The Diocese of Southern Ohio in Partnership with the Kirwan Institute for the Study of Race and Ethnicity - The Ohio State University

The Bishop’s Task Force on Racial Profiling

Volume 1 - Disparate Impact Analysis

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A Research Project – November 2013
Foreword

The Right Reverend Thomas E. Breidenthal, D. Phil., Bishop
The Diocese of Southern Ohio
Convener of the Task Force on Racial Profiling

Almost two years have passed since we learned of the death of Trayvon Martin. There can be no question that racial profiling was a factor in this tragedy. This connects Trayvon's death to the experience of countless African-Americans of all ages, especially African-American males, who continue to be suspected of criminal intent at every turn. Of course, racial profiling of any group implies racial profiling of everybody: people who look Mexican or Central American are profiled as illegal immigrants, while people of European descent are profiled as law-abiding. Yet in this country it falls to men of African descent to be profiled as dangerous.

This is as true within the church as outside of it. We are taught as followers of Jesus to see Christ in the face of everyone we meet. But the first thing we see is race, and then whatever we pin on race, whether positive or negative. That means that whenever we encounter someone we don't already know well, we are making assumptions about who he or she is. That means, in turn, that we are a long way from seeing the real person that stands before us as a fellow child of God. That's a problem, because the church cannot convey good news to anyone if its members are not able to leap past stereotypes to unprejudiced and trustworthy engagement, person to person. We often say that we no longer deal in stereotypes, but that is simply not the case.

I understand that moving beyond profiling is easier said then done. We are probably programmed to sort people out in ways that obstruct or delay our capacity to see them for who they are as individuals. But then it is incumbent on us, as people of religious faith, to correct that programming. We must practice spiritual disciplines that help us to short-circuit automatic profiling.

One such spiritual practice is witness. We usually think of witness as telling stories about how God has helped us, and that is right. But at its heart witness is testimony to the truth, so that God comes into it by way of God's being part of our truth-telling. So witness may be testimony about the mercy of God, but it may also be truth-telling about what we have suffered at the hands of others. Listening to the testimony of people who have suffered negative profiling day in and day out can help us break the cycle of profiling. It helps profilers stop doing it, and it helps those who are habitually negatively profiled to push back.

This is why I am so grateful for this study. There have been many reports on the frequency and scope of racial profiling. But this study stands out in how it links statistical analysis to personal witness. Story after story of being profiled has been collected here, from victims and perpetrators, from adolescents and successful professionals, from churchgoers of various denominational stripes. I have been moved to hear some of these stories firsthand: young men followed every step of the way around a store; senior professors pulled over on the freeway and searched for drugs.

Words cannot express my admiration for Dr. Merelyn Bates-Mims a parishioner of the Episcopal cathedral in Cincinnati, who answered my publicly-expressed dismay about the death of Trayvon Martin with a challenge to do something about it. The fact is, she raised the challenge and then addressed it herself. This study has been her work from beginning to end. It is my privilege to endorse it. Racial profiling is the next challenge in the struggle to overcome racism. I commend this study to the attention of the church, of all faith communities, and all people of good will.
Title VI of the Civil Rights Act of 1964, called the ‘sleeping giant’ of civil rights law addresses a “huge array of injustices: from environmental racism to discriminatory profiling…to inequalities in transportation, housing, and education.” -The Governor’s Task Force on Racial Profiling - Wisconsin 2000

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Jacqueline Bates Rivera, BA Lynnette Heard
On Moral Voice
Richard A. Burnett, Rector and Chair of the Bishop’s Task Force on Racial Profiling.
Trinity Episcopal Church, Columbus, Ohio
2nd Sunday of Advent, December 8, 2013

As the sun sets on a day of deep and powerful remembrance of a great world leader, a champion for democracy and human rights, and an inspiration for a new generation of activists, we attempt to say a simple word about Moral Voice in the light of the witness and legacy of Nelson Mandela (1918-2013).

In our prayers and our meditations today, we spoke of Mandela remembered as "valiant." His courage met death with trust and confidence. His humanity led him to a profound respect for all people, and his honor sought the goodness of all with whom he came in contact in the world. As a friend of mine recently wrote of President Mandela, "Those of us who were blessed to be in his presence, if only from a distance, can testify to the sense of promise that surrounded this man. It was infectious. It made us different, and not just for a moment, but forever."

This seems to be is a good start in describing Moral Voice, suggested in this study of racial profiling and prejudice in our day and in our society. Moral Voice is an expression of a life lived "valiantly." Moral Voice renders the foundational virtue of courage in a way that invites, transforms, and renews others. Moral Voice merges compassion and hope in a bold commitment to all humanity. How this Moral Voice is offered, and how it will be received, are not easily predicted. But, as the Rev. Dr. Cornell West insists, "all we can do is bear witness."

Articulating a Moral Voice in our time and in our social setting is, finally, the community of faith "bearing witness." We bear witness to justice for all people, we bear witness to transcendence and transformation imagined in hope, we bear witness above all else to love - a love that can not be conquered by death and bids us to follow it to new life.

The Rev. Otis Moss, Jr., D. Min., M.Div.; Member, Task Force on Racial Profiling
Pastor Emeritus, Mt. Olivet Baptist Church, Cleveland, Ohio

In every age one of the greatest evils is the sin of silence in the presence of injustice.

If I am silent in the face of injustice, my shameful silence is a vote of support for the act or acts and systems of wickedness. Thoreau was right: "Whoever can protest and does not is an accomplice in the act." Another thinker in centuries past was on mark when he said: "Sometimes one word can further the welfare of a nation when those whom it behooved to speak remained silent."

Every age needs a moral voice and each of us is called (I believe by eternal God) to be a part of that moral voice. Some may be a global voice like Gandhi, King and Mandela. Some may be a literary voice like Toni Morrison, Maya Angelou and James Baldwin.

One may be a youthful voice like sixteen year old Malala of Pakistan, but each one of us can speak in our own time and space and make a difference by God’s grace.
Volume 1 - Disparate Impact
Comparisons: Citizenship and Racial Profiling

The Bishop’s Task Force on Racial Profiling

Executive Summary

ABSTRACT

The Bishop of the Diocese of Southern Ohio, The Right Reverend Thomas E. Breidenthal, in signed partnership agreement with Dr. Sharon Davies, Director, Kirwan Institute, The Ohio State University and in collaboration with academic and legal and other scholars and interfaith leaders across the nation, has commissioned a research study examining the disparate impact of Stand Your Ground laws on certain citizen groups. The research simultaneously creates disparate treatment collections of narratives from disaggregated populations of respondents. Together, disparate impact coupled with disparate treatment, the collections of individual stories meet the evidence standards probative of discrimination theory, in this case, specifically the claim against Stand Your Ground states’ law discrimination. Thus, the Task Force Research on Racial Profiling divides the report into two sections: 1) Disparate Treatment Statistics; and 2) Disparate Treatment individual stories of Racial Profiling Experiences (RPEs). The Reverend Richard A. Burnett, Rector, Trinity Episcopal Church on Capitol Square in Columbus OH, serves as chair of the Bishop’s Task Force on Racial Profiling.

Internal Review Board – The Ohio State University

On 12 December 2012, the OSU Behavioral & Social Sciences Institutional Review Board, The Office of Responsible Research Practices, by expedited review issued approval for the Bishop’s Study on Racial Profiling. The responsibility for the collection and archival of campus survey data falls under the direction of Dr. Sharon Davies and the OSU Moritz College of Law. The OSU FWA accords Individual Investigator status to Merelyn Bates-Mims, PhD related to Protocol Title: Bishop’s Task Force on Racial Profiling – Campus Study. 06 December 2012. Tom Rudd, Director of Education and Emerging Research, The Kirwan Institute for the Study of Race and Ethnicity, directs the activities of campus survey process and final analyses of campus survey results.

Purpose of the Report

The study examines three (3) basic postulations:

“Is good citizenship an effective guard against being racially profiled?”
“Is high professional achievement an effective hedge against being racially profiled?”
“Is Stand Your Ground states’ law unjust for certain citizen groups?”

So as to include respondent voices of citizens usually not heard, the design plan of the study disaggregates the collection of data into the following survey groups:

- Campus
  - OSU, Columbus OH; Howard U., DC; U. of Cincinnati
- Urban Youth
  - Elementz Hip Hop Youth Center, Cincinnati
- General Public
  - Across U.S. States; OSU Innovations Center (Homeless persons)
- Accomplished Professionals
  - Across U.S. States
- Congregations
  - Across U.S. States; New Jerusalem Baptist Church, Cincinnati
To support disaggregation of the responses, individual electronic collectors were created, all housed at OSU Kirwan Institute on-campus database for the recording and archiving of respondent information. The electronic results are reported by totals appearing in numerical counts and percentages, available for evaluation in both crosstab and non-crosstab formats. The research conclusions are also formed through comparative analyses of disaggregation occurring within groups, i.e., General Public (GP) and (GP-A) Homeless; Congregations (C) and (C-A). Moreover, contrastive/comparative analyses of the profiling experiences of Urban Hip-Hop Youth and Accomplished Professionals are made. Here are the final counts for each category. Disaggregated data reveal the imbalances and inequities that ‘cry out’ for attention.

SURVEY COUNT – ALL CATEGORIES - Total Survey Count 2,961
CAMPUS 793
GENERAL PUBLIC 219
GENERAL PUBLIC-A [HOMELESS] 102
ACCOMPLISHED PROFESSIONALS 141
URBAN HIP-HOP YOUTH 29
CONGREGATIONS [TEC] 1,518
CONGREGATION-A [NJBC HIST. BLACK] 159

GUIDE TO REPORT COMPONENTS

The ‘At-Risk’ Peril
"Some argue that the proper standard is the number of persons who are "at risk" of shooting incident."

Tennessee v. Garner, 471 U.S. 1 (1985). The Supreme Court of the United States held that under the Fourth Amendment, a law enforcement officer in pursuit of a fleeing suspect may use deadly force only to prevent escape if the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.

- Are citizens posing as law enforcement officer exempt from such prohibition?
Current research has shown that the use of deadly force contributes little to the deterrence of crime or the protection of the public. On the basis of the facts in *Tennessee v. Garner* found by the district court, police officer Hymon had no reason to believe that the fleeing suspect, Garner, was armed or dangerous.

**The Police in America.** Samuel Walker, University of Nebraska and Charles M. Katz, Arizona State University propose in their study that the greatest disparity occurring between whites and blacks falls under unarmed persons category—usually defined as “fleeing felon.” Since 1960s-early 1970s, the overall number of police shootings has declined; many departments use the restrictive defense-of-life rule.

One majorly important question is whether the current disparity between blacks and whites represents:

- Systematic discrimination
- Contextual discrimination
- Individual discrimination

The 1985 Court ruled "fleeing felon" law unconstitutional, as the use of deadly force against a subject is the most intrusive type of seizure possible, because it deprives the suspect of his life.

*Source: The Police in America. Samuel Walker, University of Nebraska and Charles M. Katz, Arizona State University-West.*

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**EXECUTIVE SUMMARY OF FINDINGS**

I. General Public Survey Instruments

**GP Survey** = 219 total respondents  
**GP-A Survey** = 102 total respondents {Homeless populations}  
**SUMMARY** N=321 total respondents

General Public Survey instruments incorporate respondent voices usually not heard, i.e., GP-A Homeless populations.

  *Pg. 26*

- General Public (GP) was distributed electronically via emails passed on by individuals to other individuals.  
  *Pg. 26*

- General Public-A (GP-A) was produced in a one-page paper handout version of the instrument. The collections stem from an invitation extended by Tamar Mott Forrest, PhD, the Associate Director of the Research Core Centers for Innovation, The Ohio State University, to attend a monthly meeting with homeless providers. The paper data collections, directed by Gail L. Lowe, MSW, were entered into the electronic collector via the Manual Data Entry mechanism.  
  *Pg. 26*

- Q. #3. “I want good police protection in my community” generated a 99.2% average response.  
  *Pg. 27*

- Q. #6. “I believe everyone is entitled to life and liberty” generated a 98.0% average agreement between persons of GP and GP-A groups.  
  *Pg. 27*

- Q#13 ‘Yes.’ “Stand Your Ground laws are unjust for certain citizen groups” stood at 83.7% agreement among GP-A homeless populations; 10.0% points higher than GP citizens (73.0)  
  *Pg. 29*
• Q. #17 - 68.6% of GP-A persons (homeless populations) earn $0-24,000. *Pg. 30*

• The states of respondents’ residency include OH VT NC MO IN KY VA MI DC GA MD NC AR TX NY CA IL FLA WA AL VA NV. *Pg. 31*

• Tables 2 and 2.a cross-tabulated examination showing a [green] 56.7% GP [n=146] upper income [$50,000-$124,999] agreement in contrast the [orange] 91.1% GP-A [n=77] lower income [$0-$49,000] agreement with the hypothesis Q. #13 that “Stand Your Ground laws are unjust for certain citizen groups.” *Pgs. 31-32*

• By Table 2.a analysis, the cross-tabulated GP-A lower income, homeless populations, reach 100% [n=77] agreement with question #3: “I want good police protection in my community” — 0.7% above GP higher-income populations. *Pg.32*

• Lower economics GP-A population, though sharing equally with all others in citizenship responsibility, experience the highest comparative rates of profiling impediment, good citizenship practices notwithstanding: Suspicious (56.9%); Real Estate (30.6%); Traffic stops (48.6%); Job/school application (36.1%); Employment (51.4%); Medical care (22.2%); Guns (18.1%). *Pg. 36*

**Findings**

**FINDING #1:**
“Is good citizenship an effective guard against being racially profiled?” **NO.**

• Compare the 98.03% closeness in overall average among GP and GP-A survey respondents, the ‘sameness’ pertaining to ‘citizenship’ and the ‘good life’ at questions #1-6. *Pg. 27-28*

• Compare also the disparity in racial profiling experiences (RPEs) of those populations, GP and GP-A (67.1%). *Pg.29*

**FINDING #2:**
“Is Stand Your Ground unjust for certain citizen groups?” **YES.**

• ‘YES’. *78.35% [78.4%] average non-crosstab agreement; Question #13. *Pg. 29*

• Of the 100% non-crosstab [n=102] GP-A persons asked the Question #13 on ‘SYG unjust’, 83.7% (n=77) agree that SYG laws are unjust. *Pg.29*

**FINDING #3:**
When it comes to societal treatment, the persons of GP and GP-A survey examinations are not similarly situated, i.e., sameness in problems and circumstances wherein the basic facts and legal issues are the same. *Pg.36*

• The question is whether the treatment (RPEs) suffered by lower-income persons of GP-A survey population descriptions are generalizable to broader U.S. populations of American citizens also sharing GP-A characteristics, by race and income (see demographics, Page 30, and Disparate Treatment narratives GP and GP-A.
“Judges have sentenced children to extended stays in juvenile detention for offenses as minimal as mocking a principal on MySpace, trespassing in a vacant building, and shoplifting DVDs from Walmart, says a February 24, 2009 CNN article titled “Pennsylvania rocked by ‘jailing kids for cash’ scandal.”

EXECUTIVE SUMMARY OF FINDINGS

2. Accomplished Professionals and Urban Hip-Hop Youth Survey Instruments

Stand Your Ground Unjust – Non-Crosstab

“Is accomplished professional achievement an effective guard against being racially profiled?”

- Accomplished Professionals Survey=141 total respondents. Youth Survey = 29 total respondents  
  Pg. 40

- The demographics of the Urban Youth Survey column indicate White/Caucasian racial classification participation at 4.2% level; Black/African American at 83.3%. The median Youth household income: $0-24,999. Pg. 41

- For Accomplished Professionals Survey column, Black/African Americans made up 72.3% of respondents. White/Caucasians 19.0% of respondents. For AP group, the median level of income was $75,000-99,999. Pg. 41

- The states and territories of Accomplished Professionals respondents’ residences include IN, TN, OR, NC, NM, VT, COL, CA, FLA, KY, MD, VA, AL, LA, AK, TX, MS, MI, NY, VA, PA, DC, MI, AZ, IL, GA, KY, MD, OH, Virgin Island, Canada. Urban Youth respondents are local to Ohio. Pg. 41

- Q. #9 “I want good police protection” garners a 100% agreement for Accomplished Professionals and 96.4% among Urban Youth at *Q.#4. Pg. 42

- Urban Youth answer the propositions “I am a citizen of the United States” and “I have plans for the future” in 100% YES agreements. [Lower paragraph] Pg. 42

- “I have college or further education in my life plans,” a 93.1% YES agreement. Pg. 42

- “I believe anyone can achieve whatever they want to in America,” 89.7% YES agreement. Pg. 42

- “I believe everyone is entitled to life and liberty.” 100% YES agreement. Pg. 42

- Black Professionals and Urban Youth share 75.47% average (Q. #13-17 RPEs) agreement that racial profiling is an integral part of daily life experience. Pg. 42

- Q. #16-17 ‘Safety rules” + “At risk” [85.35% average] express the enormity of their peril. Pg. 42

- The two groups, Accomplished Professionals and Urban Youth alike, affirm at 84.9% combined agreement that they teach/follow special ‘safety rules.’ For at 85.8% combined awareness [Q. #17], they know that they themselves, or children, or grandchildren and other family and acquaintances are ever at-risk of profiling danger notwithstanding academic, professional, career, dollar earnings attainments or law-abiding morals and ethics. Pg. 42
Findings

FINDING #1:
“Is high professional achievement a guard against being racially profiled?” NO. (AP Peril=83.5%) Pg 42

FINDING #2:
Q. #12 “Stand Your Ground unjust for certain citizen groups?” YES. 86.4% of Professionals. Pg 42
[SYG question omitted from Youth survey instrument].

FINDING #3:
At Racial Profiling Table 2 and Exhibit 2 Racial Profiling Experiences (RPEs), when it comes to societal treatment, the persons of both Accomplished Professional and Youth survey examinations are similarly situated, i.e., sameness in problems and circumstances wherein the basic facts and legal issues are the same. Pg. 43

The Best Defense?
Florida and 23 other states have passed “stand your ground” laws that allow the use of deadly force in self-defense anywhere a person is legally present.

<table>
<thead>
<tr>
<th>States with existing laws</th>
<th>States where laws have been considered this year</th>
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</thead>
<tbody>
<tr>
<td>States with existing laws</td>
<td>States where laws have been considered this year</td>
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</table>

Source: Legal Community Against Violence
www.illinoisreview.typepad.com

J. Ernest Wilkins, Jr., often described as one of America’s most important contemporary mathematicians and nuclear physicists, at age 13 became the University of Chicago’s youngest student. Wilkins continued his studies there, earning bachelor, master, and doctorate degrees in mathematics. When he finished his Ph.D. at 19, he was hailed by the national press as a “negro genius.” His father, J. Ernest Wilkins, a prominent attorney, was assistant Secretary of Labor during the Dwight D. Eisenhower administration.
As part of a widely varied and notable career, Wilkins contributed to the Manhattan Project (nuclear energy) during WWII, working in and conducting nuclear physics research in both academia and industry. During his studies and various careers he was affected by the prevalent racism that existed much of his life. Among his many published works included “Mean Number of Real Zeros of a Random Trigonometric Polynomial. II,” in Topics in Polynomials of One or Several Variables and Their Applications, World Scientific Publishing, 1993.
-Source: blackpast.org/aah/wilkins-jr-jernest-1923#sthash.fhsXPLPm.dpuf; and en.wikipedia.org/wiki/J. Ernest Wilkins, Jr.
EXECUTIVE SUMMARY OF FINDINGS

3. Congregations Survey Instruments

**Stand Your Ground Unjust – Non-Crosstab C=1082/1415; C-A=132/140**

- Congregations Survey=1,518 total respondents. Congregations-A Survey = 159 respondents. Total respondents = 1,677.  
*Pg. 47*

- Responses originated from 50 states: FL, MD, TX, NM, PA, GA, NE, OH, NC, MI, AL, NY, CT, IN, TN, NJ, CO ID, IO, WA, AZ, OR, CA, OK, ME, VA, VT, KY, MO, NC, AL, HI, MS, WI, LA, SC, NH, MA, IL, WV, WY, MD, MT, NV, RI, AR, DE, SD, SD, PR, VI; Canada; Rep. Korea (military); Germany (military); Rosebud Sioux reservation.  
*Pg. 47*

<table>
<thead>
<tr>
<th>C-Survey</th>
<th>C-A Survey</th>
<th>Overall ‘YES’ %</th>
</tr>
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<tbody>
<tr>
<td>76.5%</td>
<td>94.3%</td>
<td>(85.4% avg.)</td>
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</table>

([76.5% of the total C- respondents answered ‘Yes’ to Q. #13]  
[94.3% of the total C-A respondents answered ‘Yes’ to Q. #13])

**Stand Your Ground Unjust – Crosstab C=1,082; C-A=132**

- From Table 2 SYG 100% cross-tab perspective, African-American C-A congregants [80.3% historically knowing themselves and their families to be at-risk of profiling abuse] resolve, therefore, to live life mindful of special safety rules 99.2%, especially during encounters with the police.  
*Pg. 52*

- Citizens of Table 2, question #9; C and C-A groups, live life at 73.3% common awareness of ‘suspicion stops and/or threat’ of racial profiling; and a 47.0% gap in respondents’ fear of family ‘at-risk’ to profiling danger [Q. #11]. The “I know that I and my family are at-risk” by congregants of a historically black congregation, a 80.3% figure, underscores “The Talk”, i.e., the need to teach C-A youngsters self-safety behaviors in face of ‘stop and search’ everyday life reality. Again, C-A 99.2% affirm “I live my life mindful of special ‘safety’ rules.”  
*Pg. 52*

- Table 2 answers the CROSS-TAB question: “Of the total number of congregant persons agreeing SYG is unjust, a total of 1,214 respondents, what number and percentage also share “I want good police protection” agreement?  
*Pg. 52*

- Of C-Survey cross-tab population, i.e., those believing SYG is unjust law, 70.9% of persons self-described as White/Caucasian; 22.3% African-American; and 6.8% other racial persons agree that SYG is unjust.  
*Pg. 53; 54*

- Of cross-tab C-A Survey of historically black experience, i.e., those believing SYG is unjust law, 97.7% self-described as Black/African American. See the full array of race/ethnicity percentages at Question #14, Table 2.a.  
*Pg. 53; 54*

- See also the FBI supplemental data at Exhibit 2 and 2.a (page 70) affirming that Stand Your Ground is unjust law, an outside verdict independent of the Bishop’s Task Force data.  
*Pg. 70.*

- See the series of U.S. Bureau of Justice (BOJ) statistics (EXHIBITS; 1.c to 1.e; and Table C (pages 60-61), coupled with the work of other scholars like Pettit, Sykes and Western researchers (page 58), who calculate the number of children with a parent in prison.

- Page 59 describes Kids-for-Cash judiciary partnerships with privately-owned for-profit juvenile detention centers, mainly children without lawyers, mainly Black/African.
For C-congregations, Disparate Treatment stories were submitted by congregants across 50 states. For C-A congregation (Ohio), a total of 52 stories were submitted.

**Findings**

**FINDING #1:**
At Table 1, Exhibit 1, in citizenship standing respondents are ‘similarly situated’; 98.55% shared agreement. Respondents to both C- and C-A congregations survey share an overall [non-crosstab] average of 98.55% ‘Yes’ agreement regarding: Citizenship (98.6%); Taxes (98.5%); Good police protection (99.3%); Future (97.65%); Good life 98.8%; Entitlement (98.5%). Pg. 48

**FINDING #2:**
But when it comes to profiling, “I have experienced being unjustly profiled,” the citizens do not share majority similarly-situated status. (Q. #7; 47.25% avg.) Pg.49

**FINDING #3:**
However, in observing whether Q. #13 – “Stand Your Ground is unjust for certain citizen groups,” non-crosstab average agreement, 85.4% among all congregants both C- and C-A say ‘YES’. Pg. 49; 51

**FINDING #4:**
Having such disproportionality in citizen ‘unjustly profiled’ experience, the question “Is good citizenship an effective guard against being racially profiled?” commands a ‘NO’ response: 57.5% of C-A historically African-American congregants expressing ‘unjustly profiled’ experience; and 98.6% living life mindful of ‘safety rules’; and 94.3% observing that ‘SYG laws are unjust.’ Pg. 49

Making the Case: Stand Your Ground is Unjust Law ‘YES.’ 83% [Across five (5) survey instruments].

**Summary of Findings**

**“Is Stand Your Ground unjust for certain citizen groups?” YES. 83% Average**

<table>
<thead>
<tr>
<th>YES. 83% Average Agreement; n=1545 total response</th>
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<tbody>
<tr>
<td>Congregations C = 76.5%. [green]</td>
</tr>
<tr>
<td>Congregation C-A = 94.3%. [purple]</td>
</tr>
<tr>
<td>Accomplished Professionals = 86.4%. [gold]</td>
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<tr>
<td>General Public Surveys GP = 73.0% [blue]</td>
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<tr>
<td>General Public GP-A = 83.7%. [gray]</td>
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</table>

*GP+GP-A 78.4% (78.35% rounded off).*

Source: Question #12 (AP Survey); #13 (C; C-A; GP; GP-A Surveys)

These collections of data across distinct populations of Americans, n=2,961 count of respondents, recommend moral voice action toward rescission of Stand Your Ground laws.
Introduction

“All other persons...”: Setting the Stage

A More Perfect Union: The Creation of the U.S. Constitution

May 25, 1787, Freshly spread dirt covered the cobblestone street in front of the Pennsylvania State House, protecting the men inside from the sound of passing carriages and carts. Guards stood at the entrances to ensure that the curious were kept at a distance. Robert Morris of Pennsylvania, the “financier” of the Revolution, opened the proceedings with a nomination—Gen. George Washington for the presidency of the Constitutional Convention. The vote was unanimous.

The Great Compromise ...Also crowding into this complicated and divisive discussion over representation was the North-South division over the method by which slaves were to be counted for purposes of taxation and representation. On July 12 Oliver Ellsworth proposed that representation for the lower house be based on the number of free persons and three-fifths of “all other persons,” a euphemism for slaves. In the following week the members finally compromised, agreeing that direct taxation be according to representation and that the representation of the lower house be based on the white inhabitants and three-fifths of the "other people." With this compromise and with the growing realization that such compromise was necessary to avoid a complete breakdown of the convention, the members then approved Senate equality. Roger Sherman had remarked that it was the wish of the delegates “that some general government should be established.” With the crisis over representation now settled, it began to look again as if this wish might be fulfilled.

For the next few days the air in the City of Brotherly Love, although insufferably muggy and swarming with blue-bottle flies, had the clean scent of conciliation. In this period of welcome calm, the members decided to appoint a Committee of Detail to draw up a draft constitution. The convention would now at last have something on paper.


The “Other” Legally Defined

Encarta Dictionary English (North America) gives a core meaning to the concept “Other” by defining it as a grammatical word used to show that a thing, person, or situation is additional or different. The word “other” is grammatical because it not only conforms to the accepted rules of syntax or sentence structure, it also conforms to the reality or phenomenon it represents. “The other” refers to a person or thing considered generically or universally, indicating shared experience of a culture, society, or community. “The other” is perceived as not belonging to the ‘established’ or ‘normal’ group; and when used before adjectives, the term refers generically to people of a particular type or class, i.e., “the unemployed”.

The Other is a perpetual stranger and is perceived as not meeting the standardized or required level of achievement, resulting in mass agreement and expectations of inferiority and not having minimal legal rights, but having little intelligence and morality. In the case of the Atlantic Slave Trade and the Great Compromise in the writing of the U.S. Constitution, the “Other” legally and factually may be counted as a sub-human, a being that is a legal 3/5ths fraction of whole human, i.e., white and male. Argumentation on the rights of the “Other” in relationship to the rights reserved to the delegates at the May 25, 1787 Constitutional Convention, assembled at the Pennsylvania State House in Philadelphia, was significant to achieving conciliatory agreement on the topic of delegate representation in the houses of the Congress. Who are the historical ‘Other’—beings exterior to the ethnonationalism of the American Dream?

In an online article titled “The Other”, the writer lists the following differences as characteristics of “otherness”.

