

Truth, Racial Healing, and Transformation

LAW DESIGN TEAM RECOMMENDATIONS

Presented by:

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Transformative Justice Coalition

REIMAGINING JUSTICE



Lady Justice Traditional



Design Team Recommendations

The Foundational Pillars of Racial Hierarchy in the United States of America: *White Structural Racism* *White Supremacy*

1. Native American genocidal practices and land theft
2. Chattel slavery and its vestiges
3. Colonialism
4. Legalization of racial violence against People of Color
5. Citizenship and immigration policy

**All were justified and enforced through the legal system including
Constitutional incorporation, laws and statutes, and violence.**

Racial hierarchy cases

- ***Johnson v. McIntosh***, 21 U.S. 543, (1823).
- ***California v. Hall***, 4 Cal. 399, (1854).
- ***Dred Scott v. Sanford***, 60 U.S. 393, (1857).
- ***Plessy v. Ferguson***, 163 US 537, (1896).
- ***U.S. v. Thind***, 261 U.S. 204, (1923).
- ***Korematsu v. U.S.***, 323 U.S. 214, (1944).
- ***Croson v. City of Richmond***, 488 U.S. 469, (1989).
- ***Shelby v. Holder***, 570 U.S. 2, (2013).

**OVERT
WHITE SUPREMACY
(Socially Unacceptable)**

Lynching

Hate Crimes Swastikas

The N-Word KKK Burning
Crosses

Racial Slurs Racist Jokes Neo-Nazis

**COVERT
WHITE SUPREMACY
(Socially Acceptable)**



Criminal
Court
Scene





Criminal Justice Alternative EQUALS

Restorative Justice

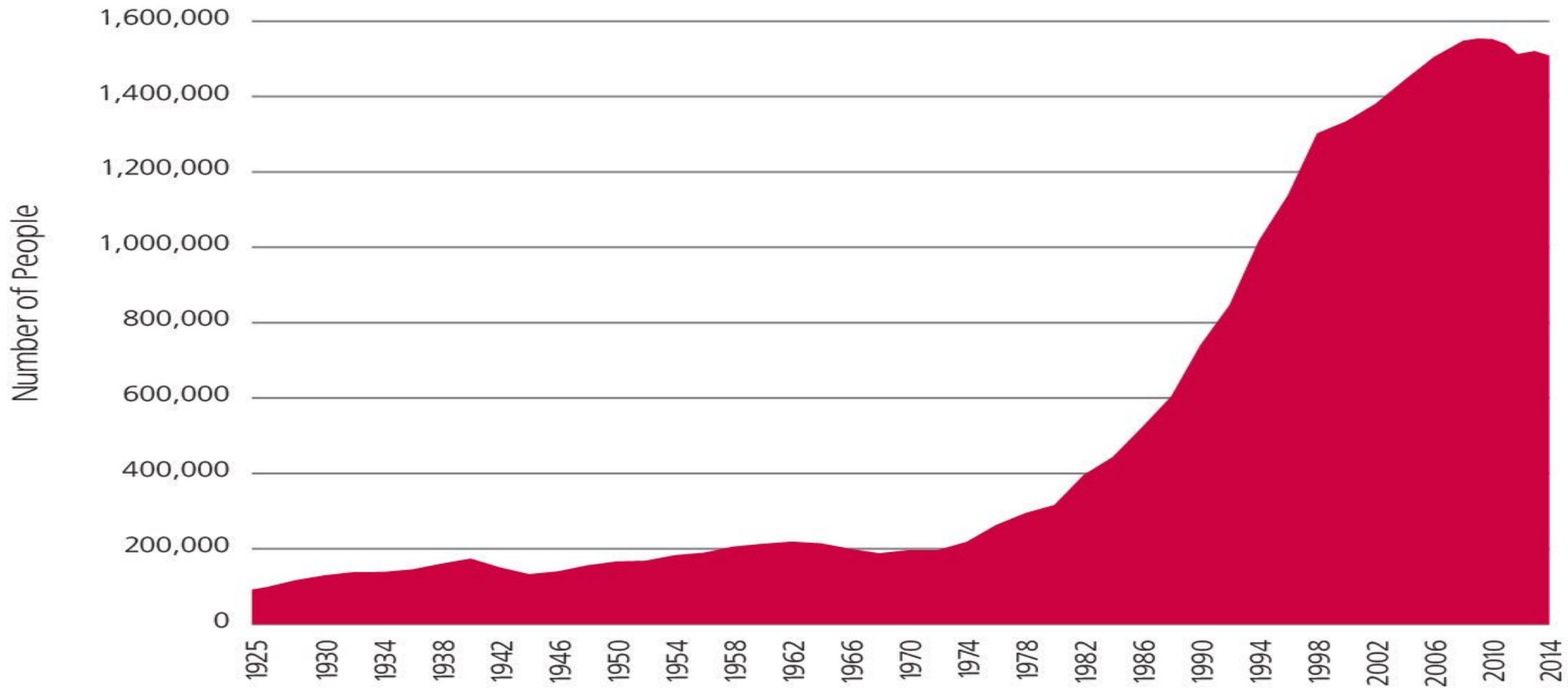
Our Vision

- Through the Truth, Racial Healing, and Transformation enterprise of the W.K. Kellogg Foundation, we envision a new legal system, one in which we cherish our common humanity, respect the dignity of every individual, and see ourselves in one another, while at the same time protecting and celebrating our diverse cultural traditions and world views. We are cognizant that achieving this vision may require a wholesale dismantling and restructuring of our existing legal system, but we are committed to the journey. This new legal system would be centered on four broad principles:
 - **We would recognize the historical significance our system of law has played in perpetuating the hierarchy of human value.**
 - **We would embrace a system of law that reflects our common humanity, the dignity of all people, and our commitment to the civil and human rights of all.**
 - **We would seek to redress the inequities in our legal system that have been created by the belief in a hierarchy of human value.**
 - **We would cherish the value of full civic participation in our nation and in our communities.**

Complicating this situation is a criminal justice system that:

- racially profiles people based on skin color,
- values punishment over rehabilitation and property over people,
- is infused at virtually every level with implicit bias and negative racial stereotypes,
