year in jail. Predictions for white male babies are one in 25, he said.

Carter said that according to research he reviewed, the number of black women and teenagers who are incarcerated reflects the judicial system's overall biased approach to criminal justice. From 1983 to 1992 the number of black women prisoners increased by 204 percent — eight times the rate of white women, he said. Meanwhile, black juve-

of people convicted for offenses involving crack.

Something is wrong somewhere, Carter noted that Congress had made it possible for a person caught carrying 5 grams of crack cocaine to receive a mandatory minimum sentence of five years in jail. But a person whose drug of choice is powdered cocaine must be caught with 500 grams of the stuff to be handed the same sentence. Incidentally, powdered cocaine is presumed to be a favorite of whites.

Carter then turned to Marc Marz's study, "Race in Incarceration," to show how in 1990, white men represented 76 percent of the total arrests for drunk driving, which kills 32,000 each year. He compared those results with the 21,000 deaths caused by AIDS from unclean needles, drug overdoses and slayings associated with drug sales.

Carter then pointed to the drunk drivers who are given misdemeanor sentences and are required to perform community service or pay a fine.

Makes you think.

Carter also pointed to statistics from the NAACP Legal Defense Fund's 1999 report, which showed that 43 percent of those on death row are black. While only 30 percent of homicide victims are white, 85 percent of those sentenced to death are convicted of killing whites.

Carter's final shocker: He fears that 775,000 low-skilled blacks will soon be leaving prison and flooding the labor market — unlikely candidates for either employment or assimilation into their communities. And they will be denied the right to vote because they have become disenfranchised ex-cons.

Mad as hell for thought.

Vernon Jarrett is an active member of the national advisory board of the Rosa and Raymond Parks Parkway to Freedom Program for Souths. In 1991, he received a Lifetime Achievement Award from the National Association of Black Journalists.

UN Faults US on Racism

UN Racism Experts Urge Changes to Eliminate Racial Bias

(New York, March 7, 2008) - The United States should immediately adopt UN recommendations to alleviate the widespread racial bias it found in the criminal justice system, Human Rights Watch said today.

The UN's Committee on the Elimination of Racial Discrimination harshly criticized the US record on race after considering oral and written testimony submitted by the US government. In its conclusions issued today, the committee urged the US to rectify the "stark racial disparities" in criminal justice systems throughout the country.

"The UN is telling the US that it needs to deal with an ugly aspect of its criminal justice system," said Alison Parker, deputy director of the US Program at Human Rights Watch. "The committee outright rejected the government's claim that more black kids get life without parole sentences because they commit more crimes."

The UN committee condemned what it found to be racial disparities in the death penalty and in the sentencing of youth to life without parole for crimes committed when they were under 18, a practice the committee wants stopped. Further, the committee called on authorities to take steps, including a moratorium on the death penalty, to root out racial bias.

The committee also dismissed claims by the US government that it did not have the power to examine the detention of non-citizens at Guantanamo. It urged the US to guarantee "enemy combatants" judicial review of the lawfulness and conditions of their detention.

"Once again, the Bush administration has been told by a major human rights body that it is not above the law when it comes to the war on terrorism," Parker said. "The US should reverse its decision to deny judicial review to non-citizen enemy combatant detainees."

The committee criticized US practices in numerous other areas, including:

- The Bush administration's view that its human rights treaty obligations do not apply to laws or practices that are race-neutral on their face but discriminatory in effect;
- Racial segregation in housing and in public schools;
- Systemic inadequacies in indigent criminal defense, which have a disproportionate impact on racial minorities;
- The disenfranchisement of millions of US citizens because they have been convicted of a felony, even though they have fully served their sentences or have been released on parole.

The Committee on the Elimination of Racial Discrimination is the UN body of experts responsible for monitoring countries' compliance with the Convention on the Elimination of all Forms of Racial Discrimination, a human rights treaty ratified by the United States in 1994. The committee's comments and responses to state party reports are authoritative interpretations of states' obligations under the treaty.

As is its regular practice, the committee considered US compliance with the treaty following the government's

submission of a report, due in November 2003 but finally submitted by the US in April 2007. A US delegation participated in the committee's meeting to examine the report on February 21 and 22, 2008 in Geneva, and responded to questions.

For more information on the United States and the CERD, please see the following documents:

February 2008 [Human Rights Watch submission to the Committee on the Elimination of Racial Discrimination](#)

February 2008 [follow-up letter from Human Rights Watch to the Committee on the Elimination of Racial Discrimination](#)

April 2007 [US Report to CERD](#)

March 2008 [CERD concluding observations on the US](#)

Related Material

[HRW Submission to CERD in its 72nd Session](#)

Report, February 7, 2008

[Follow-Up Letter to CERD](#)

Letter, February 26, 2008

From: <http://www.org/engid/press/2008/03/07/undocp18239.htm>

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