- Race (White vs. non-White),
- Nationality (Anglo Saxon vs. Italian),
- Religion (Protestant vs. Catholic or Christian vs. Jewish),
- Social class (aristocrat vs. serf),
- Political ideology (capitalism vs. communism),
- Sexual orientation (hetero- vs. homosexual),
- Origin (native born vs. immigrant).

Source: academic.brooklyn.cuny.edu/english/melani/cs6/other
Among the Greeks, all non-Greeks were labeled “barbarian”. Among the imperialist conquerors of the African continent, all the nations of Africa were labeled “uncivilized.” What aftermaths and residuals of those old labeling rituals remain extant to 2013 world societies? Do remnants of their sting yet linger, hostile silhouettes sanctioned and perpetuated by unjust law tolerated by adversative or hostile social customs? What is propensity? Are certain human personalities prone toward condemning behaviors based on eye-sight personal judgment of other humans? Is the presumption of innocence yet reserved only to “whole” persons by the United States Constitution? Or, has the amendment language of that revered document—the 4th and 14th Amendments to the Constitution—constructed, in equity, safe haven to the “Whole” and the “Other” both alike?

“...Gallup data reveal a continuing divide by race in views of the fairness of the American justice system. This current divergence by race in views of bias in the justice system is broadly similar to attitudes measured in Gallup surveys conducted in 1993 and in 2008, although the percentage of white Americans who say the justice system is biased has dropped by eight percentage points over that time, while the percentage of blacks has stayed constant.”

From another source, the black group insisted race is still a big issue in the United States, while the white group thought race is “talked about too much”. http://www.ethnicmajority.com/wordpress/category/racial-profiling

These are notions basic to this research study on racial profiling commissioned by the Right Reverend Thomas E. Breidenthal, Bishop of the Diocese of Southern Ohio in partnership with the Kirwan Institute, The Ohio State University. To ‘otherness’ in law and liberty is now added an examination of ‘identity’ and ‘role’ of ‘Other’ in religious history and practice.

The “Other” in Religious History and Practice

“Silence is rarely good protection when the world is going all to hell."-Sir Thomas More, Renaissance English writer and Catholic martyr, in the Tudor court of King Henry VIII.

DEFINITIONS Ethical, virtuous, righteous and noble are all synonyms of the term “moral”, which implies conforming to a standard of what is right and good. Moral implies conformity to established sanctioned codes or accepted notions of right and wrong, as in “the basic moral values of a community.” Ethical may suggest the involvement of more difficult or subtle questions of rightness, fairness, or equity, i.e., “committed to the highest ethical principles.” Virtuous implies moral excellence in character, i.e., “not a religious person but virtuous nevertheless.” Righteous stresses guiltlessness or blamelessness and often suggests the ‘sanctimonious’ or exaggerated show of holiness or superiority. Noble implies moral eminence and freedom from anything grudging, mean, or dubious in conduct and character. - http://www.merriam-webster.com

Moral voice applies to that which is known to be right or just, as opposed to what is officially or outwardly declared to be right or just, as prescribed by the ceremonial tenets or precepts of law.

“Michel, arriving penniless [in 1896], started out as a peddler. He became a retail magnate. He died on an urban estate in Johannesburg with its arboretum and fish pond and aviary, surrounded by African houseboys and gold-inlaid bibelots, his black, fish-tailed Cadillac parked in the beautiful curving driveway.”-Roger Cohen, The Quest to Belong. The NYTimes. 2013-11-28 NB - 19th century Jews played a prominent role in the development of South Africa diamond and gold fields, i.e., Randlords. The 1913 Land Act prevented blacks from buying land outside the land reserves for indigenous south Africans.

EthnoNationalism: A matter of ‘belonging’

Who ‘belongs’ and who does not? Professor Walker Connor, in his 1994 book entitled “EthnoNationalism: The Quest for Understanding,” published by Princeton University Press, expresses his dismay with what he calls the chaos of terminology, the mélange of understandings of the word ‘nation’ as a nation, people, state, ethnic group and other seeming synonyms. Connor’s impatience springs from his observations that scholars combine conceptions of ‘nationalism’ and ‘ethnicity’ with the
‘myth of common ancestry’. In the end, he maintains, the term ‘ethnonationalism’ tends toward implied exclusivity—that some ethnics sharing specific cultural characteristics ‘belong’ to the nation while others do not. Belonging’, therefore, is synonymous with *sentience* which implies emotional rather than intellectual response to life. ‘Belonging’ is *substantively* a matter of personal perception.

“When trying to understand national sentiment,” Connor argues, “the key is not chronological or *factual* history, but *sentient or felt* history. National identity is based on the emotional psychology of *perceived* kinship ties – a sense of the nation as the fully extended family – and accordingly belongs to the realm of the subconscious and nonrational...” The components and characteristics of Connor’s ethnonationalism can be identified and drawn within combinations of descriptions: linguistic, cultural, historic, religious, and racial among them, the final product being that ‘minorities’ and indigènes can be excluded from ‘national community’ as defined by the majority group.

**The Role of Religion in Racial Apartness**
Race and religion constitute one of the oldest combinations, one that has faithfully served the worldwide practice of hegemonic dominance of nations and peoples over others. In combined sentience, the emotional psychology or natural tendency for hasty expression of emotion devoid of reason or self-control, race and religion remains fundamental to majority opposition to civil, political, and economic advancements for minority populations. Historically race combined with religion has exerted rampant resistance against *factual* ‘freedom’ of participation in the nation (voting and other citizenship rights, as examples).

‘Nationalism’ implies a definition incorporating the notion of people living in a land under a single government, and sharing common ethnic origin, culture, historical tradition and language, united by a common interest and in the case of Noah, under advocation for the worshipping of one deity. By incorporation, the word ‘nationalism’ simultaneously fuels suspicion of the ‘other’, i.e., minorities, despite the longevity and rightful presence of indigenous persons in the land. Here, the native ‘perpetual stranger’ in the country of his ancestors daily lives out his life in separatism, in citizen apartness, i.e., Canaan peoples. For Connor, ‘nation’ as extended-family connotes a nonrational *character or outlook* based on bare illogic and sentience, irrational thinking and *feelings*.

What are some examples of sentient or *felt* history applied to ethnonationalism and its *systems* of racial apartness, pertinent to the foundational issues of this study on racial profiling and the theory that “It is not safe to be an African-American male in this country?” In an assessment of racial profiling across histories, geographies and populations of persons, will a shared ethnonationalistic opinion emerge—the assumption and *felt* history being that people of particular race have particular behavior and that dissimilar ‘others’ do not ‘belong’ to the extended or national family?

**Mind and System: Canaan Primordialism and Modern Ethnicity**

“When the slave-holders of the present day have obtained of the same Author of Rights a license to deal in the bodies and souls of men, then, and not till then, will we admit any comparison of Hebrew bondage with American slavery.” Excerpt – David F. Holland. *Sovereign Silences and the Voice of War in the American Conflict over Slavery*

In an email in 2005 to the Rt. Reverend Alex Darkwah, a bishop visiting at Christ Church Episcopal Cathedral Cincinnati, replied to my letter to him concerning the origins of the name ‘Yahweh’ and the earliest name for ‘Canaan’ as it existed among his people, the Akan of Ghana and Ivory Coast—the ancient weavers of the magnificent kenté cloth. My questions to him were in preparation for a news article I was writing on ‘names for God’ topic. Bishop Darkwah’s letter explains that English Bible
translations make copious use of suffixes ‘-ites’ and ‘kites’—clouding the clear identity of ancient base-names, i.e., the Jebus are Canaan-descendant aboriginal founders of the city of Jerusalem (Genesis 10:15-16). English theologians that translated the Bible into English invented the name Canaanite to refer to the people that lived in Canaan in ancient times. (Darkwah; email 11 April 2005). Ultimately, King Solomon conscripted the Jebus to serve as slave laborers—setting a clear precedence for the enslavement and free-labor of descendant peoples.

Denkstil and its inventions

“...[Truth] is not ‘relatively’ or even ‘subjective’ in the popular sense of the word. It is always or almost always within a thinking style...” Ludwig Fleck labels this thought style (Denkstil); ideas on philosophy of science. Fleck 1979, p. 84.

The ‘inventions’ outlined in Dr. Darkwah’s email are not unrelated to the Book of Genesis and biblical Noah’s maledictions against Canaan, one of the sons of Ham, which to this day remains a central concept to Christian and other nations’ world-wide pre- and post-Atlantic Slave Trade ‘separate and unequal’ propositions. Maledictory mindset, residuals of old man Noah’s drunken “cursed be Canaan” maledictions, did not deter Shem-Jesus’ calling of Simon the Canaan man among his twelve discipleships.

Orlando Patterson’s 1982 Cambridge work, Slavery and Social Death, defines the ‘characteristics’ attributable to ‘slaves’, definitions discernible in the Article 1, Section 2, Paragraph 3 statements of the U.S. Constitution. ‘Slave’ is defined by Patterson as:

1. Socially dead, without rights to any legitimate social order;
2. Possessing no ancestry and therefore owes no obligations to parents or any blood relations. A slave is a ‘genealogical isolate’ and stands in “natal alienation and loss of ties of birth in both ascending and descending generations.”
3. Person whose ‘social death’ results from an ‘outward conception’ which means, in Roman law, that he remains forever an “unborn being”.
4. Slave status imagines no “legally valid ties with offspring” as they are neither legally related nor offspring to each other. A slave is therefore “dead-but-not-dead”.
5. The status instigates a “continuous loss of potential life and causes death on descendants.”

Whether verbatim or adopted, the 3/5ths of a ‘whole person’ denkstil reflecting in Patterson’s definitions commanded the results, the adverse impact, on the descendant generations of persons enslaved by Atlantic Trade economies.

Might sentience and modern Canaan ethnonationalism underlie 2013 prevalent national perception that black men and boys are less worthy beings—as black sons and fathers and husbands and brothers are systemically swept up in New Age Prison Slavery via 13th Amendment loophole in the language permanently abolishing slavery and involuntary servitude “except as punishment for crime...?” Do Biblical maledictory retentions and universal denkstil prejudicial mindset and beliefs contribute to and devoutly underlie 2013 American racial profiling patterns and practices?

Life imprisonment of scores of black males in year 2013 relegates them to the status of ‘slave’ or ‘one having no descendants’. Carefully note that the wholesale imprisonment of black males cuts off the ability for reproducing themselves which, in turn, effectively stems the flow of black population growth—a major factor for current maintenance and future perpetuation of non-black ‘majority’ status among U.S. ethnic populations.
Incarceration of a million black youth in 2013 to 50+ years’ incarceration means that by 2063 the black American population will be significantly reduced. Does wholesale imprisonment amount to genocide or eugenics? Human rights crimes? Does lifelong imprisonment status instigate a “continuous loss of potential life and causes death on descendants?” Who abides among Darwin’s ‘less favoured races’?

David Goldenberg, a Jewish scholar and editor of the Jewish Quarterly Review, writes that European discovery of Africa in the 15th century and the resultant bountiful economies of multi-continental Slave Trade engendered an ethnonationalism supported by Genesis 9 maledictory language, “as the Black slave trade moved to England and then to America, the Curse of Ham moved with it.” He joins other historians in the conclusion that “among Christians the curse of Ham was not commonly applied to blacks until after the 16th century, growing in prominence until the 18th century.

Stephan R. Haynes, the A.B. Curry Religious Studies chair at Rhodes College in Memphis Tennessee records the history of the curse in the American South through 1901. In a chapter entitled “Noah’s Sons in New Orleans”, the discussions justify slavery and support racial segregation, particularly the assignment of racial ‘place’ and ‘position’ in Southern society.

Despite the fact that all of the earliest civilizations of the world—the nation-states enumerated in Genesis 10 Table of Nations—exclusively fall under Ham-Canaan genealogy, sentient or felt history continues in its negative linkages of Canaan ‘race’ to ‘suspicious’ mistrustful ‘uncivilized’ character. American textbooks do not emphasize the fact of early civilizations predating the arrival of Israel in the “Promised Land” of Canaan city-states’ development. By 1954 Brown v. Board of Education and the Civil Rights Acts of the Sixties, strong defenses of segregation were developed, based on ‘Curse of Canaan’ biblical texts.

The question is whether modern religious biases and societal prejudicial denksstil compound the disasters of residual Constitutional slave language, the present-day expectations that black children are innately short in intellect and therefore will be unsuccessful in school. In Ohio elementary schools, students failing public school third grade reading testing, regardless of grade point average, will not be admitted to mid-elementary learning: That black boys of Trayvon generations are naturally ‘suspicious’ and prone to criminality, black-on-black crime being the ‘proof’.

From where do children gain access to guns devoid of adult and law enforcement knowledge? What are the economics of ‘not knowing’?

Lingering Effects – The consequences of race

“As a result of discriminatory disciplinary policies in schools, students of color are increasingly funneled out of public schools and into the juvenile and criminal justice systems. Many of these children have learning disabilities or histories of poverty, abuse or neglect, and would benefit from additional educational and counseling services. But instead, they are isolated, punished and pushed out,” says an ACLU Racial Justice Program advisor. Does Trayvon’s school suspension record subtly insinuate societal planning the for-profit incarcerations in the futures of boys like him? Such insinuation is real and can be found in the growing national trend toward requiring drug testing that impacts people of color disproportionately.

Lower income applicants of public assistance and families in need of public housing must submit to drug screening as a condition of qualifying for the benefits of social program offerings. On the other hand, contrastive statistical evidence shows that Hispanic and White students were “more likely to report drug
use and abuse than Asian and African American male students prior to coming to college and during college."


The Institute on Race & Poverty at the University of Minnesota produced a study detailing the disparity in traffic stops and search of citizens. Sixty-five Minnesota law enforcement departments participated in the Racial Profiling Study authorized by the 626.951 code legislation of the Minnesota Legislature. The Council on Crime and Justice joined with the Institute on Race and Poverty to analyze the data and create a statewide aggregate report, with 65 individual jurisdictions reporting. The findings showed that officers stopped Black, Latino and American Indian drivers “at greater rates than Whites.” Police searched Blacks, Latinos and American Indians at greater rates than White drivers, but found contraband, i.e., illegal drugs or smuggled goods, at lower rates than for White drivers.

“If officers had stopped drivers of all racial/ethnic groups at the same rate,” says the study, “approximately 18,800 fewer Blacks; 5,800 fewer Latinos; and approximately 22,500 more Whites would have been stopped.” These patterns suggest a strong likelihood that race / ethnic bias plays a role in traffic stop policy and practice in Minnesota. In New York, a 14 August 2013 federal judge decision rendered that state’s stop-and-frisk practices violate the Constitution’s 4th and 14th Amendment rights. As it turns out, the ruling by the Federal District Court in Manhattan, says a New York Times report, “does nothing to disrupt the authority the Supreme Court has given police officers to target African-Americans and Latinos with little or no basis.” “But if unrestrained policing is, for Mr. Bloomberg, policing that works, it turns out that he can still have it,” says the article.

The foregoing narratives provide a foundation for explaining how Canaan genealogy and Noah ancient curse, thousands of years later, became the principal rationalization for American enslavement of Africans, the putative line of Ham, son of proto-ancestor Noah, and the creation of discriminatory law and administrative policies designed to limit participation by certain groups of humans in the American Dream. Far fetched? No.

Conclusions

In American society, there exist lingering effects of prehistoric denkstil—the tracing of persistence in mindset over time and space toward modern continuation of now illegal “3/5ths fraction of a ‘whole’ human” Constitutional law which, when coupled with Biblical “Curse” residuals, create and perpetuate newer enslavement brandings and newer tactics of racial profiling affecting newer generations of the descendants of Ham, scholar Michelle Alexander’s “the new Jim Crow”. Such lingering effects observably comport disparate impact and disparate treatment discrimination in education, employment or other opportunity against certain peoples, certain populations of Creation, both intra-national and international. Lingering effects theory examines whether past patterns and practices of racial profiling yet exist, to what extent, and whether corrective remedies under the law are practicable.
Bottomline summary, three (3) historical factors have created lingering effects underpinning 2013 racial profiling mindset and overt deeds, their outcomes protected by legislative promulgation of discriminatory and unjust law:

1. The official 3/5ths language of Article 1, Section 2, Paragraph 3 of the U.S. Constitution creating ‘Other’ human types;
2. The pro-slavery religious preachings of Genesis maledictory language, i.e., the Curse of Canaan authorizing perpetual enslavement of black peoples of the world and Shemitic takeover-ownership of territory formerly in primordial possession by Genesis peoples of Ham lineage; and
3. The 13th amendment to Constitutional language permanently abolishing slavery and involuntary servitude—factual freedom for former slaves stymied by “except as punishment for crime” loophole.

The lingering effects of all of the above arise out of ethnonationalist flawed preconceptions of 'kinship as nation' in a country of melting pot fame, preconceptions of who ‘belongs’ to the nation and who does not; of who naturally ought be included and who naturally ought be excluded from the full citizenship offerings of the American Constitution.

This research study postulates, therefore, the underpinning theory that the patterns, practices, and lingering effects of past discriminatory American constitutional law, influenced by universal denkstil prejudicial mindset and sentence—the natural tendency for hasty expression of emotion devoid of reason or self-control—melded with racially unsympathetic religious philosophy and teachings have all together generated modern passage of Stand Your Ground states law, in violation of 4th and 14th Constitutional protections—rulings of law having New Age adverse discriminatory impact on certain racial citizen groups, black males especially.

FBI Supplementary Homicide Report 2005-2010

FBI Supplementary Homicide Report and the Urban Institute MetroTrends Blog
The Bishop’s Task Force on Racial Profiling

"Trayvon Martin’s death has highlighted a reality no one wanted to face: it is not safe to be an African-American male in this country. I would welcome advice on how the diocese can best respond to this." – Thomas E. Breidenthal, Bishop of the Diocese of Southern Ohio. March 2012.

“First, there is the universal commandment to love our neighbor. This command is closely copied into civil legal edict requiring equality under the law by the Fourteenth Amendment of the United States Constitution, ratified after the end of the Civil War, which protects the rights of all U.S. citizens notwithstanding the particular laws of individual states”. –Merelyn Bates-Mims, Principal Researcher

The research methods, study design and samples of this study on racial profiling enable the Diocese of Southern Ohio and perhaps ultimately The Episcopal Church of the USA, the House of Bishops, to determine whether there is a need for well-defined remedial action(s) to address the facts and effects of profiling. The mission is to study whether patterns or practice of racial profiling exist and, if so, to what extent.

Nullifying “Stand Your Ground” states’ law.

The goal is to provoke Congressional actions to nullify “Stand Your Ground” states’ law promulgated to legalize deadly-force against targeted groups of Americans because of ‘suspicious’ mindset labels attached to skin color, race, gender or religion. (As precedent to this moral voice appeal, see Jonathan Weisman’s April 18, 2012 article, “Catholic Bishops Protest House Budget”). States adopting Stand Your Ground laws include Arizona, Florida, Illinois, Kentucky, Montana, North Carolina, Oklahoma, Pennsylvania, Texas, Utah, Washington, and West Virginia.

"Stand your ground” governs U.S. federal case law in which right of self-defense is asserted against a charge of criminal homicide. The Supreme Court of the United States ruled in Beard v. U.S. (158 U.S. 550 (1895) that a man who was "on his premises" when he came under attack and "...did not provoke the assault, and had at the time reasonable grounds to believe, and in good faith believed, that the deceased intended to take his life, or do him great bodily harm...was not obliged to retreat, nor to consider whether he could safely retreat, but was entitled to stand his ground...Source: Kopel DB: The Self-Defense Cases, 2000. Davekopel.com. Retrieved 2012-03-23. Beard v. United States, 158 U.S. 550 (1895). Supreme.justia.com.Retrieved 2012-03-23.

This comparative study particularly examines whether male American persons of African descent, especially, across variations of economic, educational and professional achievement, and living in a wide geography of American towns experience significant differences in treatment by law enforcement and others in authority by the time they reach age 25. The term ‘racial profiling’ presumes criminal intentions by certain groups without probable cause. The design plan calls for a quintuple sampling using Web-based college campus survey; urban hip-hop youth; congregations (electronic and paper handout); general public (electronic) and homeless (paper handout) survey. The design plan requires examination across American populations of persons by race, ethnicity, gender, education and economics.

The Civil Rights Act of 1871 is found in Title 42, section 1983 of the United States Code and so is commonly referred to as section 1983. It provides that anyone who, under color of state or local law, causes a person to be deprived of rights guaranteed by the U.S. Constitution, or federal law, is liable to that person. Source: uslaw.com/library/article/bshCivilRights1871.htm

Purpose

In March 2012, The Right Reverend Thomas Breidenthal, Bishop of the Diocese of Southern Ohio, commissioned a disparate impact / disparate treatment study on the topic of race and police treatment, largely in response to the killing of the black 17-year-old male high schooler in Florida, Trayvon Martin.

The Commission on Social Justice and Public Policy of the Diocese of Southern Ohio, responsible for the development of the study, is guided strongly by the Baptismal Covenant, the promise to strive for justice and respect the dignity of every human being.

First, there is the universal commandment to love our neighbor. This command is closely copied into civil legal edict requiring equality under the law by the Fourteenth Amendment of the United States Constitution, ratified after the end of the Civil War, which protects the rights of all U.S. citizens notwithstanding the particular laws of individual states.

The Fourteenth Amendment legislation, adopted on July 9, 1868, specifically granted American citizenship to African former slaves. The Fourteenth Amendment forbids the making or enforcement by any state of any law abridging the privileges and immunities of citizens of the United States. It secures all persons against any state action resulting in either deprivation of life, liberty, or property without due process of law or denial of the equal protection of the laws. Governments must demonstrate serious need or ‘compelling interest’ for the abrogation of equal protection rights. Governments must demonstrate ‘strong basis in evidence’ to support the use of measures that deny such protection to any citizen.

What compelling interest or religious force might induce the office of any bishop of The Episcopal Church of the USA to advocate for remedial action in response to such cruelty, the denial of civil and human rights innate to the Trayvon Martin incident?

Discovering the extent of civic deliberative mistreatment of American persons, especially African descendent males, is among the major purposes of this research. For many males of African descent and other minorities born in the United States, respect for the dignity of human beings is absent from daily life. The compelling interest of this study is to unearth and comparatively analyze quantitative and anecdotal evidence to determine whether the data support either substantiation or refutation of the proposition that “It is unsafe to be an African-American male in this country.”

To provide answers to these questions, the principal researcher, possessing disparate impact and disparate treatment research experience, convened a team of researchers to devise the design and use of schemas and tools to achieve the collections of data, i.e., surveys, interviews, and individual stories, pertinent to testing the theory, the definitions, assumptions, problem statement, and research questions described below. At the ending of the study, a publication of the research findings will be written and distributed by the Bishop of the Diocese of Southern Ohio to the Task Force on Racial Profiling, the public policy authorities of The Episcopal Church of the USA, the House of Bishops, followed by public sessions similar to the ones presented at the Jackson, Mississippi November 2013 conference entitled “Fifty years later: The State of Racism in America sponsored by The Episcopal Church; and the Cincinnati Human Relations Commission’s National Association of Human Rights
Workers 2013 Midwest Regional Conference held in Cincinnati. Achievement of the rescission of Stand Your Ground requires political and judicial actions and Moral Voice ecumenical advocation supportive of the launching of legal proceedings.

DEFINITIONS
Disparate impact is one of the theories of discrimination under Title VII of the United States. The second is theory of disparate treatment.

The disparate impact concept has its origin in employment discrimination cases going back to the late 1960s, where plaintiffs challenged tests and educational requirements that disproportionately disadvantaged black applicants or employees. The concept was formally legitimized for employment cases in the Civil Rights Act of 1991.

In the employment setting, disparate impact doctrine essentially holds that, even though an employer does not intend to discriminate against a protected group, it cannot use a device or practice that disproportionately disadvantages such group unless the device or practice serves a sound business interest. The question arises as to what are the qualities of soundness of device and practice? The Civil Rights Act of 1964 did not include protection against police brutality, discrimination in private employment, or grant the Department of Justice (DOJ) power to initiate desegregation or job discrimination lawsuits.

The Civil Rights Act of 1871 Title 42 of the United States Code bans discrimination enacted under color of state law. Section 1893 is the primary civil rights law victims of police misconduct rely upon. It was intended to curb oppressive conduct by government and private individuals participating in vigilante groups, such as the Ku Klux Klan. Published within Title 42, of the United States Code, Section 1893 makes it unlawful for anyone acting under the authority of state law to deprive another person of his or her rights under the Constitution or federal law. The most common claims brought against police officers are false arrest (or false imprisonment), malicious prosecution, and use of excessive or unreasonable force.

Qualified immunity. Harlow v. Fitzgerald, 457 U.S. 800 (1982). Qualified immunity is designed to shield government officials from actions "insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." When applicable, the law shields government officials from liability for the violation of an individual's federal constitutional rights. This grant of immunity is available to state or federal employees performing discretionary functions where their actions, even if later found to be unlawful did not violate "clearly established law." The defense of qualified immunity was created by the U.S. Supreme Court, replacing a court's inquiry into a defendant's subjective state of mind with an inquiry into the objective reasonableness of the contested action. A government agent's liability in a federal civil rights lawsuit now no longer turns upon whether the defendant acted with "malice," but on whether a hypothetical reasonable person in the defendant's position would have known that his/her actions violated clearly established law.

"Racial Profiling" refers to the discriminatory practice by law enforcement officials of targeting individuals for suspicion of crime based on the individual’s race, ethnicity, religion or national origin.

"Consult your friend on all things, especially on those which respect yourself. His counsel may then be useful when your own self-love might impair your judgment."

-Seneca, 4 BC - 65 AD Roman philosopher, statesman, dramatist.
Methodology

OVERVIEW - Trends and Indicators

“As a result of discriminatory disciplinary policies in schools, students of color are increasingly funneled out of public schools and into the juvenile and criminal justice systems. Many of these children have learning disabilities or histories of poverty, abuse or neglect, and would benefit from additional educational and counseling services. But instead, they are isolated, punished and pushed out,” says an ACLU Racial Justice Program advisor. Does public advertisement of a teenager’s school suspension record subtly insinuate societal planning for profit incarcerations in the futures of boys of the Trayvon race?

There is a growing national trend toward requiring drug testing that impacts people of color disproportionately. Lower income applicants of public assistance and families in need of public housing must submit to drug screening as a condition of qualifying for the benefits of social program offerings. On the other hand, contrastive statistical evidence shows that Hispanic and White students were “more likely to report drug use and abuse than Asian and African American male students prior to coming to college and during college.” Studies show that “students from HBCUs [historically black colleges] reported significantly lower rates of marijuana, cocaine, sedatives, hallucinogens, and other illicit drug use than students at non-HBCUs.” Trayvon is described as having in his possession a small and empty plastic bag containing traces of marijuana, implying guilt and criminality.

And on the topic of racial profiling, the Institute on Race & Poverty at the University of Minnesota produced a study detailing the disparity in traffic stops and search of citizens. Sixty-five Minnesota law enforcement departments participated in the Racial Profiling Study authorized by the 626.951 code legislation of the Minnesota Legislature. The Council on Crime and Justice joined with the Institute on Race and Poverty to analyze the data and create a statewide aggregate report, with 65 individual jurisdictions reporting.


The purpose of any research is to determine if a theory is supported or not, based on statistical analysis. A theory is an educated guess about a relationship but in order for research to be conducted on a theory, it must first be operationalized—which means that all variables must be defined and the methods of conducting the research must be determined. Once this is done, the resulting statement about the relationship is called a hypothesis. The hypothesis is what gets tested in any research study.  