- privileges people based on skin color and economic status,
- disproportionately arrests and incarcerates young men of color and disproportionately perpetrates violence against Native Americans, and
- seeks to use its powers, whether consciously or unconsciously, to exert social control over people of color.

U.S. State and Federal Prison Population, 1925-2014



Source: Bureau of Justice Statistics *Prisoners Series*.

Achieving the Transformation of Our Legal System

- To proceed on our journey to a society in which we cherish our common humanity and see ourselves in one another, we must:
- Pinpoint the key leverage points for change in the legal system.
- Identify the key stakeholders and others who need to be involved in the process of change.
- Establish recommendations for resolutely and rapidly moving forward toward our goal.

Recommended Actions

- Key initial actions that will bring the most meaningful changes may vary from place to place, depending on the local circumstances. What may be important and meaningful in Detroit may be quite different from what may be important and meaningful in Baltimore, or Los Angeles, or Albuquerque, or New Orleans, or Alaska, or on tribal lands. But within this context, here are five priority categories of actions that can transform our communities and our nation:
- Develop and implement curricula in professional schools designed to help students understand how the hierarchy of human value manifests itself in their professional areas and how to jettison this hierarchy and replace it with a belief in our common humanity.
- Create accountability mechanisms for federal, state, and local jurisdictions, including for the wholesale review of state criminal and civil codes, and develop and implement a racial impact analysis as a key part of the legislative process at every level of government.
- Design and promote public forums to enable people from different racial and ethnic backgrounds to share experiences within the legal system, with the goal of creating a new narrative.
- Proactively undertake a Civil Rights Law Transformation Project, including the development of a new People's Constitution or other official document (ex-charter, compact) that reflects a society devoid of a hierarchy of human value.
- Ensure compliance with international human rights accords.

Other issues of importance

- Implicit bias in the Court system
- Economic barriers imposed by the criminal justice system
- Under-representation of women as judges and law firm partners
- Absence of women of color in major law firms
- State statutes permitting rapists to seek custody
- Gender stereotypes
- Intersectional stereotypes
- Tech sector gender and racial discrimination
- Domestic violence
- Blatant internet discrimination
- Sexual assault by police
- Healthcare
- Reproductive rights
- Money bail reform
- Fighting poverty
- Restore CHIP