Proper scientific methodology usually requires four steps:

1. Observation is very important at this initiation stage, i.e., the formulation of theory.
2. The inducement of general hypotheses is the second step; the formulation of possible explanations for what has been observed. Here one must be imaginative yet logical. “Entia non sunt multiplicanda,” or as it is usually paraphrased, the simplest hypothesis is the best. Entities should not be multiplied unnecessarily.
3. Construction of specific testable predictions based on the initial hypothesis. The inference of corollary assumptions that must be true if the hypothesis is true.
4. Testing the hypothesis by investigation, i.e., surveying the appropriate populations, and confirming the deduced implications. Observation is repeated and data are then gathered with the goal of confirming or falsifying the initial hypothesis. Source: http://en.wikipedia.org/wiki/Scientific_method

Empirical data are produced by experiment or observation. Deductive reasoning applies general principles to reach specific conclusions. Inductive reasoning examines specific information, perhaps many pieces of specific information, to derive a general principle. From his own observations of social reality, the Rt. Rev. Thomas E. Breidenthal posits the primary assertion of this research study on racial profiling, that “It is not safe to be an African-American male in this country.”
Do the protections afforded by the 14th Amendment extend to male American persons of African descent? Who, among male citizens of America country and by eyesight and impromptu evaluation, is likely to be judged as ‘suspicious’ and ‘guilty’? And who is customarily exempt from the harmful effects of Stand Your Ground and other unjust state laws? In logic, judgment is the mental act of making or [mis-]understanding a positive or negative proposition about something. As in the Susan Boyle appraisal posited by the judges of a popular television talent show, i.e., “She looks like she can’t sing,” a similar eyesight judgmental proposition was applied to student Trayvon: “He’s up to no good. He looks like he’s on drugs or something.”

Definitions Glossary of Key Terms.

- **The term ‘racial profiling’** assumes criminality among some racial groups, and the alleged policy of some police is to attribute criminal intentions to the members of such groups by stopping and questioning them in disproportionate numbers without probable cause.
- That **assumption** is based on the belief that people of particular race have particular behavior. It is the **practice** of thinking that people of a particular color will behave in a particular, especially criminal, way. Racist implies one who loathes or hates persons of other races.
- **Discrimination** is the **treatment** of others based on feelings (prejudice) about race, ethnicity, age, religion, or gender.
- **Statistical discrimination** Majority employers are culturally more attuned to the applicants of their own type than to applicants of minority type, and therefore possess a better measure of the likely productivity of the applicants of their own type.
- **Preconception** is an idea or opinion formed in advance, especially if it is based on little or no information or experience and reflects personal prejudices.
- **Judgment** implies discernment or good sense and the ability to form sound opinions and make sensible decisions or reliable guesses.
- **Stereotype** is an oversimplified conception that reduces a person or groups to a standardized image or idea.
- **Stereotype-logic** creates inferential, self-confirming thinking and actions and is contingent on the racial characteristics of subjects.
- **Bodily descriptions**, otherwise having no intrinsic significance, serve as useful political, educational and other social indices around which human agents propagandize their expectations. **Intrinsic judgment** – people, relational judgment.
- **Systemic judgment** – big-picture, strategic judgment.

-Online Encarta English Dictionary; Glenn C. Loury 2002:26-27; Athena Quotient
- **Structural racism** is "a system in which public policies, institutional practices, cultural representations and other norms work in various, often reinforcing ways to perpetuate racial group inequity. It identifies dimensions of our history and culture that have allowed privileges associated with 'whiteness' and disadvantages associated with 'color' to endure and adapt over time.”

Complexities Overview

Complexity sets this design plan apart from those of other racial profiling studies by means of deliberative formation of multiple layers of inquiry and focus so that the differences/similarities of profiling personal experience are comparatively revealed, encapsulated within the following samplings:

- Congregations Survey
- Campus Survey
- Urban Hip-Hop Youth Survey
- Accomplished Professionals Survey
- General Public Survey; The Homeless
- Disparate Treatment Analyses & Story-Telling
In general, the data collection methodology employ two (2) approaches: a) Big Five or OCEAN model (described below); and b) replication of some aspects of the Everyday Discrimination Scale, i.e., Expanded from the 1995 Detroit Area Study and the MIDUS study for the YES Health Study.

The Problem of “Perception” in Research: Measuring Agreeableness

“People start off with a belief and a prejudice—we all do. And the job of science is to set that aside to get to the truth.” —Simon Singh, as quoted in Wired (August 30, 2010) interview by Robert Capps.

"Observation and experiment are subject to a very popular myth...Even research workers will admit that the first observation may have been a little imprecise, whereas the second and third were ‘adjusted to the facts’ ... until tradition, education, and familiarity have produced a readiness for stylized (that is directed and restricted) perception and action; until an answer becomes largely pre-formed in the question and a decision confined merely to 'yes' or 'no' or perhaps to a numerical determination; until methods and apparatus automatically carry out the greatest part of the mental work for us.” Ludwik Fleck labels this thought style (Denkstil). Fleck 1979, p. 84. “…[Truth] is not 'relatively' or even 'subjective' in the popular sense of the word. It is always or almost always within a thinking style…”

"Agreeableness" is a tendency to be compassionate and cooperative rather than suspicious and antagonistic towards others. The trait reflects individual differences in general concern for social harmony. Agreeable individuals value getting along with others. They are generally considerate, friendly, generous, helpful, and willing to compromise their interests with others. Agreeable people also have an optimistic view of human nature. Disagreeable individuals place self-interest above getting along with others. They are generally unconcerned with others’ well-being, and are less likely to extend themselves for other people. Sometimes their skepticism about others’ motives causes them to be suspicious, unfriendly, and uncooperative.”


Survey Designs

The survey designs reflect non-verbatim, approximate wording of Big Five or OCEAN model for comparative surveying and analysis of agreeableness. The initial set of questions (usually the first five) serves as ‘reversals’ of the subsequent questions pertaining to racial profiling. Each instrument has a unique target population. The goal is to survey disagreeableness tendency across populations of students, urban youth, accomplished professional and others of the general public pertinent to ascertaining ‘prevalence of skepticism about others’ which may result in discriminatory or ‘statistical’ profiling activity. Demographic characteristics and racial profiling experiences (RPEs) are also included.

Instructions to Survey Respondents

Introduction

A National Survey

This racial profiling study was commissioned by the Bishop of the Diocese of Southern Ohio, the Right Reverend Thomas E. Breidenthal, in response to the shooting of TRAYVON MARTIN on February 26, 2012, in Sanford, Florida, United States.

Do certain American persons experience differences in societal treatment, in the everyday places of life—school, your neighborhood, driving your car, walking along, shopping malls, etc. despite education and economic achievement?

“Is accomplished professional achievement an effective guard against being racially profiled?”

Please take a moment to complete our survey. THANK YOU.

NOTE: Your participation is completely anonymous. You are not asked to identify yourself and we make no attempt to identify you. If you do not have a response for an item you may skip it.
Underlying Hypothesis
“Disagreeableness tendency in humans heightens propensity for active antagonism towards others.”

The American Dream: Who’s entitled?
Part I. General Public Surveys – Disparate Impact Analyses

DEFINITION
Disparate Impact statistical analyses give substantial evidence that a procedure has a disproportionate impact on groups of individuals, e.g., Stand Your Ground laws.

Similarly situated is a legal term implying sameness in problems and circumstances wherein the basic facts and legal issues are the same, and separate lawsuits would be impractical or burdensome.

There are two (2) General Public survey instruments measuring the questions: “Is good citizenship an effective guard against being racially profiled?” “Is Stand Your Ground Unjust for certain citizen groups?”

General Public (GP)
The first instrument, noted by the name General Public (GP), was distributed electronically via emails passed on by individuals to other individuals. We received a total of 219 GP responses.

General Public–A; Homeless Populations (GP-A)
The second is a one-page paper handout version of the instrument and is labeled in the analyses below as General Public–A (GP-A). The collections stem from an invitation extended by Tamar Mott Forrest, PhD, the Associate Director of the Research Core Centers for Innovation, The Ohio State University, to attend a monthly meeting with homeless providers affiliated with the Centers. The purpose was to secure the surveying of populations like the homeless, voices generally excluded. The meetings take place on the first Wednesday of the month at the Salvation Army in Columbus. Gail L. Lowe, a Columbus South Side Social Worker for Columbus Public Health, served as the major distributor of the paper survey. The surveys were mostly garnered from clients at Catholic Social Services Mission for Inner City Needs (JOIN); and the Lutheran Social Services South Food Pantry. A few were completed at an ACLU meeting event presented at the Columbus Urban League and at social justice meetings held at Mt Olivet Baptist Church, Columbus. The paper data were entered into the electronic collector via the Manual Data Entry mechanism. A total of 102 GP-A surveys were completed.

GENERAL PUBLIC SURVEYS
GP Survey = 219 total respondents
GP-A Survey (Homeless Populations) = 102 total respondents
SUMMARY N=321 total respondents

Tables/Exhibits labeled 1 thru 1.b are basic figures. Tables/Exhibits labeled no.2 are cross-tabulations.
The information in the exhibits and tables below compares/contrasts the similarity and the difference between the two samples. They raise interesting ideas: How alike are we humans? Conversely, how different are we from one another? What is the meaning of ‘common’, as in ‘common ground’? What is meant by public welfare? Are such notions antithetical to the universal rights of the individual? Do the differences in physical descriptions, like tallness or shortness of stature, muscular power or undersized frailty, serve as eye-sight verifiers of human worth? Can adjectival appendages construct natural entitlement to the bounty of nature—to the benefit of some and the exclusion of others? Who, by birthright or custom or innateness, is entitled to ‘go/come’ undaunted, that is, disparately or imperviously entitled to Creation: the inheritances of the past and the rewards of the future? It is in the disaggregation of the data that the story is revealed:

Those carrying 10 grams of crack cocaine faced a 10-year mandatory sentence, while possession of 1,000 grams of powder cocaine was required for that same 10-year mandatory sentencing. The sentencing disparity between these two drug offenses is racially biased. -The Fair Sentencing Act of 2010 (Public Law 111-220) an Act of Congress

### TABLE 1  CITIZENSHIP

**COMPARISON OF ‘YES’ RESPONSES – GENERAL PUBLIC SURVEYS**

<table>
<thead>
<tr>
<th>Citizenship Participation</th>
<th>GP Survey</th>
<th>GP-A Survey</th>
<th>Agreement average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey Question #</td>
<td>% Yes</td>
<td>% Yes</td>
<td></td>
</tr>
<tr>
<td>1. I am a citizen of the United States.</td>
<td>98.6%</td>
<td>99.0%</td>
<td>(98.8% avg.)</td>
</tr>
<tr>
<td>2. I pay my taxes.</td>
<td>99.5%</td>
<td>91.2%</td>
<td>(95.3% avg.)</td>
</tr>
<tr>
<td>3. I want good police protection in my community.</td>
<td>99.5%</td>
<td>99.0%</td>
<td>(99.2% avg.)</td>
</tr>
<tr>
<td>4. I have plans for the future.</td>
<td>99.5%</td>
<td>98.0%</td>
<td>(98.2% avg.)</td>
</tr>
<tr>
<td>5. I live a good life.</td>
<td>100%</td>
<td>94.9%</td>
<td>(98.7% avg.)</td>
</tr>
<tr>
<td>6. I believe everyone is entitled to life and liberty.</td>
<td>99.1%</td>
<td>97.0%</td>
<td>(98.0% avg.)</td>
</tr>
</tbody>
</table>

*Source: The Bishop’s Task Force on Racial Profiling*

"The sentencing disparity between crack and powder cocaine has contributed to the imprisonment of African Americans at six times the rate of whites and to the United States' position as the world's leader in incarcerations." –U.S. Senator Dick Durbin.
Shoot First: A Matter of Opinion
What may or may not have been considered during the adoption of these laws is the fact that whether a person's violent response to an attack was "honestly and reasonably" necessary can be purely a matter of opinion. The subjectivity of [Stand Your Ground] laws poses certain hazards, given the undeniable impact of race on the criminal justice system. ~Mark P. Fancher is the staff attorney for the ACLU of Michigan Racial Justice Project.

EXHIBIT 1  CITIZENSHIP

“Is good citizenship an effective guard against being racially profiled?”

Table I and Exhibit 1 answer the question: What is the average of ‘Yes’ agreement between GP and GP-A survey respondents regarding the positive aspects of American citizenship? Respondents share an overall average of 98.03% ‘Yes’ agreement regarding: Citizenship (98.8%); Taxes (95.3%); Good police protection (99.2%); Future (98.2%); Good life (98.7%); Entitlement (98.0%). In citizenship standing, respondents are ‘similarly situated’.

In summary, there is close overall agreement between GP and GP-A responses relating to ‘Citizenship’ (98.03%).

Table 1.a, below, answers the question: What is the average of ‘Yes’ agreement between GP and GP-A survey respondents regarding the non-positive aspects of American citizenship, i.e., racial profiling?
TABLE 1.a  RACIAL PROFILING

COMPARISON OF ‘YES’ RESPONSES – GENERAL PUBLIC SURVEYS

GP Survey = 219 total respondents
GP-A Survey = 102 total respondents

“Is good citizenship an effective guard against being racially profiled?”

Racial Profiling Experiences (RPEs) | GP Survey | GP-A Survey | Agreement average
---|---|---|---
Survey Questions # | % Yes | % Yes | 
7. I have experienced being unjustly profiled. | 45.8% | 66.3% | (55.6% avg.)
8. If you answered yes to question number 7, please tell us when this happened. | | | 
10+ years ago | 38.9% | 13.0% | 
Within past 1-3 years | 29.5% | 46.3% | 
9. I have (or know someone who has) experienced police ‘suspicion’ stops and/or threat. | 74.8% | 75.3% | (75.0% avg.)
10. I caution against night walks wearing a hoodie. | 51.7% | 56.7% | (54.2% avg.)
11. I know that I and my family are at risk. | 44.1% | 69.4% | (56.7% avg.)
12. I live my life mindful of special “safety” rules. | 73.5% | 92.8% | (83.1% avg.)
13. Stand Your Ground laws are unjust for certain citizen groups. | [146/219] | [77/102] | 73.0% | 83.7% | (78.35% [78.4%] avg.)

Source: The Bishop’s Task Force on Racial Profiling
Table 1.a respondents share a lower average, 67.1%, in ‘Yes’ overall agreement pertaining to racial issues: Unjust profiling (55.6% “yes”); Police ‘suspicion stops’ (75.05); Hoodie (54.2%); At-risk (56.7%); Safety rules (83.1%); Stand Your Ground law unjust (78.4%). In the cross-over line from question #6 to #7 there exists a 30.8% average drop in ‘Yes’ agreement between GP and GP-A respondents to General Public survey. In summary, for the questions relating to ‘Racial Profiling’, questions #7-13, the overall ‘Daily Life Experience’ agreement between GP and GP-A responses fell to a 67.1% average.

**TABLE 1.b**

DEMOGRAPHICS COMPARISON – GENERAL PUBLIC SURVEYS

<table>
<thead>
<tr>
<th>Survey Questions</th>
<th>GP Survey Demographics</th>
<th>GP-A Survey Demographics</th>
</tr>
</thead>
<tbody>
<tr>
<td>14. Which race/ethnicity best describes you?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Indian/Alaskan Native</td>
<td>0.5%</td>
<td>8.2%</td>
</tr>
<tr>
<td>Asian/Pacific Islander</td>
<td>4.2%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Black/African American</td>
<td>41.4%</td>
<td>75.5%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>1.9%</td>
<td>2.0%</td>
</tr>
<tr>
<td>White/Caucasian</td>
<td><strong>50.2%</strong></td>
<td>18.4%</td>
</tr>
<tr>
<td>Two or more races</td>
<td>1.9%</td>
<td>12.2%</td>
</tr>
<tr>
<td>15. What is the highest level of education you have completed?</td>
<td>3.3%</td>
<td>16.7%</td>
</tr>
<tr>
<td>High School degree</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Some College</td>
<td>13.0%</td>
<td><strong>33.3%</strong></td>
</tr>
<tr>
<td>College degree</td>
<td>22.3%</td>
<td>12.2%</td>
</tr>
<tr>
<td>Some graduate school</td>
<td>9.8%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Graduate degree</td>
<td><strong>31.2%</strong></td>
<td>5.6%</td>
</tr>
<tr>
<td>Post-graduate degree</td>
<td>19.1%</td>
<td>1.1%</td>
</tr>
<tr>
<td>16. What is your occupation?</td>
<td>[#!/% Responses]</td>
<td></td>
</tr>
<tr>
<td>[209/219 (95.4%)]</td>
<td></td>
<td>[76/102 (74.5%)]</td>
</tr>
<tr>
<td>17. What is your approximate household income?</td>
<td>8.6%</td>
<td><strong>68.6%</strong></td>
</tr>
<tr>
<td>$0-24,999</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>$25,000-49,000</strong></td>
<td>17.2%</td>
<td>19.8%</td>
</tr>
<tr>
<td>$50,000-74,000</td>
<td>18.2%</td>
<td>4.7%</td>
</tr>
<tr>
<td><strong>$75,000-99,999</strong></td>
<td>18.7%</td>
<td>2.3%</td>
</tr>
<tr>
<td>$100,000-124,999</td>
<td>14.8%</td>
<td>1.2%</td>
</tr>
<tr>
<td><strong>$125,000-149,999</strong></td>
<td>6.2%</td>
<td>0.0%</td>
</tr>
<tr>
<td>$150,000-174,999</td>
<td>4.8%</td>
<td>0.0%</td>
</tr>
<tr>
<td>$175,000-199,999</td>
<td>3.3%</td>
<td>1.2%</td>
</tr>
<tr>
<td><strong>$200,000+</strong></td>
<td>8.1%</td>
<td>2.3%</td>
</tr>
<tr>
<td>18. In which category includes your age?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under 30</td>
<td>6.5%</td>
<td>23.0%</td>
</tr>
<tr>
<td>31-40</td>
<td>17.6%</td>
<td>25.3%</td>
</tr>
<tr>
<td><strong>41-50</strong></td>
<td>18.1%</td>
<td><strong>34.5%</strong></td>
</tr>
<tr>
<td><strong>51-60</strong></td>
<td>24.5%</td>
<td>10.3%</td>
</tr>
<tr>
<td>61-70</td>
<td>24.1%</td>
<td>4.6%</td>
</tr>
<tr>
<td>Over 70</td>
<td>9.3%</td>
<td>2.3%</td>
</tr>
<tr>
<td>19. What is your gender?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td><strong>64.4%</strong></td>
<td>59.8%</td>
</tr>
<tr>
<td>Male</td>
<td>35.6%</td>
<td>40.2%</td>
</tr>
<tr>
<td>20. What state do you live in?</td>
<td><strong>22 states</strong></td>
<td><strong>Columbus Ohio only</strong></td>
</tr>
</tbody>
</table>

*Source: Demographic Data - The Bishop’s Task Force on Racial Profiling; General Public Surveys GP and GP-A*
Table 1.b answers the question: What is the demographic makeup of the respondents to General Public surveys—by race, education, household income, age, gender and state? Racially, at Table 1.b, White/Caucasian represents half (50.2%) of all GP survey respondents; of GP-A survey, Black/African-Americans 73.5%.

The percentage figures shown in Tables 1 and 1.a (page 27;29) and Table 1.b (page 30) derive from the number of respondents answering ‘Yes’ to the questions #1-6 (Citizenship) and #7-13 (Racial Profiling). The largest portion (68.6%) of GP-A respondents earn $0-24,000 in comparison to GP $50,000-124,000 income range. The states represented in the data collection include OH VT NC MO IN KY VA MI DC GA MD NC AR TX NY CA IL FLA WA AL VA NV. In summary, GP Survey=219 respondents; GP-A Survey = 102 respondents.

**TABLE 2. ‘SYG UNJUST’ CROSS-TABULATED COMPARISON OF RESPONSES Survey Question #17 – A COMPOSITE: Table 1.b; and Table 2.a**

<table>
<thead>
<tr>
<th>Crosstab</th>
<th>Non-Crosstab</th>
<th>Crosstab</th>
<th>Non-Crosstab</th>
</tr>
</thead>
</table>
| 17. What is your approximate household income? $0-24,999 | \[\text{Green GP survey} = 8.4\% \] | \[\text{Purple GP survey} = 8.6\% \] | \[\text{Orange GP-A survey} = 68.7\% \] | \[\text{Brown GP-A survey} = 68.6\% \] 
| $25,000-49,000 | \[\text{Green GP survey} = 17.5\% \] | \[\text{Purple GP survey} = 17.2\% \] | \[\text{Orange GP-A survey} = 22.4\% \] | \[\text{Brown GP-A survey} = 19.8\% \] 
| $50,000-74,000 | \[\text{Green GP survey} = 23.8\% \] | \[\text{Purple GP survey} = 18.2\% \] | \[\text{Orange GP-A survey} = 3.0\% \] | \[\text{Brown GP-A survey} = 4.7\% \] 
| $75,000-99,999 | \[\text{Green GP survey} = 18.9\% \] | \[\text{Purple GP survey} = 18.7\% \] | \[\text{Orange GP-A survey} = 0.0\% \] | \[\text{Brown GP-A survey} = 2.3\% \] 
| $100,000-124,999 | \[\text{Green GP survey} = 14.0\% \] | \[\text{Purple GP survey} = 14.8\% \] | \[\text{Orange GP-A survey} = 1.5\% \] | \[\text{Brown GP-A survey} = 1.2\% \] 
| $125,000-149,000 | \[\text{Green GP survey} = 4.2\% \] | \[\text{Purple GP survey} = 6.2\% \] | \[\text{Orange GP-A survey} = 0.0\% \] | \[\text{Brown GP-A survey} = 0.0\% \] 
| $150,000-174,999 | \[\text{Green GP survey} = 4.2\% \] | \[\text{Purple GP survey} = 4.8\% \] | \[\text{Orange GP-A survey} = 0.0\% \] | \[\text{Brown GP-A survey} = 0.0\% \] 
| $175,000-199,999 | \[\text{Green GP survey} = 2.8\% \] | \[\text{Purple GP survey} = 3.3\% \] | \[\text{Orange GP-A survey} = 1.5\% \] | \[\text{Brown GP-A survey} = 1.2\% \] 
| $200,000+ | \[\text{Green GP survey} = 6.3\% \] | \[\text{Purple GP survey} = 8.1\% \] | \[\text{Orange GP-A survey} = 3.0\% \] | \[\text{Brown GP-A survey} = 2.3\% \] 

\[\text{Crosstab: ‘Stand Your Ground laws are unjust for certain citizen groups.’ ‘YES’}\]

**Source:** Demographic Data - The Bishop’s Task Force on Racial Profiling

**EXHIBIT 2 – ‘SYG UNJUST’ Crosstab/Non-Crosstab**

<table>
<thead>
<tr>
<th>Exhibit 2 - General Public Survey: Is SYG Unjust Law?</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image" alt="Graph showing data comparison for different income brackets and survey responses" /></td>
</tr>
</tbody>
</table>

**Source:** Bishop’s Task Force Data
Question #13 of Table 1.a (page 29) asks whether SYG is unjust for certain citizen groups. The ‘Yes’ response rate on ‘SYG unjust’ question is 73.0% (n=146) the GP survey and 83.7% (n=77) for GP-A survey, a (78.4% average ‘Yes’ response for the two survey groups.) It is on these original n=146 and n=77 figures that Table 2 and Exhibit 2 (page 31) base their cross-tabulation calculation. The green and the orange bars answer the [SYG cross tabulated] question: “What percentages of respondents and in what category of household income believe Stand Your Ground is unjust law?” The GP-A orange/brown $0-24,000 (73.5% African-American) ‘Yes’ responses out strips all other ‘SYG unjust’ responses: They represent homeless and other lower-income populations served by the OSU Centers for Innovations, persons who oft find themselves in profiling situations. The purple and brown bars address the question: “What is your approximate average household income?”

In summary, the examination of orange/brown reveals that among GP-A populations, there exist strong beliefs that “Stand Your Ground” laws are unjust. Of the 100% [n=102] GP-A persons asked the Question #13 on ‘SYG unjust’, 83.7% (n=77) [page 29] agree that the laws are unjust. See Table 1.a; Question #13 (page 29). Results: “YES” - SYG is unjust for certain citizen groups. Table 2.a: “Of GP/GPA populations believing SYG to be unjust, what percentages display good citizenship? Racial profiling experiences? By race/ethnicity?”

<table>
<thead>
<tr>
<th>Survey Questions</th>
<th>GP Survey</th>
<th>GP-A Survey</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n=146 cross tabulations</td>
<td>n=77 cross tabulations</td>
</tr>
<tr>
<td>1. I am a citizen of the United States.</td>
<td>98.6%</td>
<td>100%</td>
</tr>
<tr>
<td>2. I pay my taxes.</td>
<td>99.3%</td>
<td>90.9%</td>
</tr>
<tr>
<td>3. I want good police protection in my community.</td>
<td>99.3%</td>
<td>100%</td>
</tr>
<tr>
<td>4. I have plans for the future.</td>
<td>100%</td>
<td>97.4%</td>
</tr>
<tr>
<td>5. I live a good life.</td>
<td>100%</td>
<td>94.7%</td>
</tr>
<tr>
<td>6. I believe everyone is entitled to life and liberty.</td>
<td>99.3%</td>
<td>98.7%</td>
</tr>
<tr>
<td>7. I have experienced being unjustly profiled.</td>
<td>45.8%</td>
<td>67.6%</td>
</tr>
<tr>
<td>8. If you answered yes, please tell us when this happened.</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9. I have (or know someone who has) experienced police ‘suspicion’ stops and/or threat.</td>
<td>81.0%</td>
<td>78.4%</td>
</tr>
<tr>
<td>10. I caution against night walks wearing a hoodie.</td>
<td>55.2%</td>
<td>62.7%</td>
</tr>
<tr>
<td>11. I know that I and my family are at risk.</td>
<td>49.7%</td>
<td>77.6%</td>
</tr>
<tr>
<td>12. I live my life mindful of special “safety” rules.</td>
<td>73.9%</td>
<td>95.9%</td>
</tr>
<tr>
<td>13. Stand Your Ground laws are unjust for certain citizen groups. **[Cross-tabbed item]</td>
<td>**100%</td>
<td>**100%</td>
</tr>
<tr>
<td>14. Which race/ethnicity best describes you?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White/Caucasian</td>
<td>42.8%</td>
<td>15.8%</td>
</tr>
<tr>
<td>Black/African American</td>
<td>47.6%</td>
<td>78.9%</td>
</tr>
</tbody>
</table>

**TABLE 2.a ‘SYG UNJUST’ CROSS-TABULATED: PERCENT OF ‘Yes’ RESPONSES COMPARISON OF ‘YES’ RESPONSES – GENERAL PUBLIC SURVEYS**

Crosstab: “Stand Your Ground laws are unjust for certain citizen groups.”
<table>
<thead>
<tr>
<th>Household Income Level</th>
<th>Count</th>
<th>Yes (%)</th>
<th>No (%)</th>
<th>Skipped</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0-24,999</td>
<td>12</td>
<td>8.4%</td>
<td>22.4%</td>
<td>68.7%</td>
</tr>
<tr>
<td>$25,000-49,999</td>
<td>25</td>
<td>17.5%</td>
<td>0.0%</td>
<td>82.5%</td>
</tr>
<tr>
<td>$50,000-74,999</td>
<td>34</td>
<td>23.8%</td>
<td>0.0%</td>
<td>76.2%</td>
</tr>
<tr>
<td>$75,000-99,999</td>
<td>27</td>
<td>18.9%</td>
<td>0.0%</td>
<td>81.1%</td>
</tr>
<tr>
<td>$100,000-124,999</td>
<td>20</td>
<td>14.0%</td>
<td>1.5%</td>
<td>84.5%</td>
</tr>
<tr>
<td>$125,000-149,999</td>
<td>6</td>
<td>4.2%</td>
<td>0.0%</td>
<td>95.8%</td>
</tr>
<tr>
<td>$150,000-174,999</td>
<td>6</td>
<td>4.2%</td>
<td>0.0%</td>
<td>95.8%</td>
</tr>
<tr>
<td>$175,000-199,999</td>
<td>4</td>
<td>2.8%</td>
<td>1.5%</td>
<td>95.7%</td>
</tr>
<tr>
<td>$200,000+</td>
<td>9</td>
<td>6.3%</td>
<td>3.0%</td>
<td>90.7%</td>
</tr>
</tbody>
</table>

The percentages shown in Table 2.a, above, derive from the number of persons answering ‘Yes’ to the proposition that **“Stand Your Ground laws are unjust for certain citizen groups.”**

The count/percentages of ‘Yes’, ‘No’ and ‘skipped’ responses can be read in Table 2.a. For example, question #5 of Table 2.a reports 100% ‘yes’ agreements via ‘145/0/1’ expression, correctly interpreted as ‘yes’=145; ‘no’=0; ‘skipped’=1. Of the 145 responses to question #5, 100% indicated ‘yes’. ‘No’ response causes the drop in percentage at question #6.

Tables/Exhibits labeled #1 thru 1.b represent basic figures of Surveys GP and GP-A. Table2/Exhibit2 and Table2.a summarize the cross-tabulations of those basic figures by ‘SYG unjust’.

*Source: Data - The Bishop’s Task Force on Racial Profiling; General Public Surveys GP and GP-A by SYG Unjust crosstab.*
“But there has been also the American dream that dream of a land in which life should be better and richer and fuller for every man, with opportunity for each according to his ability or achievement. It is a difficult dream for the European upper classes to interpret adequately, and too many of us ourselves have grown weary and mistrustful of it. It is not a dream of motor cars and high wages merely, but a dream of social order in which each man and each woman shall be able to attain to the fullest stature of which they are innately capable, and be recognized by others for what they are, regardless of the fortuitous circumstances of birth or position.” - James Truslow Adams. The Epic of America, 1931

Making the case - General Public Surveys

“Is good citizenship an effective guard against being racially profiled?”

Pulitzer winner, James Truslow Adams, American writer and historian, first coined the term “American Dream” in his work entitled The Epic of America, published in 1931, from which an excerpt is included at the top of this page. Taking the “all men are created equal” language of the U.S. Declaration of Independence as accepted fact, the American Dream can be deemed a natural subsequence of equality ideology.

The year 1931 marks the era of the national crisis known as the Great Depression--an outcome of the 1929 Stock Market crash--when great public works initiative were created under the leadership of President Herbert Hoover to increase employment and economic activity. It is also the era of both the approval by President Hoover of the Star Spangled Banner as the national anthem and the completion of the construction of the Empire State Building in New York.

But previous to his 1930 “American Dream”, in a 1929 essay Adams talks about the role of education:

"There are obviously two educations. One should teach us how to make a living and the other how to live. Surely these should never be confused in the mind of any man who has the slightest inkling of what culture is. For most of us it is essential that we should make a living...In the complications of modern life and with our increased accumulation of knowledge, it doubtless helps greatly to compress some years of experience into far fewer years by studying for a particular trade or profession in an institution; but that fact should not blind us to another—namely, that in so doing we are learning a trade or a profession, but are not getting a liberal education as human beings."

The website of the U.S. Citizenship and Immigration Services (USCIS) lists the rights and responsibilities of citizenship, including the right to pursue life, liberty and happiness and the responsibility to pay taxes. ‘The Dream’ expressed in Sociology teaching, and defined by Merriam Webster, is the fundamental character and spirit of American culture—the ‘ethos’ of Greek custom, habit, and character. The notion defines the temperament or disposition of a community, i.e., Greek ethos represents high valuing of the life of the individual. As an ideal, ‘freedom’ includes the opportunity for prosperity and success wherein "life should be better and richer and fuller for everyone, with opportunity for each according to ability or achievement" regardless of circumstances of birth. As an ideal, then, ‘freedom’ encompasses a major American tenet with which racial profiling is in direct conflict, a natural enemy.
Directional Findings: General Public Surveys GP and GP-A.

Thus far, the research on racial profiling commissioned by the Right Reverend Thomas E. Breidenthal, Bishop of the Diocese of Southern Ohio, the General Public Survey instruments, gives indication that class and race do impinge on individual rights to life, liberty and happiness of certain citizen groups. The following summarizes the statistical presentations of Tables 1-1.b and Exhibits 2-2a containing the evidentiary facts on whether, for GP and GP-A samples, “good citizenship is an effective guard against being racially profiled”.

Here are some salient factors that have emerged as a result of report analyses comparing Citizenship and Racial Profiling.

Citizenship
- Although there is wide diversity in the economic makeup of households [$0-$200,000+] represented in the General Public surveys, yet there exist little disagreement among the two groups concerning their enjoyment of the rights and responsibilities of citizenship, particularly as they pertain to paying taxes and the belief in equal entitlement to life and liberty. Their agreement rises to a 95.3% average concerning the responsibility for paying taxes and a 98.0% average on life and liberty entitlement [Table 1, page 27].

Racial Profiling – SYG cross tabulated by Household Income.
- But when it comes to racial profiling the margin of agreement falls to a 67.1% overall concurrence [Table 1.a, Page 29].
- See also Tables 2 and 2.a (Pages 31-32) cross-tabulated examination showing a [green] 56.7% GP [n=146] upper income [$50,000-$124,999] agreement in contrast the [orange] 91.1% GP-A [n=77] lower income [$0-$49,000] agreement with the hypothesis that “Stand Your Ground laws are unjust for certain citizen groups.”
- By Table 2.a analysis (page 32), the cross-tabulated GP-A lower income populations reach 100% [n=77] agreement with question #3: “I want good police protection in my community” — 0.7% above GP higher-income populations.
- The Disparate Treatment stories cited in Volume 2 of this report bolster the case made by the statistical Disparate Impact analyses of the first section of General Public survey reports.

Here is the full list of Freedoms, Rights and Responsibilities of American Citizenship displayed at the United States Citizenship and Immigration Services (USCIS) website:

<table>
<thead>
<tr>
<th>RIGHTS</th>
<th>RESPONSIBILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freedom to worship as you wish.</td>
<td>Support and defend the Constitution.</td>
</tr>
<tr>
<td>Right to a prompt, fair trial by jury.</td>
<td>Stay informed of the issues affecting your community.</td>
</tr>
<tr>
<td>Right to vote in elections for public officials.</td>
<td>Participate in the democratic process.</td>
</tr>
<tr>
<td>Right to apply for federal employment requiring U.S. citizenship.</td>
<td>Respect and obey federal, state, and local laws.</td>
</tr>
<tr>
<td>Right to run for elected office.</td>
<td>Respect the rights, beliefs, and opinions of others.</td>
</tr>
<tr>
<td>Freedom to pursue “life, liberty, and the pursuit of happiness.”</td>
<td>Participate in your local community.</td>
</tr>
<tr>
<td><strong>SUMMARY</strong></td>
<td><strong>Yes. (78.3% - Question #13)</strong></td>
</tr>
<tr>
<td>“Are Stand Your Ground laws unjust for certain citizen groups?”</td>
<td><strong>No. (113 Story Narratives)</strong></td>
</tr>
<tr>
<td>“Is good citizenship an effective guard against being racially profiled?”</td>
<td></td>
</tr>
</tbody>
</table>
Part A. General Public Surveys – Disparate Treatment Narratives

Comparison Racial Profiling Experience (RPEs)

<table>
<thead>
<tr>
<th>RACIAL PROFILING EXPERIENCES</th>
<th>GP Survey n=117 RPE Responses</th>
<th>GP-A Survey n=72 RPE Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suspicious character</td>
<td>24.8% 29</td>
<td>56.9% 41</td>
</tr>
<tr>
<td>Real estate location/purchasing/bank lending</td>
<td>17.1% 20</td>
<td>30.6% 22</td>
</tr>
<tr>
<td>Traffic stops or driving along in my car.</td>
<td>44.4% 52</td>
<td>48.6% 35</td>
</tr>
<tr>
<td>Job/school application</td>
<td>20.5% 24</td>
<td>36.1% 26</td>
</tr>
<tr>
<td>Mistaken identity</td>
<td>13.7% 16</td>
<td>36.1% 26</td>
</tr>
<tr>
<td>Employment</td>
<td>25.6% 30</td>
<td>51.4% 37</td>
</tr>
<tr>
<td>(Un)intelligence/competence perceptions</td>
<td>27.4% 32</td>
<td>16.7% 12</td>
</tr>
<tr>
<td>Classroom/education/campus</td>
<td>24.8% 29</td>
<td>18.1% 13</td>
</tr>
<tr>
<td>Prejudgments</td>
<td>51.3% 60</td>
<td>40.3% 29</td>
</tr>
<tr>
<td>Qualified/unqualified</td>
<td>21.4% 25</td>
<td>19.4% 14</td>
</tr>
<tr>
<td>Limitations/inclusion/exclusion</td>
<td>17.9% 21</td>
<td>12.5% 9</td>
</tr>
<tr>
<td>Medical care</td>
<td>3.4% 4</td>
<td>22.2% 16</td>
</tr>
<tr>
<td>Guns</td>
<td>0.9% 1</td>
<td>18.1% 13</td>
</tr>
<tr>
<td>Shopping</td>
<td>36.8% 43</td>
<td>2.8% 2</td>
</tr>
<tr>
<td>‘Just because’</td>
<td>21.4% 25</td>
<td>2.8% 2</td>
</tr>
<tr>
<td>Business Venture/Credit/Bonding</td>
<td>4.3% 5</td>
<td>2.8% 2</td>
</tr>
<tr>
<td>Other</td>
<td>4.3% 5</td>
<td>6.9% 5</td>
</tr>
<tr>
<td>Answered question</td>
<td>53.4% 117</td>
<td>70.5% 72</td>
</tr>
<tr>
<td>Skipped question</td>
<td>46.5% 102</td>
<td>29.4% 30</td>
</tr>
</tbody>
</table>

*Source: Data - The Bishop’s Task Force on Racial Profiling; General Public Surveys GP and GP-A*
Table 3 and Exhibit 3 answer the question: What is the average of ‘Yes’ comparative agreement between GP and GP-A survey respondents regarding their racial profiling experiences (RPEs).

In summary, the lower economics GP-A population, i.e., homeless persons, though sharing equally with all others in citizenship responsibility, experience the highest comparative rates of profiling impediment, good citizenship practices notwithstanding: Suspicious (56.9%); Real Estate (30.6%); Traffic stops (48.6%); Job/school application (36.1%); Employment (51.4%); Medical care (22.2%); Guns (18.1%). Of GP sample, 53.4% (n=117/219) responded to Table 3 questions. For GP-A, 70.5% (n=72/102).
“In my effort to maintain my physical well-being, I resolved to take daily walks, depending on my newly acquired pedometer to keep track of my progress. My wife also purchased for me a special ‘safety vest’, one whose neon lighting would warn motorists of my presence as I walked during early dusk. One evening as I was walking briskly along, a police vehicle pulled up alongside me, the policeman demanding my identity. So when I produced my driver’s license, he smiled apologetically while acknowledging my name. “Oh, you are the Reverend Moss,” said he, handing back the ID. “Have a good evening,” and turned to get back into his car. But then I said to him, “Wait a minute, officer. Can you tell me the reason for this incident?” I live in a gated community and there was no one else on the streets. “Why did you stop me?” “Well sir,” he replied, “one of your neighbors called in to report a suspicious person in the neighborhood.” - The Rev. Otis Moss, Jr., D. Min., M.Div., Pastor Emeritus, Mt. Olivet Baptist Church, Cleveland.

Popular myth of the “American Dream” alleges the ability by any hard-working member of society to improve one’s social, economic and educational circumstances through stubborn determination and use of “boot strap” elevation. Opportunities for advancement are freely open to all Americans. “Get a job.” “People don’t get ahead because they are just plain lazy.” “All you have to do is work hard.”

“Is accomplished professional achievement an effective guard against being racially profiled?”

“The time a scruffy old black man came to clean the blackboards in a physics class at Berkeley; the janitor I thought, until he turned around and started lecturing on the BCS theory of superconductivity.” From San Francisco - New York Times - Pick

The American Dream: Who’s entitled?

Part II. Accomplished Professionals & Urban Hip-Hop Youth

Disparate Impact Analyses

DEFINITION

Disparate Impact statistical analyses give substantial evidence that a procedure has a disproportionate impact on groups of individuals, e.g., Stand Your Ground laws.

Similarly situated is a legal term implying sameness in problems and circumstances wherein the basic facts and legal issues are the same, and separate lawsuits would be impractical or burdensome.

DEFINITION

A professional is a person who is engaged in a certain activity, or occupation, for gain or compensation as means of livelihood; such as a permanent career, not as an amateur or pastime. The traditional professionals were doctors, engineers, lawyers, architects and commissioned military officers. Today, the term is applied to nurses, accountants, educators, scientists, technology experts, social workers, artists, librarians and many more. The term is also used in sports to differentiate amateur players from those who are paid—hence "professional footballer" and "professional golfer". Many companies include the word professional in their store name to imply the quality of their workmanship or service. In some cultures, the term is used as shorthand to describe a particular social stratum of well-educated, salaried workers who enjoy considerable work autonomy and are commonly engaged in creative and intellectually challenging work. Due to the personal and confidential nature of many professional services, and thus the necessity to place a great deal of trust in them, most professionals are subject to strict codes of conduct enshrining rigorous ethical and moral obligations. ‘Accomplished Professional’ term implies self-confidence and hard work. - Webster online www.definotions.net.
Conventional observation does not readily predict that professionally accomplished persons experience profiling similar to the general populations of persons resembling Trayvon ‘hoodie’ physical description, black males especially. The information in the exhibits and tables below compares/contrasts the similarity and the difference between the two samples. These comparative data tell the story of racial profiling experienced by certain groups of Americans; Accomplished Professionals (AP) and the Youth of Elementz Center:

**Sigma Pi Phi Fraternity, Boulé of African-American Professionals.** At the dawn of the twentieth century black men of distinction had long functioned in various leadership posts, especially in the churches and benevolent association movement. Some, notably Frederick Douglass among them, had even served in high government posts. But by and large they lived lives separate from those of the black masses and the white professionals. In 1904 a small group in Philadelphia set out to create an organization that would provide a vehicle for men of standing and like tastes to come together to know the best of one another.

"Saving Our Youth: One on One, One by One." It was Archon Perkins's position that every Archon has a responsibility to roll up his sleeves and make a difference in our communities, especially for the youth. - http://www.sigmapiphi.org

Accomplished Professionals Survey measures the questions: “Is accomplished professional [boot strap] achievement an effective guard against being racially profiled?” “Is Stand Your Ground Unjust for certain citizen groups?” The survey was largely distributed electronically via emailing of the link to the survey, forwarded by individuals on to other individuals. Additionally, Dr. Charles O. Dillard, a Physician of Internal Medicine in Cincinnati, urged participation in the study via paper-handout of the survey at several meetings of the Sigma Pi Phi Fraternity, Boulé of African-American Professionals--the first Greek-letter fraternity to be founded by African American men. “Significantly, unlike the other African American Greek-letter organizations, its members already have received college and professional degrees at the time of their induction,” says Boulé website.

**The National Medical Association.** “Conceived in no spirit of racial exclusiveness, fostering no ethnic antagonism, but born of the exigencies of the American environment, the National Medical Association has for its object the banding together for mutual cooperation and helpfulness, the men and women of African descent who are legally and honorably engaged in the practice of the cognate professions of medicine, surgery, pharmacy and dentistry.”-C.V. Roman, MD. NMA Founding Member and First Editor of the JNMA 1908

Moreover, at the December 2012 national conference of the National Medical Association (NMA), a pilot study of the Accomplished Professionals (AP) survey was conducted by eminent scholar Dr. William B. Lawson, a MD, Professor and Chair, Health Sciences, Department of Psychiatry and Behavioral Sciences at Howard University in Washington DC. The pilot served as model for this current analysis of the data. In total, the responses to the survey originate from thirty (30) states, the Virgin Island, and Canada. The paper data were entered into the electronic collector via the Manual Data Entry mechanism. The categories of professions represented in AP Survey group include religion, medicine, law, education, business, human resources, administrative and management, social work, sales, consultant, media relations, architecture, commercial banking, engineering, nursing, accounting, art, journalism. Black or African-American racial classification comprises 72% of the Professionals respondents. A total of 141 AP surveys were completed.

**The Office of Ethnic Programs and Services (EPS – University of Cincinnati (EPS)**

“EPS encourages academic excellence, positive social interaction, cultural enrichment, student leadership development and community service. We value each and every contact
with members of the university community and see every interaction as an opportunity to encourage positive relationships." - http://www.uc.edu/eps.html

The marketing of the Urban Youth Survey responds to suggestions by two associate researchers: Professor Emeritus Prince Brown of Northern Kentucky University; and Professor Eric Abercrumbie, University of Cincinnati Africana Department, black males themselves. Bishop Breidenthal reported that at the University of Cincinnati (UC) meeting sponsored by the office of Ethnic Programs and Services, for whom Dr. Abercrumbie serves as director, more than seventy (70) young men of the university “showed up, eager to share their stories.” (This study also involves an electronic 3-campus survey that was managed by the OSU Kirwan Institute; including the UC campus).

Elementz Hip Hop Youth Arts Center, Cincinnati was built after the riots during the process of rebuilding the city. "The founders surveyed young people that came from the city to find out what it is that the majority of them were interested in and were speaking of hip-hop, music, dancing—the things that we provide in the center," said Brandon Abdullah Powell, BFA, director [and a Research Associate for this research project]. More than 40 people come to the center daily. Just six years after the program began, membership rose to 300 inner city youth. The goal is to provide teenagers with a safe haven and encourage them to go to college.” –Elementz website.

Bishop Breidenthal attended storytelling sessions held at Elementz Center that included black male professionals from a myriad of occupations—law, law enforcement, medicine, education, government and business—who in small roundtable groups of Elementz young men, each group led by an elder professional, all reciting similar sounding tales of past and present profiling experiences, shared their common tales—forging personalized effects unexpected by this research effort: The young men expressed high astonishment that the elder men, persons of community distinction and high professional achievement, still experience everyday possibility of police ‘stop and search’, the elders’ enduring ‘do you belong here?’ suspicion in the workplaces of their professions, and elsewhere. Black or African-American racial classification comprises 83.3% of Urban Youth respondents. A total of 29 Youth surveys were completed. Observable reality generalizes the results to larger populations of youth.

“It is now an accepted, popular culture convention that it is possible to identify criminally inclined tendencies in young black males by observing how they behave and dress in public. In fact, these presumptions have led to the creation of a massive crime control industry that poses a present and constant danger to African American males of all ages and economics in the encounters with the American justice system.” -Unknown

Accomplished Professionals and Urban Hip-Hop Youth
AP Survey = 141 total respondents  Youth Survey = 29 total respondents

“Is good citizenship an effective guard against being racially profiled?”

EXHIBIT 1 SUMMARY  N=170 total respondents
### TABLE 1 “Is accomplished professional achievement an effective guard against being racially profiled?

**DEMOGRAPHICS – ACCOMPLISHED PROFESSIONALS; URBAN YOUTH**

**Survey Questions**

<table>
<thead>
<tr>
<th>Question</th>
<th>AP Survey n=141</th>
<th>YOUTH Survey n=29</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. What is your gender?</td>
<td>133/141 responses</td>
<td>[n=4/29 responses]</td>
</tr>
<tr>
<td>Female</td>
<td>51.1%</td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>48.9%</td>
<td></td>
</tr>
<tr>
<td>2. What is your profession?</td>
<td>122 Responses</td>
<td>18+ Categories</td>
</tr>
<tr>
<td>3. Which category includes your age?</td>
<td>133/141 responses</td>
<td>24/29 responses</td>
</tr>
<tr>
<td>Under 30</td>
<td>3.8%</td>
<td>82.75%</td>
</tr>
<tr>
<td>31-40</td>
<td>8.3%</td>
<td></td>
</tr>
<tr>
<td>41-50</td>
<td>12.0%</td>
<td></td>
</tr>
<tr>
<td>51-60</td>
<td>33.8%</td>
<td></td>
</tr>
<tr>
<td>61-70</td>
<td>24.1%</td>
<td></td>
</tr>
<tr>
<td>Over 70</td>
<td>18.0%</td>
<td></td>
</tr>
<tr>
<td>4. Which category best describes your classification (please check only one box)?</td>
<td>n=137/141 responses</td>
<td>n=24/29 responses</td>
</tr>
<tr>
<td>White/Caucasian</td>
<td>19.0%</td>
<td>4.2%</td>
</tr>
<tr>
<td>Black/African American</td>
<td>72.3%</td>
<td>83.3%</td>
</tr>
<tr>
<td>American Indian/Alaskan Native</td>
<td>0.7%</td>
<td>4.2%</td>
</tr>
<tr>
<td>Asian</td>
<td>4.4%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>-</td>
<td>0.0%</td>
</tr>
<tr>
<td>Native Hawaiian or other Pacific Island</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>From multiple races</td>
<td>3.6%</td>
<td>0.0%</td>
</tr>
<tr>
<td>6. What is your approximate household income?</td>
<td>$0-24,999 8.5% 61.9%</td>
<td>$25,000-49,000 13.8% 19.0%</td>
</tr>
<tr>
<td>$25,000-74,000</td>
<td>16.9% 14.3%</td>
<td>$50,000-74,000</td>
</tr>
<tr>
<td>$75,000-99,999</td>
<td>20.8%</td>
<td>$100,000-124,999</td>
</tr>
<tr>
<td>$100,000-124,999</td>
<td>13.1%</td>
<td>$125,000-149,999</td>
</tr>
<tr>
<td>$125,000-149,999</td>
<td>4.6%</td>
<td>$150,000-174,999</td>
</tr>
<tr>
<td>$150,000-174,999</td>
<td>11.5%</td>
<td>$175,000-199,999</td>
</tr>
<tr>
<td>$175,000-199,999</td>
<td>3.8%</td>
<td>$200,000+</td>
</tr>
<tr>
<td>$200,000+</td>
<td>6.9%</td>
<td></td>
</tr>
</tbody>
</table>

**Source:** Demographic Data - The Bishop’s Task Force on Racial Profiling

Table 1 answers the question: What is the demographic makeup of the respondents to Accomplished Professionals survey—by race, education, household income, age, gender and state? In summary, the demographics percentage figures shown in Table 1 derive from the number of respondents answering ‘Yes’ to the questions #7-17 of the surveys AP and Youth, below at Table 1.a. The states and territories of respondents’ residences include IN, TN, OR. NC, NM, VT, COL, CA, FLA, KY, MD, VA, AL, LA, AK, TX, MS, MI, NY, VA, PA, DC, MI, AZ, IL, GA, KY, MD, OH, Virgin Island, Canada. Also, note the absence at question #4 of Hispanic responses, even though the Principal Researcher purchased from Cincilingua translator service two (2) instances of translations of the survey into Spanish language; also purchasing the posting of a Spanish version on the website of the National Episcopal Church, and meeting with a local organization serving the Hispanic community.
‘YES’ RESPONSES: A COMPARATIVE ANALYSIS PROFESSIONALS vs. URBAN YOUTH

AC Survey = 141 total respondents  Urban Youth [Elementz] = 29 respondents

“Is accomplished professional achievement an effective guard against being racially profiled?”

<table>
<thead>
<tr>
<th>TABLE 1.a CITIZENSHIP</th>
<th>AP SURVEY</th>
<th>*URBAN YOUTH SURVEY</th>
<th>Agreement average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey Question #</td>
<td>% Yes</td>
<td>% Yes</td>
<td></td>
</tr>
<tr>
<td>7. I enjoy leisure time with my family.</td>
<td>98.5%</td>
<td>-</td>
<td>98.18%</td>
</tr>
<tr>
<td>8. I own a valid credit card.</td>
<td>88.3%</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>9. I want good police protection</td>
<td>100%</td>
<td>Q.#4* 96.4%</td>
<td>(98.2% avg.)</td>
</tr>
<tr>
<td>10. I have plans for the future.</td>
<td>98.5%</td>
<td>Q.#5* 100%</td>
<td>(99.25% avg.)</td>
</tr>
<tr>
<td>11. I live a good life.</td>
<td>97.7%</td>
<td>Q.#6* 96.6%</td>
<td>(97.1% avg.)</td>
</tr>
<tr>
<td>12. I think ‘Stand Your Ground’ laws are unjust for certain citizen groups.</td>
<td>86.4%</td>
<td>-</td>
<td>[question not asked]</td>
</tr>
</tbody>
</table>

RACIAL PROFILING EXPERIENCES (RPEs)

<table>
<thead>
<tr>
<th>Survey Question #</th>
<th>% Yes</th>
<th>% Yes</th>
<th>Agreement average</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. I have experienced ‘eyesight judgment’ and [‘do you belong here?’] demand.</td>
<td>76.6%</td>
<td>Q.#9* 72.4%</td>
<td>(74.5% avg.)</td>
</tr>
<tr>
<td>14. I have experienced police stops and/or threat of gun use.</td>
<td>51.6%</td>
<td>Q.#8* 62.1% ['Unjustly profiled']</td>
<td></td>
</tr>
<tr>
<td>15. I caution against night walks wearing a hoodie.</td>
<td>67.2%</td>
<td>Q.#10* 46.4%</td>
<td>(56.8% avg.)</td>
</tr>
<tr>
<td>16. I teach my family [follow] special ‘safety rules’.</td>
<td>84.6%</td>
<td>Q.#12* 85.2%</td>
<td>(84.9% avg.)</td>
</tr>
<tr>
<td>17. I know that I am [and my (grand) children are] at risk.</td>
<td>82.4%</td>
<td>Q.#11* 89.3%</td>
<td>(85.8% avg.)</td>
</tr>
</tbody>
</table>

Source: The Bishop’s Task Force on Racial Profiling
RISK #16-17 AP [83.5%] Youth [87.25%; #12-11] AP+Youth

EXHIBIT 1.a “Is good citizenship an effective guard against being racially profiled?”

Additionally, the *YOUTH Survey instrument makes the following unique propositions:

*1. I am a citizen of the United States. 100% YES
*2. I have college or further education in my life plans. 93.1% YES
*3. I believe anyone can achieve whatever they want to in America. 89.7% YES
*7. I believe everyone is entitled to life and liberty. 100% YES

In summary, note in Table 1.a the near perfect [98.18% average] ‘Citizenship’ agreement (questions 9, 10 and 11). Moreover, Professionals and Youth share 75.47% agreement that racial profiling is an integral part of daily life experience: #13-17. Notice especially question #9: “I want good police protection.” (98.2% avg. agreement) But it is at #16-17 that the answer lies: “Safety rules” + “At risk” [85.35%] together express the enormity of their peril ['Safety rules” + “At risk” separately: 83.5% average for Accomplished Professionals; 87.25% for Urban Youth].

SUMMARY

“Is high professional achievement a guard against being racially profiled?” No. (83.5% - Questions #16-17).
Accomplished Professionals & Urban Youth: Disparate Treatment Narratives

Racial Profiling Experiences (RPEs)

“Is good citizenship an effective guard against being racially profiled?”

Is high professional achievement an effective guard against being racially profiled?”

<table>
<thead>
<tr>
<th>TABLE 2 RACIAL PROFILING</th>
<th>AP Survey</th>
<th>YOUTH Survey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Questions #13-17</td>
<td>n=141 RPE</td>
<td>n=29 RPE</td>
</tr>
<tr>
<td>COMPARATIVE RACIAL PROFILING EXPERIENCES (RPEs)</td>
<td>Response Percent</td>
<td>Response Count</td>
</tr>
<tr>
<td>Suspicious character</td>
<td>34.9%</td>
<td>30</td>
</tr>
<tr>
<td>Real estate location/purchasing/bank lending</td>
<td>25.6%</td>
<td>22</td>
</tr>
<tr>
<td>Traffic stops or driving along in my car.</td>
<td>47.7%</td>
<td>41</td>
</tr>
<tr>
<td>Job/school application</td>
<td>20.9%</td>
<td>18</td>
</tr>
<tr>
<td>Mistaken identity</td>
<td>26.7%</td>
<td>23</td>
</tr>
<tr>
<td>Employment</td>
<td>29.1%</td>
<td>25</td>
</tr>
<tr>
<td>(Un)intelligence/competence perceptions</td>
<td>27.9%</td>
<td>24</td>
</tr>
<tr>
<td>Classroom/education/campus</td>
<td>29.1%</td>
<td>25</td>
</tr>
<tr>
<td>Prejudgments/ Do you belong here?</td>
<td>43.0%</td>
<td>37</td>
</tr>
<tr>
<td>Qualified/unqualified</td>
<td>17.4%</td>
<td>15</td>
</tr>
<tr>
<td>Limitations/inclusion/exclusion</td>
<td>22.1%</td>
<td>19</td>
</tr>
<tr>
<td>Medical care</td>
<td>12.8%</td>
<td>11</td>
</tr>
<tr>
<td>Guns</td>
<td>4.7%</td>
<td>4</td>
</tr>
<tr>
<td>Shopping</td>
<td>48.8%</td>
<td>42</td>
</tr>
<tr>
<td>‘Just because’</td>
<td>18.6%</td>
<td>16</td>
</tr>
<tr>
<td>Business Venture/Credit/Bonding</td>
<td>14.0%</td>
<td>12</td>
</tr>
<tr>
<td>*Other /Stand on the curb</td>
<td>14.3%</td>
<td>9</td>
</tr>
<tr>
<td>Answered question</td>
<td>86</td>
<td>21</td>
</tr>
<tr>
<td>Skipped question</td>
<td>55</td>
<td>8</td>
</tr>
</tbody>
</table>

Source: Data - The Bishop’s Task Force on Racial Profiling

EXHIBIT 2 COMPARISONS – Racial Profiling Experiences (RPEs)

For Accomplished Professionals, the responses to *Other, Question #18 [not shown], included the following: Reverse profiling; Restaurant long waits for service; Police brutality; Air travel; Here at Christ Church Cathedral. White/Caucasian makes up 19.0% of Accomplished Professionals; and 4.2% Hip-Hop Youth group. Black/African American 72.3% and 83.3%, respectively.
Table 2 and Exhibit 2 answer the question: What is the average of ‘Yes’ comparative agreement between AP and URBAN YOUTH survey respondents regarding their racial profiling experiences (RPEs).

In summary, less than 9 percentage points of separation exist between most categories of experiences of the Accomplished elders and the Youth, although nearly forty percent (39.9%) of the Accomplished Professionals earn $100,000-$200,000+ in salary [Question #6; Table 1, pg. 41]. The ‘just because’ category expresses a serious perception of non-reasoning harassment experienced by Urban Youth of Elementz Hip-Hop Center enrollment, while the ‘classroom’ experiences may infer a generational longevity of profiling. Meanwhile, the language and semantics of the disparate treatment narratives of the two groups are strikingly similar. When it comes to societal treatment, the minority racial persons of both Accomplished Professional and Youth survey examination are similarly situated.

**Directional Findings: Accomplished Professionals and Youth Surveys.**

The following summarizes the statistical presentations of Tables 1-1.a and Exhibits 1-2 containing the evidentiary facts on whether, for samples Youth and Accomplished Professionals, “Stand Your Ground laws are unjust for certain citizen groups;” whether “good citizenship is an effective guard against being racially profiled” and whether “high professional achievement a is guard against being racially profiled.”

Here are some salient factors that have emerged as a result of report analyses comparing Citizenship and Racial Profiling.

**Citizenship**

- As in the GP surveys, among the Accomplished Professionals and the Youth of these comparative analyses, there is wide diversity in the economic makeup of households [$0-$200,000+]. Yet, here again there exist virtually no disagreement—rather, a 98.18% strong agreement between the two groups—concerning the belief in good police protection (98.2% avg.), future life planning (99.25% avg.), and the view that they are living currently “a good life” (97.1 avg.). [Table 1.a, page 42].

**Racial Profiling - Is accomplished professional achievement a guard against profiling?**

- But when it comes to racial profiling there appears a stunning 75.47 percent commonality of experience existing between the two groups—elders and youth. [Table 1.a, Page 42].
- At questions #16-17, this commonality rises between the two groups to 84.9% regarding special ‘safety rules’ and 85.8% regarding ‘at risk perception’, which taken together, at 85.35% common agreement, settles the argument applied to this sample of persons on whether professional achievement is a guard against being racially profiled: No. It is not. [Table 1.a, Page 42]
- At Table 1.a analysis (page 42), the Youth lower income populations’ 96.4% agreement join Accomplished Professionals 100% agreement with item #9 declaration: “I want good police protection in my community.” At page 41, there is 77.8% Black/African American combined demographic representation in the two (2) surveys.

The Disparate Treatment stories cited in Volume 2 of this report bolster the case made by the Disparate Impact analyses of the statistics appearing in Accomplished Professional and Youth survey reports.

**SUMMARY**

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Are Stand Your Ground laws unjust for certain citizen groups?”</td>
<td>Yes.</td>
</tr>
<tr>
<td>“Is high professional achievement a guard against being racially profiled?”</td>
<td>No.</td>
</tr>
<tr>
<td>“Is good citizenship an effective guard against being racially profiled?”</td>
<td>No.</td>
</tr>
</tbody>
</table>

44 | P a g e
“I have not seen the analysis you referenced in your email but wanted to share a very recent experience in Toronto that said to me the perception of blacks has been deeply internalized by all other cultures; and I was very saddened. My experience was going into a store run by Muslims and was admiring the items when I realized that the man whom I greeted at the counter was now following me around the store. There was a sign that advertised batteries for watches so I asked for a battery for my watch. Without looking at the watch or his inventory, he promptly informed me that he did not have a battery for my watch. I walked out awed by the fact that the racism taught by the majority culture against blacks has been well learned by people from all over the world, even dark skinned people. The lesson is that black people are not to be trusted, they are dishonest and everything that is bad. And the message seems to be that those traits are inherent because it does not matter who or what you are. You are black, therefore you are “less than.” —The Rev. Canon Angela S. Ifill, Missioner, Black Ministries. The Episcopal Church.

The American Dream: Who’s entitled?

Part III. Congregations Surveys - Disparate Impact Analyses

DEFINITION

Disparate Impact statistical analyses give substantial evidence that a procedure, e.g., Stand Your Ground laws, has a disproportionate impact on groups of individuals.

Similarly situated is a legal term implying sameness in problems and circumstances wherein the basic facts and legal issues are the same, and separate lawsuits would be impractical or burdensome.

DEFINITION

A congregant is one who is a member of a group of people gathered for religious worship.

-The American Heritage Dictionary of the English Language.

The Episcopal Church of the USA (TEC)

“We all struggle with being fully present to the moment, and we bring different attitudes and reactions to each encounter. Jesus tells us to travel light and be radically open to encountering God, who is present and active all around us, if we will only notice. That’s part of the tragedy of Trayvon Martin and George Zimmerman. The Bishop of Central Florida saw a piece of it when he tweeted, “I want to live in a world where George Zimmerman offered Trayvon Martin a ride home to get him out of the rain that night…” That encounter offered an opportunity..., but whatever happened in the midst of it – racial prejudice or the inability to see anything except threat in the other – turned a God-given opportunity into death and destruction.


The Episcopal Church welcomes all who worship Jesus Christ, in 109 dioceses and 3 regional areas in 17 nations, and having, in 2010, a baptized membership of 1,951,907 in the U.S., making it the nation's 14th largest denomination. The Episcopal Church is a member province of the worldwide Anglican Communion. The mission of the church, as stated in the Book of Common Prayer’s catechism (p. 855), is "to restore all people to unity with God and each other in Christ."

The 2012 General Convention established the Anglican Communion Five Marks of Mission as a mission priority framework for the 2013-2015 triennium:

• To proclaim the Good News of the Kingdom
• To teach, baptize and nurture new believers
• To respond to human need by loving service
• To seek to transform unjust structures of society
• To strive to safeguard the integrity of creation and sustain and renew the life of the earth.
TEC and Public Policy - The Episcopal Church’s Office of Government Relations

Being an advocate does not always involve drastic measures. Every day, we have the chance to stand up and speak when we see the need. Advocates have the opportunity to speak to their elected representatives, friends, family, and congregations about important issues. The Episcopal Church’s Office of Government Relations cannot advocate for important issues alone. It needs individuals and congregations to write to their representatives, ask for support on social justice issues, and make their voices heard. Working together, we can send a strong message to Congress. Become a member of the Episcopal Public Policy Network today and join committed Episcopalians working for a better world.

How many times have you read an article in the paper or watched a news story and wished there was something you could do? With the Episcopal Public Policy Network, you can. Senators and Representatives care about what you, their constituent, think about a particular issue. Whether you feel passionately about environmental protection, HIV/AIDS funding, or education, you can make your voice heard on Capitol Hill.

Advocacy can happen at many different levels. The Episcopal Public Policy Network is specifically focused (by General Convention) on federal advocacy. We do have a number of state affiliates that work on state level legislation.


The Diocese of Southern Ohio

The Rt. Reverend Thomas E. Breidenthal serves as the current bishop of the Diocese of Southern Ohio, and it is under his sponsorship that this study on racial profiling is conducted.

25,000 people attend 75 Episcopal congregations in the 40 southern counties of Ohio, including Columbus, Cincinnati, Dayton, Marietta and Portsmouth. The diocese was officially founded in 1875, when the state was divided into two jurisdictions of the Episcopal Church.

“...When riots erupted in Cincinnati after the assassination of Martin Luther King, Bishop Blanchard...took an office in Cincinnati City Hall and led the city’s effort to improve race relations and economic justice.

“In 1970, the bishop and diocesan convention launched the Institutional Racism Project, a 20-year effort involving a rigorous audit of the practices of the Church. For two decades, this work engaged Episcopalians at the parish and regional level in analyzing and seeking to redress the economic, political and spiritual dimensions of racism in their own congregations and communities. The project documented the almost total segregation of the diocese’s parishes and clergy deployment, and the miniscule representation of black Episcopalians on diocesan staff, leadership bodies and commissions.

In relations with the worldwide Anglican Communion, Blanchard sought to replace the paternalism of 19th century missionary work with a new model of companion dioceses, grounded in the desire to learn from each other’s experience...Continuing the work of fighting against racism and discrimination, Bishop Black and his fierce Archdeacon Morry Hollenbaugh delighted the Appalachian region by their crusade for an end to second-hand status for Appalachian people and culture in this state.

“The bishops appointed several black clergy to senior staff positions in the diocese, starting with Archdeacon Lorento Wooden. Far from being pigeonholed on anti-racism work, the black clergy directed major ongoing diocesan functions like deployment. By 1978, nearly a third of the members of diocesan committees were black.

“In 1988, the diocese elected its ninth bishop from a slate of four nominees – two white and two black. Herbert Thompson, a black priest from the Diocese of Long Island, was elected on the first ballot.

Excerpts - Compiled in 2006 by Ariel Miller, and edited by Richelle Thompson, director of communications.

Digital Marketing and Advertising Sales, under the direction of The Rev. Jake Dell in the Office of Communications at the Episcopal Church Center, New York, NY was the main electronic infrastructure
for the national marketing of the Congregations survey. Moreover, congregations engaging in localized marketing of the survey, irrespective of access format, included the Diocese of Southern Ohio; Shiloh Baptist Church, DC; the Diocese of North Carolina, the Diocese of Arizona; the Diocese of Ohio; the Zion Baptist Church, Cincinnati; the Samuel Dewitt Conference of Churches; the Ohio Council of Churches; the Union of Black Episcopalians. 1,518 online surveys were collected. Racially, 74.3% White/Caucasian respondents (1109/1493). We owe a debt of gratitude to The Rev. Jake Dell and his associates for their good help and productive suggestions.

The New Jerusalem Baptist Church – Cincinnati

New Jerusalem was founded in December, 1926. The membership has grown from approximately 65 in 1970, has moved once and expanded three times during the years from 1970 until present. New Jerusalem’s membership has a diversified base of young families, teens, middle-aged, youth and older members. New Jerusalem has an active prison ministry, nursing home ministry and active professional mission groups who are socially, politically and civically involved. There is also an active bus ministry. S.I.M.B.A. and MALAIKA provide mentors who give their time to boys and girls through rites of passage programs. These are community resource groups to meet the needs of African-American children and their families. – New Jerusalem website

The Reverend Damon Lynch, Jr, pastor of historically black New Jerusalem Baptist Church (NJBC) in Cincinnati since 1970, has joined in the collaboration to achieve the social justice mission of the Task Force on Racial Profiling commissioned by the Rt. Reverend Thomas E. Breidenthal, Bishop of the Diocese of Southern Ohio. The goal of the commission is to provoke Congressional actions to nullify “Stand Your Ground” states’ law promulgated to legalize deadly-force against targeted groups of Americans because of ‘suspicious’ mindset labels attached to skin color, race, gender or religion. Pastor Lynch appointed NJBC congregant Cynthia Pinchback Heinz, PhD to aid the mission work of the commission by serving as coordinator of the congregation’s participation in the bishop’s survey that will ultimately collect disparate impact statistical information probative to the commission’s proposition that Stand Your Ground Laws are unjust and impose a disparate impact on certain groups of Americans. New Jerusalem’s participation adds a specialized insight to racial profiling experience while simultaneously affirming good citizenship, the desire for good community policing, and equality of treatment. The responses provide the content for the Congregations-A analysis of survey results. 159 paper surveys were collected. Racially, 97.5% Black /African American respondents (153/157).

Racial Profiling Lives On. The historic ruling by Judge Shira A. Scheindlin that the stop-and-frisk practices of the New York Police Department violate the Constitution is being applauded as a major victory against unreasonable policing. Mayor Michael R. Bloomberg, meanwhile, is bitterly disappointed. “This is a very dangerous decision made by a judge who I think does not understand how policing works,” he said after the decision was handed down Monday. But if unrestrained policing is, for Mr. Bloomberg, policing that works, it turns out that he can still have it. The ruling by Judge Scheindlin, of the Federal District Court in Manhattan, does nothing to disrupt the authority the Supreme Court has given police officers to target African-Americans and Latinos with little or no basis. Despite the Fourth Amendment’s protection against unreasonable searches and seizures, the Supreme Court’s interpretation of that provision gives the police frighteningly wide discretion to follow, stop, question, frisk and employ excessive force against African-Americans and Latinos who have shown virtually no indication of wrongdoing. -The New York Times. August 14, 2013, LOS ANGELES.

Congregations Surveys
C Survey = 1,518 respondents
C-A Survey =159 respondents
SUMMARY N= 1,677 total respondents
TABLE 1  CITIZENSHIP
COMPARISON OF ‘YES’ RESPONSES – CONGREGATIONS SURVEYS
Congregations Survey - C  =  1,518 total respondents
Congregations - A Survey = 159 total respondents

“Is good citizenship an effective guard against being racially profiled?”

<table>
<thead>
<tr>
<th>Survey Question #</th>
<th>CONGREGATION C</th>
<th>CONGREGATION – C-A</th>
<th>Agreement average</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. I am a citizen of the United States.</td>
<td>97.8%</td>
<td>99.4%</td>
<td>(98.6% avg.)</td>
</tr>
<tr>
<td>2. I pay my taxes.</td>
<td>98.9%</td>
<td>98.1%</td>
<td>(98.5% avg.)</td>
</tr>
<tr>
<td>3. I want good police protection in my community.</td>
<td>99.2%</td>
<td>99.4%</td>
<td>(99.3% avg.)</td>
</tr>
<tr>
<td>4. I have plans for the future.</td>
<td>97.2%</td>
<td>98.1%</td>
<td>(97.65% avg.)</td>
</tr>
<tr>
<td>5. I live a good life.</td>
<td>98.9%</td>
<td>98.7%</td>
<td>(98.8% avg.)</td>
</tr>
<tr>
<td>6. I believe everyone is entitled to life and liberty.</td>
<td>98.9%</td>
<td>98.1%</td>
<td>(98.5% avg.)</td>
</tr>
</tbody>
</table>

Source: Demographic Data - The Bishop’s Task Force on Racial Profiling; Congregations Surveys
Table I and Exhibit 1 answer the question: What is the average of ‘Yes’ agreement between C and C-A survey respondents regarding the positive aspects of American citizenship? Respondents share an overall [non-crosstab] average of 98.55% ‘Yes’ agreement regarding: Citizenship (98.6%); Taxes (98.5%); Good police protection (99.3%); Future (97.65%); Good life 98.8%); Entitlement (98.5%). In citizenship standing, respondents are ‘similarly situated’, implying sameness in problems and circumstances wherein the basic facts and legal issues are the same.

EXHIBIT 1  CITIZENSHIP

In summary, there is equality in agreement between C and C-A congregants relating to ‘Citizenship’ (98.55%).

EXHIBIT 1.a  CITIZENSHIP
TABLE 1.a  RACIAL PROFILING
COMPARISON OF ‘YES’ RESPONSES – CONGREGATIONS SURVEYS
C Survey = 1,518 total respondents
C-A Survey = 159 total respondents
TOTAL  1,677

“Is good citizenship an effective guard against being racially profiled?”

<table>
<thead>
<tr>
<th>Survey Questions #</th>
<th>CONGREGATION-C Survey</th>
<th>CONGREGATION-A Survey</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. I have experienced being unjustly profiled.</td>
<td>37.0%</td>
<td>57.5%</td>
<td>(47.25% avg.)</td>
</tr>
<tr>
<td>8. If you answered yes to question number 7, please tell us when this happened.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within the past 1-3 years</td>
<td>38.7%</td>
<td>35.4%</td>
<td></td>
</tr>
<tr>
<td>Within the past 3-5 years</td>
<td>14.4%</td>
<td>15.9%</td>
<td></td>
</tr>
<tr>
<td>Within the past 5-10 years</td>
<td>14.9%</td>
<td>23.2%</td>
<td></td>
</tr>
<tr>
<td>More than 10 years ago</td>
<td>32.0%</td>
<td>25.6%</td>
<td></td>
</tr>
<tr>
<td>9. I have (or know someone who has) experienced police ‘suspicion’ stops and/or threat.</td>
<td>62.2%</td>
<td>73.2%</td>
<td>(67.7% avg.)</td>
</tr>
<tr>
<td>10. I caution against night walks wearing a hoodie.</td>
<td>48.0%</td>
<td>76.4%</td>
<td>(62.2% avg.)</td>
</tr>
<tr>
<td>11. I know that I and my family are at risk.</td>
<td>33.8%</td>
<td>80.0%</td>
<td>(56.9% avg.)</td>
</tr>
<tr>
<td>12. I live my life mindful of special “safety” rules.</td>
<td>69.2%</td>
<td>98.6%</td>
<td>(83.9% avg.)</td>
</tr>
<tr>
<td>13. Stand Your Ground laws are unjust for certain citizen groups.</td>
<td>76.5%</td>
<td>94.3%</td>
<td>(85.4% avg.)</td>
</tr>
</tbody>
</table>

Source: Bishop’s Task Force Data

EXHIBIT 1.1.a  RACIAL PROFILING

Table 1.a and Exhibit 1.1.a answer the question: To what degree does good citizenship and good stewardship, serve as effective hedges against being racially profiled? Were all the enjoyments of citizenships described in Table 1 Page 48, the ‘life and liberty’ freedoms, would the 67.22% racial profiling disparity average showing at the top of this page have occurred, the disparity in universal,
national and municipal treatment among citizens appearing as they do in Table 1.a [p.49] averages? Unjust profiling experience (47.25%); Police ‘suspicions stops’ experience (67.7% average); Hoodie experience (62.2% avg.); At-risk perception (56.9% avg.); ‘Safety rules’ life requirement (83.9% avg.). At #13, ‘Stand Your Ground law unjust’ generated a close level of ‘YES’ agreement (85.4% average) despite the 20.5% gap in personal experience (showing at Table 1.b, below; and Question #7, Table 1.a, Page 49). Pertaining to ‘unjust profiling experience’, lack of personalized profiling experience does not necessarily blind the eyes of the one citizen group to the havoc that racial profiling heaps upon other fellow citizens—illustrated by the smaller gap [11.0% shown at Question #9 [Table 1.b below and Table 1.a, Page 49].

TABLE 1.b  RACIAL PROFILING - COMPARISON OF ‘YES’ RESPONSES – CONGREGATIONS SURVEYS

“Is good citizenship an effective guard against being racially profiled?” NO.

<table>
<thead>
<tr>
<th>Survey Questions #7-12</th>
<th>C Survey</th>
<th>C-A Survey</th>
<th>%Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Racial Profiling</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Experience/Knowledge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal experience</td>
<td>37.0%</td>
<td>57.5%</td>
<td>20.5%</td>
</tr>
<tr>
<td>Knowledge of other’s</td>
<td>62.2%</td>
<td>73.2%</td>
<td>11.0%</td>
</tr>
<tr>
<td>Hoodie wear</td>
<td>48.0%</td>
<td>76.4%</td>
<td>28.4%</td>
</tr>
<tr>
<td>*At-risk reality</td>
<td>33.8%</td>
<td>80.0%</td>
<td>46.2%</td>
</tr>
<tr>
<td>*Safety management rules</td>
<td>69.2%</td>
<td>98.6%</td>
<td>29.4%</td>
</tr>
</tbody>
</table>

*At-Risk + Safety (avg.) (51.5%) (89.3%)
Source: Bishop’s Task Force Data

Volume 2 narratives appended to this Volume 1 statistical analysis affirm awareness among citizens not suffering racial profiling abuse concerning the realities and plight of other fellow citizens via statements like: “A friend of mine…African-American woman, was harassed by a bus driver.” “My black women friends…and the longstanding mistreatment of blacks by police…fear of calling 911.” “I’ve have seen African Americans treated differently and talked about once they have left.” “I have…witnessed salespeople in stores keeping an eye on Black customers.” (Q. #11) ‘At-risk’ plus (Q. #12) ‘Safety Rules’ constitute 89.3% C-A ‘historically black’ profiling concern (Table 1.b, above). Is racial profiling real? “Yes”.

GAPS IN REALITY - RACIAL PROFILING realities of Questions #7-12.
Responses originated from 50 states: MS, FL, MD, TX, NM, PA, GA, NE, OH, NC, MI, AL, NY, CT, IN, TN, NJ, CO ID, IO, WA, AZ, OR, CA, OK, ME, VA, VT, KY, MO, NC, AL, HI, WI, LA, SC, NH, MA, IL, WV, WY, MD, MT, NV, RI, AR, DE, SD, SD, PR, VI; Canada; Rep. Korea (military); Germany (military); Rosebud Sioux reservation.

SUMMARY: Q. #13. “Stand Your Ground laws are unjust for certain citizen groups.”

<table>
<thead>
<tr>
<th>C-Survey</th>
<th>C-A Survey</th>
<th>Overall 'YES' %</th>
</tr>
</thead>
<tbody>
<tr>
<td>76.5%</td>
<td>94.3%</td>
<td>(85.4% avg.)</td>
</tr>
</tbody>
</table>

Of the number of C-congregants responding to Q.13, 1,415 answered the question. [76.5%'Yes’ n=1,082/1415]; [C-A 94.3%; n=132/140]

Effects: Mandatory Sentencing

“If Smith gets time off for good behavior, his 232-year sentence will be reduced to 197 years. A federal jury convicted him of 10 robberies...Because Smith had been charged under a "mandatory minimum" law, the judge could not weigh the trial testimony or consider that Smith had no previous convictions. Automatic penalties written by Congress kicked in. So Smith was sentenced to 2 centuries, 2 decades, and 2 years. -By Nathan Gorenstein, Inquirer Staff Writer. Posted: February 07, 2012

"Mandatory minimum” laws can mean grossly disparate sentences for gun crimes.

“Nationwide, more than a million people--mostly black and Hispanic men--are stopped, questioned and frisked annually by police. Nearly all are innocent of any crime, according to figures from departments around the country. Source: New York Civil Liberties Union

“Listening to black friends about their own experiences, what I found most shocking...was even the most successful, wealthy and highly educated... One of my friends, a successful surgeon of Indian descent (with very dark skin) once decided to buy himself a high end European sports car. He could afford it. He was an accomplished professional earning hundreds of thousands of dollars per year working for a prestigious hospital. Yet as soon as he stepped into the exotic car dealer's showroom he was treated with contempt by a...salesman who did not even stop eating a sandwich to greet his customer... My friend walked out... But he tells me that this experience rattled him - he thought that he had "made it" - that he was a successful, respected member of society.” From Illinois - New York Times - Pick
<table>
<thead>
<tr>
<th>Survey Questions #1-13</th>
<th>C Survey ( n=1,082 ) cross tabulations</th>
<th>C-A Survey ( n=132 ) cross tabulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Survey Questions</strong></td>
<td><strong>Response %'YES'</strong></td>
<td><strong>Response Total</strong></td>
</tr>
<tr>
<td>1. I am a citizen of the United States.</td>
<td>97.6%</td>
<td>1052/1078/4</td>
</tr>
<tr>
<td>2. I pay my taxes.</td>
<td>99.1%</td>
<td>1063/1073/9</td>
</tr>
<tr>
<td>3. I want good police protection in my community.</td>
<td>99.2%</td>
<td>1067/1076/6</td>
</tr>
<tr>
<td>4. I have plans for the future.</td>
<td>97.7%</td>
<td>1041/1066/16</td>
</tr>
<tr>
<td>5. I live a good life.</td>
<td>99.1%</td>
<td>1065/1075/7</td>
</tr>
<tr>
<td>6. I believe everyone is entitled to life and liberty.</td>
<td>99.5%</td>
<td>1072/1077/5</td>
</tr>
<tr>
<td>7. I have experienced being unjustly profiled.</td>
<td>38.5%</td>
<td>413/1074/8</td>
</tr>
<tr>
<td>8. If you answered yes, please tell us when this happened.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. I have (or know someone who has experienced police ‘suspicion’ stops or threat.</td>
<td>69.6%</td>
<td>741/1065/17</td>
</tr>
<tr>
<td>10. I caution against night walks wearing a hoodie.</td>
<td>49.6%</td>
<td>526/1060/22</td>
</tr>
<tr>
<td>11. I know that I and my family are at risk.</td>
<td>33.0%</td>
<td>350/1060/22</td>
</tr>
<tr>
<td>12. I live my life mindful of special ‘safety’ rules.</td>
<td>68.6%</td>
<td>723/1054/28</td>
</tr>
<tr>
<td>13. Stand Your Ground laws are unjust for certain citizen groups. <strong>[Cross-Tab item]</strong></td>
<td><strong>100%</strong></td>
<td><strong>1082</strong></td>
</tr>
</tbody>
</table>

Source: Demographic Data - The Bishop’s Task Force on Racial Profiling; Congregations Surveys: CROSSTAB by ‘SYG Unjust’

Again, from SYG cross-tab perspective, C-A African-American congregants [11; 80.3%; 102/127] historically knowing themselves and their families to be at-risk of profiling abuse resolve, therefore, to live life “mindful of special safety rules” [Q #12; cross-tab 99.2% 124/125], especially during encounters with the police. Of the citizens of Table 2, Q #9; C and C-A groups believing that “SYG is unjust law,” 73.3% live life at shared awareness of ‘suspicion stops and/or threat’ possibility of racial profiling; and a 47.0% shared gap in fear of “family ‘at-risk’ to profiling danger” [Question #11]. The 80.3% figure underscores “The Talk”, i.e., the need to teach C-A youngsters self-safety behaviors in face of ‘stop and search’. Table 2 answers the CROSS-TAB question: “Of the total number of congregant persons agreeing that SYG is unjust (C n=1,082; C-A n=132), what number and percentage also share Q. #3, “I want good police protection” agreement? [99.2%]: Gaps in common experience notwithstanding.

Note: At Table 2, above, Question #1; 1052/1078/4 can be interpreted as follows: “Of the CROSSTAB 1,082 persons believing SYG to be unjust, 1,052 persons out of 1,078 (97.6%) answered “YES’ to Question #1 “I am a citizen of the United States.” Four (4) persons skipped question #1.
**TABLE 2.a**  ‘SYG UNJUST’ CROSS-TABULATED: PERCENT OF ‘Yes’ RESPONSES

**COMPARISON OF ‘Yes’ RESPONSES – CONGREGATIONS SURVEYS**

Hypothesis: “Stand Your Ground laws are unjust for certain citizen groups.”

**DEMOGRAPHICS**

<table>
<thead>
<tr>
<th>Survey Questions #13-14; 17</th>
<th>C Survey</th>
<th>C-A Survey</th>
</tr>
</thead>
<tbody>
<tr>
<td>SYG - ‘YES’=1,214</td>
<td>n=1,082 cross tabulations</td>
<td>n=132 cross tabulations</td>
</tr>
<tr>
<td>13. Stand Your Ground laws are unjust for certain citizen groups. <strong>[Cross-tabbed item]</strong></td>
<td><strong>100%</strong></td>
<td><strong>1,082</strong></td>
</tr>
<tr>
<td>14. Which race/ethnicity best describes you?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White/Caucasian</td>
<td><strong>70.9%</strong></td>
<td>Response [n=1,023]</td>
</tr>
<tr>
<td>Black/African American</td>
<td><strong>22.3%</strong></td>
<td></td>
</tr>
<tr>
<td>All others combined</td>
<td><strong>6.8%</strong></td>
<td></td>
</tr>
<tr>
<td>17. What is your approximate household income?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$0-24,999</td>
<td><strong>7.8%</strong></td>
<td><strong>20.2%</strong></td>
</tr>
<tr>
<td>$25,000-49,000</td>
<td><strong>17.7%</strong></td>
<td><strong>36.1%</strong></td>
</tr>
<tr>
<td>$50,000-74,000</td>
<td><strong>23.2%</strong></td>
<td><strong>31.1%</strong></td>
</tr>
<tr>
<td>$75,000-99,999</td>
<td><strong>18.4%</strong></td>
<td><strong>0.8%</strong></td>
</tr>
<tr>
<td>$100,000-124,999</td>
<td><strong>15.1%</strong></td>
<td><strong>1.7%</strong></td>
</tr>
<tr>
<td>$125,000-149,000</td>
<td><strong>6.5%</strong></td>
<td><strong>0.0%</strong></td>
</tr>
<tr>
<td>$150,000-174,999</td>
<td><strong>5.3%</strong></td>
<td><strong>6.7%</strong></td>
</tr>
<tr>
<td>$175,000-199,999</td>
<td><strong>2.0%</strong></td>
<td><strong>0.8%</strong></td>
</tr>
<tr>
<td>$200,000+</td>
<td><strong>4.1%</strong></td>
<td><strong>2.5%</strong></td>
</tr>
<tr>
<td>Other</td>
<td><strong>14</strong></td>
<td></td>
</tr>
</tbody>
</table>

*Source: Demographic Data - The Bishop’s Task Force on Racial Profiling; Congregations Surveys: CROSSTAB by 'SYG Unjust’*

The cross-tabulated percentages shown in Table 2.a, above, derive from the number of persons answering ‘Yes’ to the proposition that **“Stand Your Ground laws are unjust for certain citizen groups”**. Note: Eight (8) persons of C-Survey skipped question #14 about race/ethnicity; One (1) C-A Survey person skipped question #14. White/Caucasian makes up 70.9% of Congregations (C) group; Black/African American 97% of C-A group.
‘SYG Unjust’ Cross-Tabulated Race/Ethnicity
Congregational Surveys C- and C-A

EXHIBIT 2.a - RACIAL PERCENTAGES
Congregations Surveys: Is SYG Unjust Law? 'YES'.

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-Survey - White/Caucasian</td>
<td>70.9</td>
</tr>
<tr>
<td>Black/African American</td>
<td>22.3</td>
</tr>
<tr>
<td>All other racial persons</td>
<td>6.8</td>
</tr>
<tr>
<td>C-A Survey - Black/African American</td>
<td>97.7</td>
</tr>
<tr>
<td>All other racial persons</td>
<td>2.3</td>
</tr>
</tbody>
</table>

Of C-Survey cross-tab population, 70.9% of persons self-described as White/Caucasian; 22.3% African-American; and 6.8% other racial persons agree that SYG is unjust. For C-A Survey of historically black experience, 97.7% of congregants believe SYG to be unjust law. See the full array of race/ethnicity percentages at Question #14, Table 2.a. Exhibit 2.a, pages 53-54, displaying crosstab ‘Yes. SYG is unjust law’ by C and C-A congregations.

Directional Findings: Congregations Surveys C and C-A.

Moral voice
Thus far, the research on racial profiling commissioned by the Right Reverend Thomas E. Breidenthal, Bishop of the Diocese of Southern Ohio, the General Public Survey instruments, gives indication that class and race do impinge on individual rights to life, liberty and happiness of certain citizen groups. The following summarizes the statistical presentations of Tables 1-b and Exhibits 1-1b containing the evidentiary facts on whether, for C and C-A samples, “good citizenship is an effective guard against being racially profiled”.

Here are some salient factors that have emerged as a result of report analyses comparing Citizenship and Racial Profiling.
Citizenship

- Having reached a 98.55% commonality among congregants in their total responses to the CONGREGATIONS surveys on racial profiling, in citizenship category respondents are ‘similarly situated’, that is, congregants experience sameness in problems and circumstances wherein the basic facts and legal issues are the same. See page 48, Table I and Exhibit 1 and 1.a.

Racial Profiling – SYG cross tabulated.

However, congregant responses also reflect the realities of American society wherein daily life is lived and citizen treatment and municipal law enforcement protection behaviors are comparatively disparate. Disaggregated statistical data review unfurls the complexity of racial profiling mindset and the hidden, non-public patterns and practices of racial profiling. To what degree does good citizenship and good stewardship serve as effective hedge against being racially profiled?

- African-American C-A congregants [page 52, crosstab question #11; 80.3%; 102/127] historically knowing themselves and their families to be at-risk of profiling abuse resolve, therefore, to live life mindful of special safety rules [page 52, question #12; cross-tab 99.2% 124/125], especially during ‘stop and search’ encounters with the police. Pg 52

- Table 2, page 52 answers the CROSS-TAB question: “Of the total number of congregant persons agreeing that SYG is unjust (C n=1,082; C-A n=132), what number and percentage also share “I want good police protection” agreement? 99.2%. Pg 52

- Within the context of the 2013-2015 mission priority of The Episcopal Church (TEC) “to seek to transform unjust structures of society,” the cross-tab populations of TEC—70.9% of persons self-described as White/Caucasian; 22.3% African-American; and 6.8% other racial persons—reach ‘Yes’ Significant Majority Agreement that SYG is unjust. Page 54, Question #14, Table 2.a. Exhibit 2.a. Pg 54

- The Disparate Treatment stories bolster the case made by the statistical Disparate Impact analyses of C- and C-A surveys. A combination of approximately five hundred [505] stories were submitted.

- Page 67 discusses the legal background of Stop & Frisk, the unrestrained policing sanctioning of Terry v. Ohio by 2013 Supreme Court authority. The statistics on school suspensions, students required to appear in criminal court via so-called Zero Tolerance policy. Black students are shipped off to court more frequently than white students committing similar non-complying behaviors. Pgs 64; 68
Part IV. Supplementary Scrutiny
Moral Voice: Stand Your Ground & Racial Profiling, War on Drugs, Incarceration

The Department of Justice 2003 Racial Profiling Guidance Has Loopholes

The Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, expressed dissatisfaction with the Department of Justice's 2003 Guidance on Racial Profiling. LCCR asserted that the guidance on racial profiling is like a poorly constructed building: while the foundation is there, the main components needed to hold it up were either faulty or missing...The guidelines only apply to federal agents, rather than state and local police. This is problematic since state and local police have to deal more with responsibilities where racial profiling is prevalent such as traffic stops and searches. The second problem is that there is no clear enforcement mechanism...[T]his leaves "victims of profiling without a remedy." “...by carving out an exception that easily swallows the rule, the [Bush] attorney general ignores the president's promise to end racial profiling.” Congress [is urged] to end racial and ethnic profiling by enacting a bill that builds on the administration's definition, closes the loopholes, and provides a remedy for victims of this discredited practice.”

-Feature Story by civilrights.org staff - 6/23/2003

“Mr. Holder has repeatedly criticized the moral impact of the nation’s high incarceration rate, emphasizing that while the United States has only 5 percent of the world’s population, it has 25 percent of its prisoners.” — ACLU Editorial Board

“Minnie's Sacrifice (1869) is a novel dissecting the difficult choices faced by a light-skinned husband and wife when they learn, after having been raised as white, that their veins run with African American blood.”

War on Drugs - A Self-Sustaining Business

A Los Angeles Times January 12, 2013 news release, The House I Live In, takes a passionate look at war on drugs.” The article written by reporter Noel Murray, makes the stunning pronouncement that the highly unsuccessful, 40-year War on Drugs is a self-sustaining business resulting in:

- 45 million arrests.
- $1 trillion in government spending.
- In today's economy drugs are cheaper, purer, and more available than ever.
- Solidified America’s role as the world’s largest jailer.

Source: U.S. Bureau of Justice (BOJ) statistics

An article by former Kofi Annan and Former Brazilian President Fernando Henrique Cardoso calling for an end to the war on drugs comes in the wake of countries the world over including Uruguay, Colombia, Guatemala, Mexico, New Zealand, Switzerland, Portugal, the Netherlands and even some West African countries successfully implementing drug policy reforms in recent years.

Source: -http://www.netnewsledger.com/2013/11/05/end-war-drugs-kofi-annan-brazilian-president/#sthash.a8nFaXJs.dpuf

EXHIBITS 1 and 1.a, below, provide U.S. Bureau of Justice (BOJ) statistics that do not include local jails and private prisons. They exhibit the steadiness in the growth of state and federal populations of the incarcerated from roughly 400,000 in 1981 to 1,400,000 by year 2009. A round robin effect has been created: the statistics both record the reality of imprisonment and recite the numbers as ‘evidence’ of the propensity for crime, i.e., among African Americans, devoid of the consideration of the injustice inherent in laws like Stand Your Ground and the inequities inherent to disparate enforcement practices during the implementation of law. In what proportions are Black, White, Hispanic and other groups committed as inmates to state and federal prisons in the United States?
EXHIBIT 1

Race, Population and Incarceration
*White and Black excludes Hispanics

U.S. Population by Race

State and Federal Inmates by Race

(U.S. Census, 2000)

(Table 13, Department of Justice, Bureau of Justice Statistics, “Prison and Jail Inmates at Midyear 2002,” April 6, 2003)

©2004: HowStuffWorks


EXHIBIT 1.a

Prisoners Under State/Federal Jurisdiction
(US, 1977-2011)

Sources: US Bureau of Justice Statistics; US Census Bureau; analysis by WNY-WJ
NOTE: excludes local jails and private prisons
DEFINITION
The United Nations drew up a definition of the child so that all countries having ratified the international Convention of the Rights of the Child share the same reference, which is laid down in Article 1 of the Convention. A child means every human being below the age of eighteen years (18) unless under the law applicable to the child, majority is attained earlier.

The number of Children with a Parent in Prison or Jail
In the Figure 6.1 (renamed Exhibit 1.b) displaying the 2009 calculations created by Pettit, Sykes, and Western researchers, the totals are configured by race. From the years 1980 to 2005, the numbers grew from 500,000 to 2,500,000, confirmed by Exhibit 1.b. And concerning the total count of persons with children, the highest growth rates affect African-American families. What connections are there between racial profiling and the continuing growth rates of the incarceration of certain citizen groups?

EXHIBIT 1.b

Black teenager Willie Francis sentenced to die by electrocution by the State of Louisiana in 1945 (at age 16) for [purportedly] murdering Andrew Thomas, a Cajun pharmacy owner in St. Martinsville who had once employed him...Despite two separate written confessions, Francis pleaded not guilty. During his trial, the court-appointed defense attorneys offered no objections, called no witnesses and put up no defense.

Had the child Trayvon lived, would he have been immediately jailed? Sentenced to long-term imprisonment?
Privately-owned for-profit juvenile detention centers.

‘Kids for Cash’ sentencing: The Number of Children in Life Imprisonment.

Moreover, to increase the number of inmates in privately-owned for-profit detention centers, ‘Kids for Cash’ sentencing practices award monetary benefits to some judges in return for judges’ imposing harsh sentences on juveniles brought before their courts. Minors charged with nonviolent crimes were often given harsher sentences than what probation officers recommended, court documents say. Other investigators say the trials lasted a few minutes at most.

Judges have sentenced children to extended stays in juvenile detention for offenses as minimal as mocking a principal on MySpace, trespassing in a vacant building, and shoplifting DVDs from Wal-mart, says a February 24, 2009 CNN article titled “Pennsylvania rocked by ‘jailing kids for cash’ scandal.” Two judges sentencing over 5,000 children secretly received more than $2.6 million in prison industry kickbacks, prosecutors said. "Kids think very much in the present, and they have limited abilities to understand long-term consequences," said Robin Dahlberg, an attorney at the American Civil Liberties Union in New York.

A 16 September 2013 Iowa Supreme Court held that the United States Supreme Court's 2012 decision in Miller v. Alabama barring mandatory life imprisonment without parole sentences for children would apply retroactively "to sentences that are the functional equivalent of life without parole."

Compare the ‘life without parole’ to ‘life with the possibility of parole after serving 60 years’. Is there a difference? Effectively, there is no reprieve for prisoners automatically sentenced to die in prison for juvenile offenses.

The "unconstitutional imposition of a mandatory life-without-parole sentence is not fixed by substituting it with a sentence with parole that is the practical equivalent of a life sentence without parole," the court wrote. "Oftentimes, it is important that the spirit of the law not be lost in the application of the law. This is one such time."

"In the end," the court concluded, "a government system that resolves disputes could hardly call itself a system of justice with a rule that demands individualized sentencing considerations common to all youths apply only to those youths facing a sentence of life without parole and not to those youths facing a sentence of life with no parole until age seventy-eight. Accordingly, we hold Miller applies to sentences that are the functional equivalent of life without parole. The commuted sentence in this case is the functional equivalent of a life sentence without parole."

In two separate decisions issued, the court ordered individualized resentencing for two other juveniles, Denem Anthony Null, who was sentenced to more than 52 years for murder and robbery when he was 16, and Desirea Monique Pearson, who was sentenced to 35 years without parole for robbery and burglary when she was 17. The court held that Miller "bars states from imposing a certain type of punishment on certain people," and applies retroactively.

Had the child Trayvon lived, would he have been sentenced to long-term imprisonment for the crime of standing his ground?

Concerning African-American imprisonment, the era of the ‘new’ Jim Crow began during the decades after 1920, when African-American farm laborer populations were caught up into mandatory share cropping nigh-slave economies. After WWII and the flight of thousands of African Americans from southern regions of the country, African-American imprisonment rates began to take off, remaining at stabilized levels during the Civil Rights years.

EXHIBIT 1.d

**Adult correctional populations, 1980-2009**

Source: U.S. Bureau of Justice (BOJ) statistics
Standing at an approximate 250,000 in 1980, the numbers quadrupled to over a million by 2005. At year-end 2009, in the United States, 743 per 100,000 of all American adults of all races were incarcerated.

**EXHIBIT 1.e**

Exhibit 1.e, above, shows the incarceration rate under state and federal jurisdiction per 100,000 during period 1925-2008. The report does not include prisoners held in the custody of local jails, inmates out to court, and those in transit. Male incarceration rate is roughly 15 times the female incarceration rate. Table C, below, shows the years 2000 - 2010 incarceration counts of USA adults:

**TABLE C**

<table>
<thead>
<tr>
<th>USA. Adult incarceration.</th>
<th>Number of inmates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inmates in custody</td>
<td>2000</td>
</tr>
<tr>
<td>Total</td>
<td>1,937,482</td>
</tr>
<tr>
<td>Federal prisoners&lt;sup&gt;a&lt;/sup&gt;</td>
<td>140,064</td>
</tr>
<tr>
<td>Prisons</td>
<td>133,921</td>
</tr>
<tr>
<td>Federal facilities</td>
<td>124,540</td>
</tr>
<tr>
<td>Privately operated facilities</td>
<td>9,381</td>
</tr>
<tr>
<td>Community Corrections Centers&lt;sup&gt;b&lt;/sup&gt;</td>
<td>6,143</td>
</tr>
<tr>
<td>State prisoners</td>
<td>1,176,269</td>
</tr>
<tr>
<td>State facilities</td>
<td>1,104,424</td>
</tr>
<tr>
<td>Privately operated facilities</td>
<td>71,845</td>
</tr>
<tr>
<td>Local jails&lt;sup&gt;c&lt;/sup&gt;</td>
<td>621,149</td>
</tr>
<tr>
<td>Incarceration rate&lt;sup&gt;d&lt;/sup&gt;</td>
<td>684</td>
</tr>
<tr>
<td>Adult incarceration rate&lt;sup&gt;e&lt;/sup&gt;</td>
<td>926</td>
</tr>
</tbody>
</table>

*Source: U.S. Bureau of Justice (BOJ) statistics*

_Inmates held in custody in state or federal prisons or in local jails, December 31, 2000, and 2009–2010._
Still, it is the length of sentences that truly distinguishes American prison policy. Indeed, the mere number of sentences imposed here would not place the United States at the top of the incarceration lists. If lists were compiled based on annual admissions to prison per capita, several European countries would outpace the United States. But American prison stays are much longer, so the total incarceration rate is higher..."Rises and falls in Canada's crime rate have closely paralleled America’s for 40 years...But its imprisonment rate has remained stable." –NYT April 22, 2008. American Exception. Inmate count in U.S. dwarfs other nations.

Length of Sentencing
At Exhibit 1.f, it is the length of sentencing soars the United States to the top highest rates of incarceration existing in the world:

EXHIBIT 1.f
World Comparisons

```
United States is the World's Leading Jailer

Prisoners per 100,000 Population - 2008


```

“Using rich data linking federal cases from arrest through sentencing, we assess the contribution of prosecutors' initial charging decisions to large observed black-white disparities in sentence length. Pre-charge characteristics, including arrest offense and criminal history, can explain about 80% of these disparities, but substantial gaps remain across the distribution. On average, blacks receive almost 10% longer sentences than comparable whites arrested for the same crimes. At least half this gap can be explained by initial charging choices, particularly the filing of charges carrying mandatory minimum sentences. Prosecutors are...almost twice as likely to file such charges against blacks. African Americans are given longer federal sentences, even when factoring prior criminal records. African American jail sentences tend to be roughly 10% longer than white jail sentences for the same crimes. -Rehavi, M. Marit and Starr, Sonja B., Racial Disparity in Federal Criminal Charging and Its Sentencing Consequences (May 7, 2012). U of Michigan Law & Econ, Empirical Legal Studies Center Paper No. 12-002.

A Case Study – Mandatory Minimums

“It was the second-biggest mistake of LaRue Y. Smith's life. Laid off from his job, Smith went to his computer, copied out a list of 7-Eleven stores in and around Philadelphia, grabbed a gun, and started sticking them up. The clerks and customers were terrified. Smith fired his revolver once, by accident, and almost shot himself in the leg.

Police caught the former Marine eight weeks after his crimes had started in June 2007. Within hours, he confessed to a dozen robberies that netted him an unimpressive $2,510, plus cigarettes, chips, and soft drinks. Then Smith made his really, really big mistake. In 2009, he rejected a plea bargain to serve 25 years and went to trial. A federal jury convicted him of 10 robberies.
Because Smith had been charged under a "mandatory minimum" law, the judge could not weigh the trial testimony or consider that Smith had no previous convictions. Automatic penalties written by Congress kicked in.

So Smith was sentenced to two centuries, three decades, and two years. The 232-year sentence was 10 times the average 2009 federal sentence for murder.

Critics call such extreme disparities a "trial tax," and say it amounts to a penalty for exercising the right to trial by jury. "He needs to be punished," defense attorney Christopher D. Warren said in court, "but based on my experience, he hasn't done anything which requires him to die in a federal prison." If Smith gets time off for good behavior, his 232-year sentence will be reduced to 197 years.


‘Criminal black man’ stereotype and American societal mindset drive the 32% likelihood of black male imprisonment and the accompanying ‘length of sentencing’ e.g., sentencing practices--not its counts of annual admissions to prisons per capita--that compels the comparative results showing at Exhibit 1.g.

EXHIBIT 1.g
As of 2001, the chances of going to prison in percentages for various demographic groups in the United States.

THE CRIMINAL BLACK MAN
The criminal black man is an ethnic stereotype in the United States that has been around since the Transatlantic Trade in African slavery. The stereotype is known to the United Kingdom and other countries engaging in slavery. It justified the enslavement of black persons in the Americas and the Caribbean Sea, labeling males—the most feared among the rebellious—“to be criminal and dangerous,” reports a study on African American criminology and criminal justice published by SAGE Publications. The figure of the black man as criminal continues its appearance in modern popular culture and the media. It is used in 2013 by law enforcement and is essential to constructing ‘profiles’ of humans by racial characteristics thought to be immutable: thus the flaws in stereotype are reflected in the number of errors occurring during the implementation of law, the patterns and practices and mistakes of law underlying the disparate impact statistics and disparate treatment narratives of the research study on racial profiling commissioned by the Bishop of the Diocese of Southern Ohio. Exhibit 1.g, above, starkly illustrates that the black male American has the highest statistical chance of going to prison at some point in life.

EXHIBIT 1.h

Complete Illiteracy

- 20%
- 16%
- 12%
- 8%
- 4%
- 0%

Adult population
Prisoners

Data from Education as Crime Prevention, OSI Criminal Justice Initiative, September 1997

“In the United States, there are well-known racial, ethnic, age, and sex differences in incarceration rates.

- Younger offenders are more likely to be sentenced to prison than are older offenders.
- Black and Hispanic rates of incarceration are six to eight times that of White offenders and males are 14 times as likely as women to be sentenced to prison.

This research explores how the combined effects of race, ethnicity, age, and sex, net of legally relevant factors, influence the decision to incarcerate. We examine these effects across nine offense categories. The analysis is based on Florida felony conviction data for the years 2000 to 2006. We find that legally relevant factors significantly influence the incarceration decision.

- Young Black males are most disadvantaged at the incarceration decision.

-Patricia Warren, College of Criminology and Criminal Justice. The Imprisonment Penalty for Young Black and Hispanic Males: A Crime-Specific Analysis. Florida State University, 634 West Call Street, Tallahassee, Florida 32306, USA.

“Driven by perception.”

Stand Your Ground Law Outcomes and Bottomlines

Is perception reality?

The FBI Supplementary Homicide Report gives a narrow definition of justifiable homicide: “If two men get into an argument, the first man attacks the second, and the second man returns deadly force — that doesn't fit the FBI's parameters. But a storeowner, who shoots a robber, does.” Twenty-one states have legislated expansion of Stand Your Ground, also called ‘castle doctrine’ which traditionally limits the laws to a person’s home. The expansions allow ‘shoot first’ in places outside the home from which a person has no duty to retreat from a perceived threat.

Perception, of course, is at the heart of the argument.
Like the perceptions described in novelist Albert Camus’ 1946 *L’Etranger*, the universal question is whether ‘perception’ is ‘reality’.

The accused Mersault’s perceptions were confused—lost in his inability to discern the difference between ‘le ciel bleu’ and ‘le ciel blanc’—his (mis)perceptions comparative to the Susan Boyle modern day ‘she looks like she can’t sing’ or the Trayvon ‘he looks like he’s up to no good’ judgment. Camus’ characterizations describe people who are the ‘slaves of habit’, which gives them a “semblance of aim and of value,” ‘semblant’ as it is called in Louisiana—‘acting like’ in Creole English patois; acting a part, i.e., as an officer of the law and “attaching importance to the banality of everyday life,” i.e., as a watchman.

A Texas A&M study “found no evidence [that Stand Your Ground] laws deterred crimes like burglaries, robberies and aggravated assaults.”

Rather, the study showed that “states that had adopted such laws saw a 7 percent to 9 percent increase in murders and manslaughters, compared to states without them.” Perception led to Mersault’s shooting of ‘the Arab’, a citizen native to Algeria country of Africa, killed in his own proto-ancestral place of ‘belonging’.

To the Frenchman Mersault’s eyesight, the Arab looked like he might slash Mersault with the knife while lying on his back on the beach, Mersault shooting the lounging from yards away, then closing the distance and shooting 4 times more.

Perception ruled the day.

After some delay in the trial, the universal guillotine was Mersault’s reward.
“Philly Closes 23 Public Schools, Generously Builds $400 Million Prison Where Kids Can Hang Instead.”

“Priorities are out of whack in Pennsylvania,” says one online news source. “Scheduled to be completed in 2015, the new prison’s cell blocks and classroom will be capable of housing almost 5,000 inmates. The youths of color disproportionately affected by school closings can just hang out there.”

- Kristen Gwynne is an associate editor and drug policy reporter at AlterNet.

The association of criminality with physical type.

Over the centuries, some ‘experts’ have promoted the notion of ‘criminal types.’ For example, the Italian, Cesare Lombroso, born in 1835 to a wealthy Jewish family, was a professor of forensic medicine and hygiene and a researcher in criminology. He developed a theory that some peoples were more “civilized” (Europe), and others more “savage” (Africa-Asia).

- His Darwinist theories incorporated notions that crime was inherited and a characteristic of human nature, that the propensity for crime could be informed by physical feature, a certain facial type, and that some human types are ‘born’ criminals.
- Using clinical and descriptive research methods that measured skull dimension, his examinations were applied to ‘gypsy’ Italians, persons of Arabia and North Africa origins.
- Lombroso never completely relinquished his belief in the existence of the born criminal type.

Source: encyclopaedia.com/topic/Cesare_Lombroso.aspx

NOTE: Life imprisonment of scores of black males relegates them to the status of ‘slave’ or one having no descendents. Slave imprisonment of males cuts off the ability for reproducing themselves which, in turn, effectively stems the flow of black population growth—a major factor for the maintenance and future perpetuation of non-black ‘majority’ status among U.S. ethnic populations. Sentencing millions of black youth in 2013 to 50+ years’ incarceration means that by 2063 the black American population will be significantly reduced.

- Does wholesale imprisonment of the young amount to generational genocide? Human rights crimes?
EXHIBIT 1.j
A Hugely Disproportional Number of Blacks and Latinos are Stopped and Frisked by the NYPD

Source: New York Civil Liberties Union

Nationwide, more than a million people—mostly black and Hispanic men—are stopped, questioned and frisked annually by police. Nearly all are innocent of any crime, according to figures from departments around the country.

Legal Background
Stop and Frisk is a practice by which a police officer who reasonably suspects a person has committed, is committing, or is about to commit a felony or a penal law misdemeanor, stops and questions that person, and, if the officer reasonably suspects he or she is in danger of physical injury, frisks the person stopped for weapons. The New York City stop-and-frisk program is a practice of City Police authorizing any police officer, who reasonably suspects a person has committed, is committing, or is about to commit a felony or penal law misdemeanor, to stop and question that person.

The rules for stop and frisk are found in New York State Criminal Procedure Law section 140.50, and are based on the decision of the United States Supreme Court in the case of Terry v. Ohio. About 684,000 people were stopped in 2011. The vast majority of these people were African-American or Latino. Residents questioned whether these stops are based on reasonable suspicion of criminal activity. According to NYPD statistics from 2002 through 2012, an average of only one in eight people stopped were accused of a crime.

In New York, a 14 August 2013 federal judge decision rendered that state’s stop-and-frisk practices violate the Constitution’s 4th and 14th Amendment rights.

As it turns out, the ruling by the Federal District Court in Manhattan, says a New York Times report, “does nothing to disrupt the Terry v. Ohio authority the Supreme Court has given police officers to target African-Americans and Latinos with little or no basis.” “But if unrestrained policing is, for Mr. Bloomberg, policing that works, it turns out that he can still have it,” says the article.
Since Columbine, repressive school environments in which young people are suspended, expelled or even arrested over minor misbehaviors — like talking back or disrupting class — that would once have been handled by the principal, have become the norm.

“By criminalizing routine disciplinary problems, they have damaged the lives of many children by making them more likely to drop out and entangling them, sometimes permanently, in the criminal justice system.

“The policies are also discriminatory: black and Hispanic children are shipped off to court more frequently than white students who commit similar infractions.

- A New York City School-Justice Partnership Task Force, led by the former chief judge of the State of New York examined disciplinary practices in the city’s 1.1 million-student system during the 2011-2012 school year.
- The findings indicate that “the overwhelming majority of school-related suspensions, summonses and arrests are for minor misbehavior, behavior that occurs on a daily basis in most schools.”
- New York City schools imposed nearly 70,000 suspensions in the 2011-2012 school year, 40 percent more than the period six years earlier.
- Of the 882 arrests during the school year studied, one in every six was for “resisting arrest” or “obstructing governmental administration,” charges for which there is often no underlying criminal behavior.
- The authorities also issued more than 1,600 summonses — tickets that require the student to appear in criminal court and that can lead to arrest for those who fail to appear.

Source: The NYTimes Editorial Board. The School-to-Prison Pipeline. May 29, 2013
“And now that more people are walking around with weapons dangling from their bodies, states have moved to make the use of those guns more justifiable.”

Making the Case: Stand Your Ground

**Tennessee v. Garner**, 471 U.S. 1 (1985). The Supreme Court of the United States held that under the Fourth Amendment, a law enforcement officer in pursuit of a fleeing suspect may use deadly force only to prevent escape if the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.

Are citizens posing as ‘community’ law enforcement officers exempt from such prohibition?

Current research has shown that the use of deadly force contributes little to the deterrence of crime or the protection of the public. On the basis of the facts found by the district court, the police officer had no reason to believe that the fleeing suspect, Garner, was armed or dangerous. The Court ordered the case to be remanded for determination of the liability of the other defendants.

“Black Americans are far less likely to be adjudicated as justified in using deadly force in a firearm-related death.”

**Source:** judiciary.senate.gov/hearings/hearing

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**2013 Senate Judiciary Committee**

*Stand Your Ground* Laws: Civil Rights and Public Safety Implications of the Expanded Use of Deadly Force” Subcommittee on the Constitution, Civil Rights and Human Rights

**DATE:** October 29, 2013  **TIME:** 10:00 AM  **ROOM:** Hart 216

**Witnesses**

- The Honorable Marcia L. Fudge
- The Honorable Luis Guierrez
- The Honorable Louie Gohmert
- Sybrina Fulton
- David LaBahn
- John R. Lott
- Lucia McBath
- Ronal Sullivan
- Ilya Shapiro
“Is American justice system color-blind? The statistics say no.”

Disparate Impact
FBI REPORT

Homicides Ruled Justified by Race 2005-2010 SYG/non SYG

Exhibits 2 and 2.a, exactly replicate the numbers/percentages data from two graphs published in the FBI Supplementary Homicide Report. Exhibits 2 and 2.a illustrate the disparities in SYG rulings of justifiable homicide during a 5-year period (2005-2010).

The FBI Supplementary Homicide Report measures the percentages of rulings by race of the perpetrator/shooter by race of the victim and Non-SYG/SYG states. For ‘all cases’, the highest percentages of ‘justified homicide’ killings appeared at the category ‘white perpetrator or shooter/black victim’—Stand Your Ground states showing the highest disparity rate (16.85%), which then doubles when a gun is involved and, for both Exhibits 2 and 2a, a white is the perpetrator/shooter and a black is the shooting victim (Exhibit 2a; 35.88%).

EXHIBIT 2  SYG and NON-SYG STATES
“Black Americans are far less likely to be adjudicated as justified in using deadly force in a firearm-related death.”

![Bar Chart](Image)

EXHIBIT 2.a  SYG and NON-SYG STATES

![Bar Chart](Image)

Source: John Roman, Ph.D. is a senior fellow in the Justice Policy Center at the Urban Institute.
- One finding of the Senate Judiciary Committee hearing, the Subcommittee on the Constitution, Civil and Human Rights is that Stand Your Ground states’ law create no racial disparities having a disparate impact against minority citizens.
- Their dismissive contention is that African-American citizens fare much better since the several enactments of Stand Your Ground laws.

**The statistics of the FBI Supplementary Homicide Report** measuring the percentages of rulings by the race of the perpetrator/shooter by race of the victim and by Non-SYG/SYG states were not included among the evidence presented.

Nonetheless, FBI Supplementary Homicide Report verifies the following:
- For ‘all cases’, the highest percentages of ‘justified homicide’ killings appeared at the category ‘white perpetrator or shooter/black victim’.
- Stand Your Ground states show the highest disparity rates (16.85%). *(Pg. 70)*
- That number doubles to 35.88% when a White is the shooter and the victim is Black. *(Pg. 70)*

“... [Stand Your Ground] laws present the potential for white suspects to receive the benefit of the doubt, and for black suspects to become subject to racial presumptions of black criminality that are deeply rooted in stereotypes that were opportunistically created generations ago for purposes of economic advantage and the control of an oppressed population.”
-Mark P. Fancher is the staff attorney for the ACLU of Michigan Racial Justice Project

**Race plays complex role in Florida’s ‘stand your ground’ law**
In 2006, Laurie Lynn Bartlett killed her boyfriend. She said he was drunk and tried to sexually assault her. She put a knife in him and got 10 years.
A year later, Ernestine Broxsie killed her ex-boyfriend. She said he "snapped" and began choking her, so she put a bullet in him. She went free.
Two similar cases with one big difference — Bartlett’s victim was white, Broxsie’s was black.
The dramatic contrast in outcomes might not have had anything to do with the victims’ race. But it reflects a reality about Florida’s controversial "stand your ground" law.
A *Tampa Bay Times* analysis of nearly 200 cases — the first to examine the role of race in "stand your ground" — found that people who killed a black person walked free 73 percent of the time, while those who killed a white person went free 59 percent of the time.
"I don’t think judges or prosecutors or whoever works in the field of criminal justice is consciously saying black life is worth less than that of other ethnicities," said Kareem Jordan, a criminologist at the University of Central Florida. "But at the end of the day, it could be something that’s subconscious going on if you look at how the media depicts black life."
-By Susan Taylor Martin, Kris Hundley and Connie Humburg, Times Staff Writers Saturday, June 2, 2012 12:00pm
Part V
At-Risk

One exceedingly important question is whether the current disparity between blacks and whites, i.e., showing at page 70, represents:

- Systematic discrimination
- Contextual discrimination
- Individual discrimination

Some argue that the proper standard is the number of persons who are "at risk" of shooting incident.

"Is American justice system color-blind? The statistics say no."

Who is ‘At-Risk’ of Stand Your Ground Disparate Impact?

THE BISHOP’S TASK FORCE REPORT

"Is Stand Your Ground unjust for certain citizen groups?” YES. 83%
Average Agreement.

- Congregations C and C-A = 85.4%.
- General Public Surveys GP and Homeless GP-A = 78.4% [*78.35% rounded off]
- Accomplished Professionals = 86.4%.

Note: Urban Youth and Campus surveys do not ask ‘SYG Unjust’ question.
“More African American men are in prison or jail, on probation or parole than were enslaved in 1850, before the Civil War began.” –Michelle Alexander.

TOTAL COUNT OF RESPONDENTS by Data Category n=2,961

Bishop’s Task Force Data

“Is Stand Your Ground unjust for certain citizen groups?” YES. 83%

n=1545 total response

These collections of data across unlike populations of Americans, n=1,545 count of non-campus respondents, recommend moral voice national action toward rescission of Stand Your Ground laws.

Part VI – The Bishop’s Task Force Results
Conclusions and Recommendations

Incarceration of a million black youth in 2013 to 50+ years’ incarceration means that by 2063 the black American population will be significantly reduced. Does wholesale imprisonment amount to genocide? Human rights crimes? Does lifelong imprisonment status instigate a “continuous loss of potential life and causes death on descendants?”

For whom is the city of Philadelphia building prisons while closing 23 schools?

Fifty years after Martin Luther King, Jr. what is the state of the American dream for black citizens of the United States?

- Most members of racial minority communities are law abiding.
- Most members want more police protection.
- Police must take different approaches within minority communities.

Source: The Police in America. Samuel Walker, University of Nebraska and Charles M. Katz, Arizona State University-West

This research report commissioned by the Bishop’s Task Force on Racial Profiling concurs.
Summary of ‘at-risk

THE BISHOP’S TASK FORCE REPORT
Racial profiling is an integral part of daily life experience.

“I know that I and my family are at risk.” “I live my life mindful of special ‘safety’ rules.” YES.

Congregations C [TEC]= 51.5% [Survey Questions #11;12: 33.8%+69.2%]
Congregation C-A = 89.3%. [Survey Questions #11; 12: 80%+98.6%]
Accomplished Professionals = 83.5% [Survey Questions #16;17: 84.6%+82.4%]
Hip-Hop Youth = 87.25% [Survey Questions #16;17; 85.2%+89.3%]
General Public Survey GP = 58.8% [Survey Questions #11;12: 44.1%+73.5%]
Homeless GP-A = 81.1%. [Survey Questions #11;12: 69.4%+92.8%]

Q. #14 TEC Survey Demographics TOTAL n=1,518
98.4% Answered question n=1,493; Skipped question n=25
74.3% White/Caucasian n=1,109
17.7% Black/African American n=264
4.6% Two or more races n=68
1.5% Hispanic American n=23
1.1% American Indian/Alaskan Native n=17
0.8% Asian/Pacific Islander n=12

TOTAL SURVEYS n = 2,961 Grand Total
Congregations Surveys
C Survey = 1,518 respondents
C-A Survey = 159 respondents
Campus
793 respondents
General Public
GP 219 respondents
GP-A 102 respondents
Urban Youth
29 respondents
Professionals
141 respondents

Moral Voice
The citations and exhibits 1 through 2.a (pages 57-68; 70 FBI report) are ancillary to the statistical data collected by the Bishop’s Task Force on Racial Profiling, pages 26-55. The FBI and the Urban Institute supplemental data on Stand Your Ground disparities at Exhibit 2 and 2.a (page 70), for example, affirm that Stand Your Ground is unjust law, an outside verdict independent of the Bishop’s data. The series of U.S. Bureau of Justice (BOJ) statistics (EXHIBITS; 1.c to 1.e; and Table C (pages 60-61), coupled with the work of other scholars like Pettit, Sykes and Western researchers (page 58), who calculate the number of children with a parent in prison, and the stunning revelation relating to privately owned for-profit juvenile detention centers—especially the ‘kids-for-cash’ judicial sentencing fraud by judges receiving kickbacks for imprisoning children for life—educate congregations and the general public concerning incarceration, racial profiling and myriad of interrelated social justice issues.
Recommendations (cont’d)

- The Bishop’s Task Force research on racial profiling recommends Moral Voice advocation and actions toward resisting racial profiling and the rescission of Stand Your Ground states’ law.

This research report on racial profiling proposes to the Bishop of the Diocese of Southern Ohio, working in partnership with the office of the Presiding Bishop of The Episcopal Church USA, the following:

- The development of communiqués to Congress urging funding for the full support of the work of the Civil Rights Division of the Department of Justice (DOJ), so that it has the resources to investigate civil rights violations by law enforcement across the nation;
- The communiqués moreover urging passage of S.1038; H.R.2851 - End Racial Profiling Act of 2013 (Originally End Racial Profiling Act of 2011) for enforcing 14th Amendment constitutional right to equal protection of law; and strengthening the Department of Justice’s “Guidance Regarding the Use of Race by Federal Law Enforcement.” (See page 46 of this report describing the federal advocacy work of the Public Policy network of TEC – The Episcopal Church’s Office of Government Relations).
- In the interest of fair, thorough and unbiased answers, this report urges Public Advocation for thorough, independent inquiry into events surrounding the death of Trayvon Martin in Sanford, Florida and supporting the work of the FBI, the Florida Department of Law Enforcement and the Department of Justice in their investigations, not only of what happened to Trayvon, but all of the other similar “shoot first” cases that have happened and will happen across our nation.
- Recommend to the Ohio General Assembly the undertaking of an Ohio statewide racial profiling study similar to the Minnesota Statewide Racial Profiling Study on sixty-five individual law enforcement jurisdictions.
- TEC adoption of R13–01 “A Resolution on the Resistance to Racial Profiling,” as amended, approved by the 139th annual convention of the Diocese of Southern Ohio. The vision is for wide ecumenical advocation by the USA Episcopal and other churches of every denomination speaking in One Great Moral Voice against the injustices and havoc of Stand Your Ground states’ law, its disparate impact on certain citizen groups.
- Moreover, this research recommends review and advocacy support for State level rescission of policies emanating from Stand your Ground laws and the War on Drugs, as described on the following pages.
Disparate Impact

Reference 1: End Racial Profiling Act of 2013 (S. 1038; H.R.2851)

113th Congress (2013-2014)
4% chance of getting past committee.
1% chance of being enacted.


Major Recorded Votes: There are no Roll Call votes for this bill

The End Racial Profiling Act 2013 is designed to enforce the constitutional right to equal protection of the laws by eliminating racial profiling through changing the policies and procedures underlying the practice.

- First, the bill provides a prohibition on racial profiling, enforceable by declaratory or injunctive relief.
- Second, the bill mandates racial profiling issues as part of Federal law enforcement training, the collection of data on all routine or spontaneous investigatory activities that is to be submitted through a standardized form to the Department of Justice.
- Third, the receipt of federal law enforcement and other funds that go to state and local governments is conditioned on state and local government adoption of effective policies that prohibit racial profiling. [Cincinnati City Council authorized passage of such policies].
- Fourth, the Justice Department is authorized to provide grants for the development and implementation of best policing practices, such as early warning systems, technology integration, and other management protocols that discourage profiling.
- The Attorney General is required to provide periodic reports to assess the nature of any ongoing discriminatory profiling practices.

Source: govtrack.us/congress/bills/113/s1038

Disparate Impact

Reference 2: “No duty to retreat?”

In July, 2013, Republican Senator John McCain joined President Barack Obama in a call for review of "Stand Your Ground" law, urging that the state legislature in his home state of Arizona consider revising their law. And on yesterday I received an email indicating that in the state of Ohio, the city of Youngstown is the most recent city to pass an anti-Stand Your Ground resolution. Thus far, in Ohio, Canton, Dayton, Cincinnati and Youngstown have all passed (some unanimously) resolutions against Stand Your Ground law. Note that the receipt of federal law enforcement and other funds that go to state and local governments is conditioned on state and local government adoption of effective policies that prohibit racial profiling. -Merelyn Bates-Mims
ACLU Editorial

“...The pertinent provision of Florida’s self-defense law provides that a person who is attacked can stand his or her ground and respond with deadly force "if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another, or to prevent the commission of a forcible felony."

- Michigan’s law likewise provides that, under proper circumstances, there is no duty to retreat, and individuals may use deadly force anywhere they have a right to be if they "honestly and reasonably" believe it is necessary to prevent imminent death, great bodily injury or sexual assault to self or others.

- What may or may not have been considered during the adoption of these laws is the fact that whether a person’s violent response to an attack was "honestly and reasonably" necessary can be purely a matter of opinion.

The subjectivity of these laws poses certain hazards, given the undeniable impact of race on the criminal justice system.

- Somehow, decisions that are made every day by police, prosecutors, judges and others about the guilt or innocence of people of African descent have resulted in their over incarceration relative to their representation in the general population.
- Specifically, the Sentencing Project reported that while in 2007 there were 412 white prisoners per 100,000 white Michigan residents, there were 2,262 black prisoners for every 100,000 black residents.
- Nationally, about 13% of the population is of African descent, but approximately 40% of U.S. prisoners are black.

Because of the criminal justice system’s racial reality, many have asked whether police would have allowed Trayvon Martin to go home if he had managed to subdue and kill George Zimmerman.

- Will a white suburban woman who kills after having been accosted by a mugger in a mall parking lot be treated in precisely the same way as a black youth with a criminal record who is forced to justifiably defend against an unprovoked drive-by shooting in Detroit?

- These laws present the potential for white suspects to receive the benefit of the doubt, and for black suspects to become subject to racial presumptions of black criminality that are deeply rooted in stereotypes that were opportunistically created generations ago for purposes of economic advantage and the control of an oppressed population.

There are still other questions begging for answers.

- Will those inclined toward vigilante justice feel more confident that the law will protect them when they inject themselves into threatening situations?

- Will police become confused as they sort through legal questions that normally don’t come up during routine arrests?"

-Mark P. Fancher is the staff attorney for the ACLU of Michigan Racial Justice Project.
“All the kids use drugs...except my African-American friends. They are afraid they might get arrested.”
–MBM Personal Conversation with a college student.

Discussion

Reference 3: The War on Drugs and state level reforms.

Florida Congressman Henry "Trey" Radel pleaded guilty to a misdemeanor charge of possession of cocaine in D.C. Superior Court on Wednesday and was sentenced to one year of probation. Radel, 37, was elected to the U.S. House of Representatives last year... -Gabriel Debenedetti WASHINGTON (Reuters)

DRUG WAR FACTS: Racial Profile and Demographic Characteristic

<table>
<thead>
<tr>
<th>Demographic Characteristic</th>
<th>Cocaine (Total)</th>
<th>Crack</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Lifetime</td>
<td>Past Year</td>
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<td>Total</td>
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<td>Age</td>
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<td>American Indian or Alaska Native</td>
<td>286</td>
<td>37</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>71</td>
<td>*</td>
</tr>
<tr>
<td>Asian</td>
<td>507</td>
<td>98</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>605</td>
<td>123</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>4,658</td>
<td>666</td>
</tr>
</tbody>
</table>

* Low precision; no estimate reported.

- See more at: http://www.drugwarfacts.org/cms/Cocaine#sthash.XoSSne1I.dpuf

CRACK COCAINE: USERS vs. ARRESTS

While African-American defendants account for roughly 80% of those arrested for crack-related offenses, public health data have found that 2/3rds of crack cocaine users are white or Hispanic.

-wikipedia.org/wiki/Fair_Sentencing_Act
Discussion

Reference 4: The Fair Sentencing Act of 2010

The Fair Sentencing Act of 2010 (Public Law 111-220) an Act of Congress, was signed into law by U.S. President Barack Obama on August 3, 2010.

The law reduced the disparity between the amount of crack cocaine and powder cocaine needed to trigger certain U.S. federal criminal penalties from a 100:1 weight ratio to an 18:1 weight ratio and eliminated the 5-year mandatory minimum sentence for simple possession of crack cocaine.

Extensive research by the United States Sentencing Commission and other experts has suggested that the differences between the effects of the two drugs are exaggerated and that the sentencing disparity is unwarranted. Further controversy surrounding the 100:1 ratio was a result of its description by some as being racially biased and contributing to a disproportionate number of African Americans being sentenced for crack cocaine offenses.

The Creation of Legal Disparity: Crack vs. powder penalties.

The Anti-Drug Abuse Act of 1986 created a disparity between federal penalties for crack cocaine and powder cocaine offenses.

- The possession of an amount of crack 100 times smaller than an amount of powder cocaine automatically led to mandatory minimum sentences and other disparities between the two forms of the drug.

Sentencing disparity and racial disparate effects

In the 3 decades prior to the passing of the Fair Sentencing Act, those who were arrested for possessing crack cocaine faced much more severe penalties than those in possession of powder cocaine.

- While a person found with 5 grams of crack cocaine faced a 5-year mandatory minimum prison sentence.
- To receive that same sentence, a person must hold 500 grams powder cocaine.
- Similarly, those carrying 10 grams of crack cocaine faced a 10-year mandatory sentence, while possession of 1,000 grams of powder cocaine was required for that same 10-year mandatory sentencing.
- The sentencing disparity between these two drug offenses is racially biased.
- In 1995, the U.S. Sentencing Commission concluded that the disparity created a "racial imbalance in federal prisons and led to more severe sentences for low-level crack dealers than for wholesale suppliers of powder cocaine.

"The sentencing disparity between crack and powder cocaine has contributed to the imprisonment of African Americans at six times the rate of whites and to the United States' position as the world's leader in incarcerations." – U.S. Senator Dick Durbin.
Lingering Effects: Discriminatory Sentencing

“As a result, thousands of people — mostly African Americans — have received disproportionately harsh prison sentences.” — U.S. Senator Dick Durbin.

Timelines

- In 2002, the United States Sentencing Commission "found that the ratio was created based upon a misperception of the dangers of crack cocaine, which had since been proven to have a less drastic effect than previously thought."
- In 2009, the U.S. Sentencing Commission introduced figures stating that no class of drug is as racially skewed as crack in terms of numbers of offenses. According to the data:
  - Of the 6,020 powder cocaine convictions, 53% were Hispanic, 17% of offenders were white; 28% were black.
  - Of the 5,669 crack cocaine convictions, 79% offenders were black, 10% were white and 10% were Hispanic.
  - A 115-month average imprisonment was imposed for crack offenses; 87 months for powder cocaine offenses.
- The sentencing disparity results in more African-Americans spending more time in the prison system.

Legal challenges: Attempts to change the disparity

Although the 100:1 federal sentencing ratio remained unchanged from 1986 to 2010, two U.S. Supreme Court cases provided lower courts with discretion in determining penalties for cocaine sentences:

- Kimbrough v. United States (2007) and Spears v. United States gave lower courts the option to set penalties and allowed judges who disagreed to depart from the statutory ratio.
- In 2009, the U.S. District Courts for the Western District of Pennsylvania, Western District of Virginia and District of Columbia used these cases to create 1:1 sentencing ratios of crack cocaine to powder cocaine.

Opposition to the Act

Some Congressmen claimed that the severe sentences for crack cocaine were justified by a high correlation between crack cocaine arrests and both violent crime and past criminal history.

Key provisions

The Fair Sentencing Act of 2010, signed into law by President Obama on August 3, 2010, amended the Controlled Substances Act and the Controlled Substances Import and Export Act:
- The new law increased the amount of a controlled substance or mixture containing a cocaine base i.e., crack cocaine, that would result in mandatory minimum prison terms for trafficking and by increasing monetary penalties for drug trafficking and for importing/exporting controlled substances.
- The 5-year mandatory minimum was also eliminated for first-time possession of crack cocaine.
- Sentencing may take account of accompanying violence, among other aggravating factors.

Monetary Impact

- The Congressional Budget Office (CBO) has estimated that implementing the Fair Sentencing Act of 2010 will reduce the prison population by 1,550 person-years over the time period from 2011–2015, creating a monetary savings of $42 million during that period.
• The CBO also estimates that the Act’s requirement for the Government Accountability Office (GAO) to conduct a report on the effectiveness of a Department of Justice (DOJ) grant program to treat nonviolent drug offenders would cost less than $500,000 from appropriated funds.

On October 15, 2010, the U.S. Sentencing Commission approved a temporary change in the sentencing guidelines:
• Congress increased the amount of crack cocaine that would trigger a 5-year mandatory minimum sentence from 5 grams to 28 grams (one ounce).
• The minimum was raised from 50 grams to 280 grams for triggering a 10-year mandatory.
• The amendment also creates harsher sentences for crack cocaine offenses involving violence or bribery of law enforcement officials.
• The Commission made the amendment permanent on June 30, 2011.

Effective November 1, 2011, the Fair Sentencing Act of 2010 applies retroactively to reduce the sentences of certain offenders already sentenced for federal crack cocaine offenses before the passage of the bill.
• However, advocates of the Fair Sentencing Act lobbied Congress to make the entire act retroactive, as “there is no scientific basis for the disparity.” Advocates argue for elimination of the sentencing disparity altogether and believe that the impact of the racial disparities in drug enforcement may be limited for several reasons.
  • First, the bill reduces without parity the ratio between crack and powder cocaine sentencing.
  • Second, the Act does not address the enforcement prerogatives of federal criminal justice agencies.
  • Third, the Act does not reduce sentences for those prosecuted under state law.
  • State prosecutions account for a vast majority of incarcerations for drug-related offenses

Source: [wikipedia.org/wiki/Fair_Sentencing_Act](https://wikipedia.org/wiki/Fair_Sentencing_Act)
Discussion

Reference 5: Criminal Justice Fact Sheet
This fact sheet may be found on the NAACP site, and is copied here [at Exuberant Eclectic website] in full to help generate greater discussion and awareness among both Americans and Canadians.

Incarceration Trends in America
- From 1980 to 2008, the number of people incarcerated in America quadrupled—from roughly 500,000 to 2.3 million people.
- Today, the US is 5% of the World population and has 25% of world prisoners.
- Combining the number of people in prison and jail with those under parole or probation supervision, 1 in every 31 adults, or 3.2 percent of the population is under some form of correctional control.

Racial Disparities in Incarceration
- African Americans now constitute nearly 1 million of the total 2.3 million incarcerated population
- African Americans are incarcerated at nearly six times the rate of whites
- Together, African American and Hispanics comprised 58% of all prisoners in 2008, even though African Americans and Hispanics make up approximately one quarter of the US population
- According to Unlocking America, if African American and Hispanics were incarcerated at the same rates of whites, today's prison and jail populations would decline by approximately 50%
- One in six black men had been incarcerated as of 2001. If current trends continue, one in three black males born today can expect to spend time in prison during his lifetime
- 1 in 100 African American women are in prison
- Nationwide, African-Americans represent 26% of juvenile arrests, 44% of youth who are detained, 46% of the youth who are judicially waived to criminal court, and 58% of the youth admitted to state prisons (Center on Juvenile and Criminal Justice).

Drug Sentencing Disparities
- About 14 million Whites and 2.6 million African Americans report using an illicit drug
- 5 times as many Whites are using drugs as African Americans, yet African Americans are sent to prison for drug offenses at 10 times the rate of Whites
- African Americans represent 12% of the total population of drug users, but 38% of those arrested for drug offenses, and 59% of those in state prison for a drug offense.
- African Americans serve virtually as much time in prison for a drug offense (58.7 months) as whites do for a violent offense (61.7 months). (Sentencing Project)

Contributing Factors
- Inner city crime prompted by social and economic isolation
- Crime/drug arrest rates: African Americans represent 12% of monthly drug users, but comprise 32% of persons arrested for drug possession
- "Get tough on crime" and "war on drugs" policies
- Mandatory minimum sentencing, especially disparities in sentencing for crack and powder cocaine possession
In 2002, blacks constituted more than 80% of the people sentenced under the federal crack cocaine laws and served substantially more time in prison for drug offenses than did whites, despite that fact that more than 2/3 of crack cocaine users in the U.S. are white or Hispanic.

- "Three Strikes"/habitual offender policies
- Zero Tolerance policies as a result of perceived problems of school violence; adverse affect on black children.
- 35% of black children grades 7-12 have been suspended or expelled at some point in their school careers compared to 20% of Hispanics and 15% of whites.

Effects of Incarceration

- Jail reduces work time of young people over the next decade by 25-30 percent when compared with arrested youths who were not incarcerated
- Jails and prisons are recognized as settings where society's infectious diseases are highly concentrated
- Prison has not been proven as a rehabilitation for behavior, as two-thirds of prisoners will reoffend

Exorbitant Cost of Incarceration: Is it Worth It?

- About $70 billion dollars are spent on corrections yearly
- Prisons and jails consume a growing portion of the nearly $200 billion we spend annually on public safety

Source: exuberanteclectic.com/2011/04/naacp-incarceration-statisticsCriminal
Title VI of the Civil Rights Act of 1964, called the ‘sleeping giant’ of civil rights law addresses a “huge array of injustices: from environmental racism to discriminatory profiling...to inequalities in transportation, housing, and education.” -The Governor’s Task Force on Racial Profiling - Wisconsin 2000

Discussion

Reference 6

Title VI of the Civil Rights Act of 1964 and the Nullification of Stand Your Ground states’ law.

Title VI of the Civil Rights Act of 1964 prevents discrimination by government agencies that receive federal funds. If an agency is found in violation of Title VI, that agency may lose its federal funding.

General

This title declares it to be the policy of the United States that discrimination on the ground of race, color, or national origin shall not occur in connection with programs and activities receiving Federal financial assistance and authorizes and directs the appropriate Federal departments and agencies to take action to carry out this policy. This title is not intended to apply to foreign assistance programs.

Section 601 – This section states the general principle that no person in the United States shall be excluded from participation in or otherwise discriminated against on the ground of race, color, or national origin under any program or activity receiving Federal financial assistance.

Section 602 directs each Federal agency administering a program of Federal financial assistance by way of grant, contract, or loan to take action pursuant to rule, regulation, or order of general applicability to effectuate the principle of section 601 in a manner consistent with the achievement of the objectives of the statute authorizing the assistance. In seeking the effect compliance with its requirements imposed under this section, an agency is authorized to terminate or to refuse to grant or to continue assistance under a program to any recipient as to whom there has been an express finding pursuant to a hearing of a failure to comply with the requirements under that program, and it may also employ any other means authorized by law. However, each agency is directed first to seek compliance with its requirements by voluntary means.

Section 603 provides that any agency action taken pursuant to section 602 shall be subject to such judicial review as would be available for similar actions by that agency on other grounds. Where the agency action consists of terminating or refusing to grant or to continue financial assistance because of a finding of a failure of the recipient to comply with the agency’s requirements imposed under section 602, and the agency action would not otherwise be subject to judicial review under existing law, judicial review shall nevertheless be available to any person aggrieved as provided in section 10 of the Administrative Procedure Act (5 U.S.C. Section 1009). The section also states explicitly that in the latter situation such agency action shall not be deemed committed to unreviewable agency discretion within the meaning of section 10. The purpose of this provision is to obviate the possible argument that although section 603 provides for review in accordance with section 10, section 10 itself has an exception for action “committed to agency discretion,” which might otherwise be carried over into section 603. It is not the purpose of this provision of section 603, however, otherwise to alter the scope of judicial review as presently provided in section 10(e) of the Administrative Procedure Act.

(Cocaine and Crack Users in the US by Race/Ethnicity, 2012)
Final Word

Quotation on Lingering Effects International
“For those who’d say the US and Canada are different, and therefore the findings of a US report on incarceration are not relevant, there are some similarities worth noting.

- The first is that the government’s commitment to building more prisons and having lengthier sentences is very much the American model...
- Also, the report’s concerns to a large extent focus on the Afro-American population, who are over-represented on a per capita basis in American prisons.
- In Canada, that’s an unenviable distinction conferred on Aboriginal people.”

Source: exuberanteclectic.com/2011/04/naacp-incarceration-statisticsCriminal

South African prison population among world’s highest
South Africa has the world’s seventh highest number of prisoners - outranking countries with up to nearly five times our population. Source: IOL News. April 26 2008 at 11:36am

Private individuals and foreigners own 80 percent. State owns 14% of South Africa land.
Johannesburg - Private individuals and foreigners own close to 80 percent of South African land, according to the latest land audit. -Source: iol.co.za/news/politics/state-owns-14-of-so-land-audit-1.1574347

KRIBI, Cameroon (Alertnet) – Forest dwellers forced off their land in southern Cameroon after it was leased to private companies have been allowed to return by the government, but many still fear for their livelihoods and the future of their homes. “Our lands have been taken away from us (and) our forest, which is our main source of living, destroyed, forcing us stay in poverty,” said Medjo Marcel, the village chief of Adjap, one of several villages affected by land takeovers. “We (still) have no right to possession,” Marcel added. “We cannot invest on the land for fear that foresters and other land grabbers may flush us out at any time.”

-Source: Thomson Reuters Foundation - Thu, 28 Mar 2013 01:33 PM Author: Elias Ntungwe Ngalame

Bibliography

1. Peter A. Lyle. Racial Profiling and the Fourth Amendment: Applying Minority Victim Perspective to Ensure Equal Protection Under the Law. Volume. 21; Issue 2; Article 2. 5-1-2001; PDF. http://www.bc.edu/dam/files/schools/law/lawreviews/journals/bctwj/21_2/02_FMS.htm
3. Richard Stiller. Broken Promises: The strange case of the Fourteenth Amendment. May 1972
5. Governor’s Task Force on Racial Profiling, Outreach to the Community. The State of Wisconsin January 2000 – November 2000
7. Florida Task Force to Examine the State’s ‘Stand Your Ground’ Law. flgov.com/citizensafety
22. The Hijacking of the Fourteenth Amendment. Doug Hammerstrom, Attorney at Law, 2002 PDF.
25. AQ Statement of Statistical Validity. Minimax Consulting, LLC was contacted by Athene Inc (AI) to analyze, and either prove/disprove the validity of results associated with the Athene Quotient (AQ). AI assessment tool supposedly measures an individual’s judgment.
26. Public Narrative: Story-Telling to Move Others to Action. A Workshop. Crafting a narrative that motivates people to action is one of the most important aspects of advocacy work.


35. Tallahassee. Jennifer Portman. Democrat senior writer. Lawyers who urged Gov. Rick Scott to appoint a special prosecutor to handle the killing of Trayvon Martin, will announce at 1 p.m. the formation of a new group that will begin collecting and analyzing data from each of Florida's 20 Judicial Circuits with respect to racial profiling as well as the broader issues of police and prosecutorial misconduct. 23 March 2012.


40. Higgins, George; Gennaro, Vito (2010). "Exploring the Influence of Race Relations and Public Safety on Public Support for Racial Profiling during Traffic Stops". International Journal of Police Science & Management. A study on the relationship between public opinion on racial profiling in conjunction with viewpoint of race relations and perceived awareness of safety. Results showed that race relations had a statistical correlation with the legitimacy of racial profiling...those who believed that racial profiling was widespread and that racial tension would never be fixed were more likely to be opposed to racial profiling than those who did not.

41. Gizzi, Michael C. Pretextual stops, vehicle searches, and crime control: An examination of strategies used on the frontline of the war on drugs. Department of Criminal Justice Sciences, Illinois State University, Normal, IL 61790 US
Appendix

U.S. Supreme Court
Beard v. United States, 158 U.S. 550 (1895)
Beard v. United States
No. 542
Submitted March 13, 1895
Decided May 27, 1895
158 U.S. 550
ERROR TO THE CIRCUIT COURT OF THE UNITED
STATES FOR THE WESTERN DISTRICT OF ARKANSAS

Syllabus
A man assailed on his own grounds, without provocation, by a person armed with a deadly weapon and apparently seeking his life is not obliged to retreat, but may stand his ground and defend himself with such means as are within his control; and so long as there is no intent on his part to kill his antagonist, and no purpose of doing anything beyond what is necessary to save his own life, is not guilty of murder or manslaughter if death results to his antagonist from a blow given him under such circumstances. The case is stated in the opinion.

MR. JUSTICE HARLAN delivered the opinion of the Court.
The plaintiff in error, a white man, and not an Indian, was indicted in the Circuit Court of the United States for the Western District of Arkansas for the crime of having killed and murdered, in the Indian country, and within that district, one Will Jones, also a white person, and not an Indian. He was found guilty of manslaughter, and, a motion for a new trial having been overruled, it was adjudged that he be imprisoned in Kings County Penitentiary at Brooklyn, New York, for the term of eight years, and pay to the United States a fine of five hundred dollars.
The record contains a bill of exceptions embodying all the evidence, as well as the charge of the court to the jury and the requests of the accused for instructions. To certain parts of the charge, and to the action of the court in refusing instructions asked by the defendant, exceptions were duly taken.
The principal question in the case arises out of those parts of the charge in which the court instructed the jury as to the principles of the law of self-defense.

There was evidence before the jury tending to establish the following facts:
An angry dispute arose between Beard and three brothers by the name of Jones -- Will Jones, John Jones, and Edward Jones -- in reference to a cow, which a few years before that time, and just after the death of his mother, was set apart to Edward. The children, being without any means for their support, were distributed among their relatives, Edward being assigned to Beard, whose wife was a sister of Mrs. Jones. Beard took him into his family upon the condition that he should have the right to control him and the cow as if the lad were one of his own children and the cow his own property. At the time Edward went to live with Beard, he was only eight or nine years of age, poorly clad, and not in good physical condition.
After remaining some years with his aunt and uncle, Edward Jones left the Beard house and determined, with the aid of his older brothers, to take the cow with him, each of them knowing that the accused objected to that's being done.
The Jones brothers, one of them taking a shotgun with him, went upon the premises of the accused for the purpose of taking the cow away whether Beard consented or not.

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But they were prevented by the accused from accomplishing that object, and he warned them not to come to his place again for such a purpose, informing them that if Edward Jones was entitled to the possession of the cow, he could have it provided his claim was successfully asserted through legal proceedings instituted by or in his behalf.

Will Jones, the oldest of the brothers, and about 20 or 21 years of age, publicly avowed his intention to get the cow away from the Beard farm or kill Beard, and of that threat the latter was informed on the day preceding that on which the fatal difficulty in question occurred.

In the afternoon of the day on which the Jones brothers were warned by Beard not again to come upon his premises for the cow unless attended by an officer of the law, and in defiance of that warning, they again went to his farm, in his absence, one of them, the deceased, being armed with a concealed deadly weapon, and attempted to take the cow away, but were prevented from doing so by Mrs. Beard, who drove it back into the lot from which it was being taken.

While the Jones brothers were on the defendant's premises in the afternoon for the purpose of taking the cow away, Beard returned to his home from a town nearby, having with him a shotgun that he was in the habit of carrying when absent from home, and went at once from his dwelling into the lot called the "orchard lot," a distance of about 50 or 60 yards from his house and near to that part of an adjoining field or lot where the cow was and in which the Jones brothers and Mrs. Beard were at the time of the difficulty.

Beard ordered the Jones brothers to leave his premises. They refused to leave. Thereupon Will Jones, who was on the opposite side of the orchard fence, ten or fifteen yards only from Beard, moved towards the latter with an angry manner and in a brisk walk, having his left hand (he being, as Beard knew, left-handed) in the left pocket of his trousers. When he got within five or six steps of Beard, the latter warned him to stop, but he did not do so. As he approached nearer the accused asked him what he intended to do, and he replied, "Damn you. I will show you," at the same time making a movement with his left hand as if to draw a pistol from his pocket, whereupon the accused struck him over the head with his gun, and knocked him down.

"Believing," the defendant testified, "from his demonstrations just mentioned that he intended to shoot me, I struck him over the head with my gun, to prevent him killing me. As soon as I struck him, his brother John, who was a few steps behind him, started towards me with his hand in his pocket. Believing that he intended to take part in the difficulty, and was also armed, I struck him, and he stopped. I then at once jumped over the fence, caught Will Jones by the lapel of the coat, turned him rather to one side, and pulled his left hand out of his pocket. He had a pistol, which I found in his pocket, grasped in his left hand, and I pulled his pistol and his left hand out together. My purpose in doing this was to disarm him, to prevent him from shooting me, as I did not know how badly he was hurt. My gun was loaded, having ten cartridges in the magazine. I could have shot him, but did not want to kill him, believing that I could knock him down with the gun and disarm him, and protect myself without shooting him. After getting his pistol, John Jones said something to me about killing him, to which I replied that I had not killed him, and did not try to do so, for if I had I could have shot him. He said my gun was not loaded. Thereupon I shot the gun in the air to show him that it was loaded."

Dr. Howard Hunt, a witness, on behalf of the government, testified that he called to see Will Jones soon after he was hurt, and found him in a serious condition; that he died from the effects of a wound given by the defendant; that the wound was across the head, rather on the right side, the skull being crushed by the blow. He saw the defendant soon after dressing the wound, and told him that the deceased's condition was serious, and that he, the witness, was sorry the occurrence had happened. The witness suggested to the accused that perhaps he had better get out of the way. The latter replied that he was sorry that it had happened, but that he acted in self-defense, and would not go away. Beard seemed
a little offended at the suggestion that he should run off, and observed to the witness that the latter
could not scare him, for he was perfectly justified in what he did. This witness further testified that he
had known the defendant four or five years, was well acquainted in the neighborhood in which he lived,
and knew his general reputation, which was that of a peaceable law-abiding man.
The account we have given of the difficulty is not in harmony in every particular with the testimony of
some of the witnesses, but it is sustained by what the accused and others testified to at the trial, so that
if the jury had found the facts to be as we have detailed them, it could not have been said that their
finding was contrary to the evidence. At any rate, it was the duty of the court to tell the jury by what
principles of law they should be guided in the event they found the facts to be as stated by the accused.
Assuming, then, that the facts were as we have represented them to be, we are to inquire whether the
court erred in its charge to the jury. In the view we take of the case, it will be necessary to refer to those
parts only of the charge relating to the law of self-defense.
The court stated at considerable length the general rules that determine whether the killing of a human
being is murder or manslaughter, and, among other things, said to the jury:
"If these boys, or young men, or whatever you may consider them, went down there and they were
there unlawfully -- if they had no right to go there -- you naturally inquire whether the defendant was
placed in such a situation as that he could kill for that reason. Of course, he could not. He could not kill
them because they were upon his place. . . . And if these young men were there in the act of
attempting the larceny of this cow and calf, and the defendant killed because of that, because his mind
was inflamed for the reason that they were seeking to do an act of that kind, that is manslaughter. That
is all it is. There is nothing else in it. That is considered so far provocative as that it reduces the grade
of the crime to manslaughter, and no further. If they had no intent to commit a larceny; if it was a bare,
naked trespass; if they were there
under a claim of right to get this cow, though they may not have had any right to it, but in good faith
they were exercising their claim of that kind, and Will Jones was killed by the defendant for that reason
-- that would be murder, because you cannot kill a man for bare trespass -- you cannot take his life for a
bare trespass -- and say the act is mitigated."
After restating the proposition that a man cannot take life because of mere fear on his part, or in order
that he may prevent the commission of a bare trespass, the court proceeded:
"Now a word further upon the proposition that I have already adverted to as to what was his duty at the
time. If that danger was real, coming from the hands of Will Jones, or it was apparent as coming from his
hands and as affecting this defendant by some overt act at the time, was the defendant called upon to
avoid that danger by getting out of the way of it if he could? The court says he was. The court tells you
that he was. The court tells you that he was. There is but one place where he need not retreat any further,
where he need not go away from the danger, and that is in his dwelling house. He may be upon his own premises, and if a man,
while so situated, and upon his own premises, can do that which would reasonably put aside the danger
short of taking life, if he can do that, I say, he is called upon to do so by retreating, by getting out of the
way if he can, by avoiding a conflict that may be about to come upon him, and the law says that he must
do so, and the fact that he is standing upon his own premises away from his own dwelling house does
not take away from him the exercise of the duty of avoiding the danger if he can with a due regard to
his own safety by getting away from there or by resorting to some other means of less violence than
those resorted to. Now the rule as applicable to a man of that kind upon his own premises -- upon his
own property, but outside of his dwelling house -- is as I have just stated."
Again:
"You are to bear in mind that the first proposition of the law of self-defense was that the defendant in
this case was in the lawful pursuit of his business -- that is to say, he was doing what he had a right to
do at the time. If he was not, he deprives himself of the right of self-defense, and no matter what his adversary may do, if he,

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by his own conduct, creates certain conditions by his own wrongful conduct, he cannot take advantage of such conditions, created by his own wrongful act or acts. . . . Again, going to the place where the person slain is, with a deadly weapon, for the purpose of provoking a difficulty or with the intent of having an affray. Now, if a man does that, he is in the wrong, and he is cut off from the right of self-defense, no matter what his adversary may do, because the law says in the very language of these propositions relating to the law of self-defense that he must avoid taking life if he can with due regard to his own safety. Whenever he can do that, he must do it. Therefore, if he has an adversary, and he knows that there is a bitter feeling -- that there is a state of feeling that may precipitate a deadly conflict -- between himself and his adversary, while he has a right to pursue his usual daily avocations that are right and proper, going about his business, to go and do what is necessary to be done in that way, yet if he knows that condition I have named to exist, and he goes to the place where the slain person is with a deadly weapon for the purpose of provoking a difficulty or with the intent of having an affray -- if it comes up, he is there to have it -- and he acts for that purpose, the law says there is no self-defense for him. . . .

If he went to the place where that young man was, armed with a deadly weapon, even if it was upon his own premises, with the purpose of provoking a difficulty with him in which he might use that deadly weapon, or of having a deadly affray with him, it does not make any difference what was done by the young man; there is no self-defense for the defendant. The law of self-defense does not apply to a case of that kind, because he cannot be the creator of a wrong -- of a wrong state of case -- and then act upon it. Now if either one of these conditions exists, I say, the law of self-defense does not apply in this case."

Later in the charge, the court recurred to the inquiry as to what the law demanded of Beard before striking the deceased with his gun, and said:

"If at the time of this killing it be true that the deceased was doing an act of apparent or real deadly violence, and that state of case existed, and yet that

the defendant at the time could have avoided the necessity of taking his life by the exercise of any other reasonable means, and he did not do that, because he did not exercise other reasonable means that would have with equal certainty saved his life, but resorted to this dernier remedy, under those facts and circumstances the law says he is guilty of manslaughter. Now let us see what that requires. It requires first that the proof must show that Will Jones was doing an act of violence or about to do it, or apparently doing it or about to do it, but that it was an act that the defendant could have escaped from by doing something else other than taking the life of Jones, by getting out of the way of that danger, as he was called upon to do, as I have already told you, for he could not stand there as he could stand in his own dwelling house, and he must have reasonably sought to avoid that danger before he took the life of Jones, and if he did not do that, if you find that to be Jones' position from this testimony, and he could have done so, but did not do it, the defendant would be guilty of manslaughter when he took the life of Jones, because in that kind of a case the law says that the conduct of Jones would be so provocative as to reduce the grade of crime. Yet at the same time, it was a state of case that the defendant could have avoided without taking his life, and because he did not do it he is guilty of the crime of manslaughter."

Further:

"If it be true that Will Jones at the time he was killed, was exercising deadly violence, or about to do so, or apparently exercising it, or apparently about to do so, and the defendant could have paralyzed the effect of that violence without taking the life of Jones, but he did not do it, but resorted to this deadly
violence, when he could have protected his own life without resorting to that dernier remedy -- if that be the state of the case -- the law says he is guilty of manslaughter, because he is doing that which he had no right to do. This great law of self-defense commands him at all times to do that which he can do under the circumstances, to-wit, exercise reasonable care to avoid the danger by getting out of the way of it, or by exercising less violence than that which will produce death, and yet will be equally effective to secure his own life. If either of these propositions exist -- and they must exist to the extent I have defined to you, and the defendant took the life of Jones under these circumstances, the defendant would be guilty of manslaughter."

We are of opinion that the charge of the court to the jury was objectionable in point of law on several grounds.

There was no evidence tending to show that Beard went from his dwelling house to the orchard fence for the purpose of provoking a difficulty, or with the intent of having an affray with the Jones brothers, or with either of them. On the contrary, from the outset of the dispute, he evinced a purpose to avoid a difficulty or an affray. He expressed his willingness to abide by the law in respect to his right to retain the cow in his possession. He warned the Jones brothers, as he had a legal right to do, against coming upon his premises for the purpose of taking the cow away. They disregarded this warning, and determined to take the law into their own hands, whatever might be the consequences of such a course. Nevertheless, when Beard came to where they were, near the orchard fence, he did nothing to provoke a difficulty, and prior to the moment when he struck Will Jones with his gun he made no demonstration that indicated any desire whatever on his part to engage in an affray, or to have an angry controversy. He only commanded them, as he had the legal right to do, to leave his premises. He neither used, nor threatened to use, force against them.

The court several times, in its charge, raised or suggested the inquiry whether Beard was in the lawful pursuit of his business -- that is, doing what he had a right to do -- when, after returning home in the afternoon, he went from his dwelling house to a part of his premises near the orchard fence, just outside of which his wife and the Jones brothers were engaged in a dispute; the former endeavoring to prevent the cow from being taken away, the latter trying to drive it off the premises. Was he not doing what he had the legal right to do, when, keeping within his own premises, and near his dwelling, he joined his wife, who was in dispute with others, one of whom, as he had been informed, had already threatened to take the cow away or kill him? We have no hesitation in answering this question in the affirmative.

The court also said: "The use of provoking language, or, it seems, resorting to any other device, in order to get another to commence an assault so as to have a pretext for taking his life, agreeing with another to fight him with a deadly weapon, either one of these cases, if they exist as the facts in this case, puts the case in such an attitude that there is no self-defense in it."

We are at a loss to understand why any such hypothetical cases were put before the jury. The jury must have supposed that, in the opinion of the court, there was evidence showing that Beard sought an opportunity to do physical harm to the Jones boys, or to some one of them. There was not the slightest foundation in the evidence for the intimation that Beard had used provoking language, or resorted to any device, in order to have a pretext to take the life of either of the brothers. Much less was there any reason to believe that there was an agreement to fight with deadly weapons.

But the court below committed an error of a more serious character when it told the jury, as in effect it did by different forms of expression, that if the accused could have saved his own life and avoided the taking of the life of Will Jones by retreating from and getting out of the way of the latter as he advanced upon him, the law made it his duty to do so, and if he did not, when it was in his power to do so without
putting his own life or body in imminent peril, he was guilty of manslaughter. The court seemed to think, if the deceased had advanced upon the accused while the latter was in his dwelling house, and under such circumstances as indicated the intention of the former to take life or inflict great bodily injury, and if, without retreating, the accused had taken the life of his assailant, having at the time reasonable grounds to believe, and in good faith believing, that his own life would be taken, or great bodily harm done him, unless he killed the accused, the case would have been one of justifiable homicide. To that proposition we give our entire assent. But we cannot agree that the accused was under any greater obligation when on his own premises, near his dwelling house, to retreat or run away from his assailant, than he would have been if attacked within his dwelling house. The accused being where he had a right to be, on his own premises, constituting a part of his residence and home at the time the deceased approached him in a threatening manner, and not having by language or by conduct provoked the deceased to assault him, the question for the jury was whether, without fleeing from his adversary, he had at the moment he struck the deceased, reasonable grounds to believe, and in good faith believing, that he could not save his life or protect himself from great bodily harm except by doing what he did, namely, strike the deceased with his gun, and thus prevent his further advance upon him. Even if the jury had been prepared to answer this question in the affirmative -- and if it had been so answered the defendant should have been acquitted -- they were instructed that the accused could not properly be acquitted on the ground of self-defense if they believed that by retreating from his adversary, by "getting out of the way," he could have avoided taking life. We cannot give our assent to this doctrine.

The application of the doctrine of "retreating to the wall" was carefully examined by the Supreme Court of Ohio in Erwin v. State, 29 Ohio St. 186, 193, 199. That was an indictment for murder; the defendant being found guilty. The trial court charged the jury that if the defendant was in the lawful pursuit of his business at the time the fatal shot was fired, and was attacked by the deceased under circumstances denoting an intention to take life or do great bodily harm, he could lawfully kill his assailant, provided he used all means "in his power" otherwise to save his own life or prevent the intended harm, "such as retreating as far as he can, or disabling his adversary without killing him, if it be in his power;" that if the attack was so sudden, fierce, and violent that a retreat would not diminish, but increase, the defendant's danger, he might kill his adversary without retreating; and, further that if from the character of the attack there was reasonable ground for the defendant to believe, and he did honestly believe, that his life was about to be taken, or he was to suffer great bodily harm, and that he believed honestly that he would be in equal danger by retreating, then, if he took the life of the assailant, he was excused. Of this charge the accused complained.

Upon a full review of the authorities and looking to the principles of the common law as expounded by writers and courts of high authority, the Supreme Court of Ohio held that the charge was erroneous, saying:
"It is true that all authorities agree that the taking of life in defense of one's person cannot be either justified or excused except on the ground of necessity, and that such necessity must be imminent at the time, and they also agree that no man can avail himself of such necessity if he brings it upon himself. The question, then, is simply this: does the law hold a man who is violently and feloniously assaulted responsible for having brought such necessity upon himself on the sole ground that he failed to fly from his assailant when he might safely have done so? The law, out of tenderness for human life and the frailties of human nature, will not permit the taking of it to repel a mere trespass, or even to save life where the assault is provoked; but a true man, who is without fault, is not obliged to fly from an assailant, who by violence or surprise maliciously seeks to take his life, or to do him enormous bodily
harm. Now under the charge below, notwithstanding the defendant may have been without fault, and, so assaulted, with the necessity of taking life to save his own upon him, still the jury could not have acquitted if they found he failed to do all in his power otherwise to save his own life, or prevent the intended harm, as retreating as far as he could, etc. In this case, we think, the law was not correctly stated."

In Runyan v. State, 57 Ind. 80, 83, which was an indictment for murder, and where the instructions of the trial court involved the present question, the court said:

"A very brief examination of the American authorities makes it evident that the ancient doctrine as to the duty of a person assailed to retreat as far as he can before he is justified in repelling force by force has been greatly modified in this country, and has with us a much narrower application than formerly. Indeed, the tendency of the American mind seems to be very strongly against the enforcement of any rule which requires a person to flee when assailed, to avoid chastisement, or even to save human life, and that tendency is well illustrated by the recent decisions of our courts bearing on the general subject of the right of self-defense. The weight of modern authority, in our judgment, establishes the doctrine that when a person, being without fault and in a place where he has a right to be, is violently assaulted, he may, without retreating, repel force by force, and if, in the reasonable exercise of his right of self-defense, his assailant is killed, he is justifiable. . . . It seems to us that the real question in the case, when it was given to the jury, was whether the defendant, under all the circumstances, was justified in the use of a deadly weapon in repelling the assault of the deceased. We mean by this did the defendant have reason to believe, and did he in fact believe, that what he did was necessary for the safety of his own life, or to protect him from great bodily harm? On that question, the law is simple and easy of solution, as has been already seen from the authorities cited above."

In East's Pleas of the Crown, the author, considering what sort of an attack it was lawful and justifiable to resist even by the death of the assailant, says:

"A man may repel force by force in defense of his person, habitation, or property against one who manifestly intendeth and endeavoreth, by violence or surprise, to commit a known felony, such as murder, rape, robbery, arson, burglary, and the like, upon either. In these cases he is not obliged to retreat, but may pursue his adversary until he has secured himself from all danger, and if he kill him in so doing, it is called justifiable self-defense, as, on the other hand, the killing by such felon of any person so lawfully defending himself will be murder. But a bare fear of any of these offenses, however well grounded -- as that another lies in wait to take away the party's life -- unaccompanied with any overt act indicative of such an intention, will not warrant in killing that other by way of prevention. There must be an actual danger at the time."

P. 271. So in Foster's Crown Cases:

"In the case of justifiable self-defense, the injured party may repel force with force in defense of his person, habitation, or property against one who manifestly intendeth and endeavoreth, with violence or surprise, to commit a known felony upon either. In these cases he is not obliged to retreat, but may pursue his adversary till he findeth himself out of danger, and if, in a conflict between them, he happeneth to kill, such killing is justifiable."

C. 3, p. 273.

In Bishop's New Criminal Law, the author, after observing that cases of mere assault and of mutual quarrel, where the attacking party has not the purpose of murder in his heart, are those to which is applied the doctrine of the books that one cannot justify the killing of another, though apparently in self-defense, unless he retreat to the wall or other interposing obstacle before resorting to this extreme right, says that:
"Where an attack is made with murderous intent, there being sufficient overt act, the person attacked is under no duty to fly. He may stand his ground, and, if need be, kill his adversary. And it is the same where the attack is with a deadly weapon, for in this case a person attacked may well assume that the other intends murder, whether he does in fact or not."

Vol. 1, § 850. The rule is thus expressed by Wharton:

"A man may repel force by force in defense of his person, habitation, or property against anyone or many who manifestly intend and endeavor to commit a known felony by violence or surprise or either. In such case he is not compelled to retreat, but may pursue his adversary until he finds himself out of danger, and if, in the conflict between them he happen to kill him, such killing is justifiable."


In our opinion, the court below erred in holding that the accused, while on his premises, outside of his dwelling house, was under a legal duty to get out of the way, if he could, of his assailant, who, according to one view of the evidence, had threatened to kill the defendant, in execution of that purpose had armed himself with a deadly weapon, with that weapon concealed upon his person went to the defendant's premises, despite the warning of the latter to keep away, and by word and act indicated his purpose to attack the accused. The defendant was where he had the right to be, when the deceased advanced upon him in a threatening manner and with a deadly weapon, and if the accused did not provoke the assault, and had at the time reasonable grounds to believe, and in good faith believed, that the deceased intended to take his life, or do him great bodily harm, he was not obliged to retreat nor to consider whether he could safely retreat, but was entitled to stand his ground and meet any attack made upon him with a deadly weapon in such way and with such force as, under all the circumstances, he at the moment, honestly believed, and had reasonable grounds to believe, were necessary to save his own life or to protect himself from great bodily injury.

As the proceedings below were not conducted in accordance with these principles, the judgment must be reversed, and the cause remanded, with directions to grant a new trial.

Other objections to the charge of the court are raised by the assignments of error, but, as the questions which they present may not arise upon another trial, they will not be now examined.

Judgment reversed.