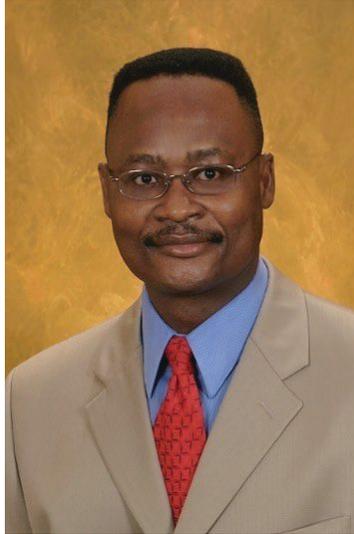


# Reality of Racial Injustice and Possible Solutions

EMMANUEL O. IHEUKWUMERE

Before the video showing the senseless and preventable death of 47-year-old African American man George Floyd at the hands of a Caucasian Minneapolis police officer stemming from a suspicion of Mr. Floyd allegedly attempting to use a \$20 counterfeit bill, and the resulting protests and marches, I had a different topic for this editorial. However, that series of events, along with multiple equally senseless and preventable deaths of other minority men and women, particularly African American men, led me to this editorial.

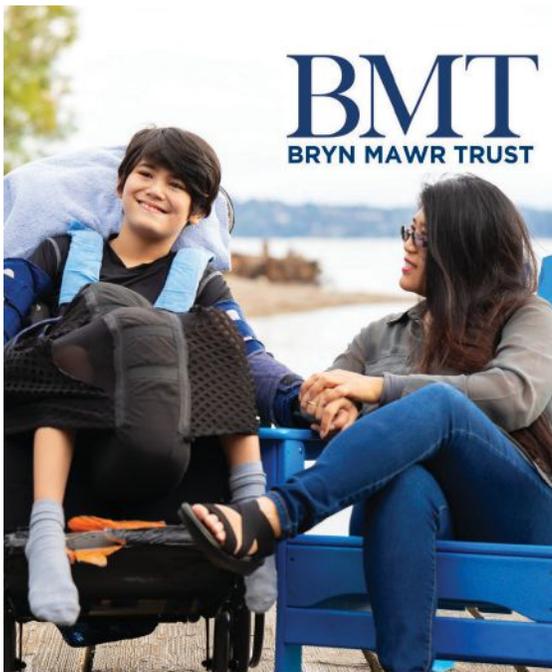
Those other killings in the past few years, in addition to Mr. Floyd's, include, among others, the police chokehold death of 43-year-old Eric Garner in July 2014 in NYC, in connection with a suspicion of Mr. Garner allegedly selling untaxed cigarettes; the police shooting death of 18-year-old Michael Brown in August 2014 in Ferguson, Missouri, in connection with Mr. Brown allegedly fitting the



warrant.

These unjustified killings, although not reflective of the behaviors of many police officers who serve honorably, is

description of a shoplifting suspect; the police shooting—within 2 seconds of arrival—and death thereof of 12-year-old Tamir Rice in November 2014 in Cleveland for reportedly shooting a toy gun not at the police, but within a park; the police-inflicted spinal cord injury resulting in the death of 25-year-old Freddie Gray in April 2015 in Baltimore, stemming from suspicion of Mr. Gray having a knife in his possession; the gunshot death of 25-year-old Ahmaud Arbery in February 2020 in Sattila Shores, Georgia by a vigilante former police-officer-and-son duo resulting from an alleged attempt by the duo to make a citizen's arrest; and the police shooting death of 26-year-old EMT Breonna Taylor in her own apartment in March 2020 in connection with the service of a no-knock



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emblematic of our society where many, including within law enforcement, condone the distorted belief that the lives, health, and dignity of minorities, in particular African American men, do not have the same value as those of their Caucasian counterparts. Before expressing surprise at this statement, keep in mind that although racism is not innate, racial injustice has been a learned and endearing legacy of our nation.

Racial injustice was a major factor in the American Civil War, in the enactment of Jim Crow laws, in numerous racially deplorable U.S. Supreme Court rulings, including *Dred Scott v. Sanford*, 60 U.S. 393 (1857), *Plessy v. Ferguson*, 163 U.S. 537 (1896), and *Korematsu v. United States*, 323 U.S. 214 (1944), and in many other policies that have had and continue to have devastating effects on our minority populations. Many professionals, including those in law and medicine, have consciously and unconsciously aided and abetted racial injustice by insisting on the status quo and through silence and indifference to the consequences of racial injustice, including refusals and unwillingness to confront and challenge negative stereotypes, and unreasonable suspicions of racial minorities, especially African Americans.

As an African American man and trial lawyer, I have had my share of judges, unfamiliar with me, assume that my junior colleagues and/or associates were lead counsel either in settlement negotiations or during jury selections. I have had, and continue to have “the talk” with my children, especially my two sons, and nephews on safe ways to navigate encounters with the police. These were, and are, discussions which most of my Caucasian colleagues probably do not have, but which I deem essential to the safety of my family members, considering many examples of minor contacts with law enforcement result in the arrests, injuries, and deaths of minorities. I have had my share of encounters with police for minor suspected traffic infractions, where young officers about the same age as my children have addressed me with a level of disrespect I doubt they would have had with my Caucasian colleagues. On one occasion, I had to calm my older son down when, in his presence, a young officer was being incredibly rude and aggressive, going as far as questioning me about the ownership of the luxury SUV I was driving, despite having in

his hands my driver’s license, vehicle registration, and certificate of insurance. So, I speak from experience as to the endearing legacy of racial stereotyping and injustice.

Complete elimination of racial injustice, in my opinion, is impossible due to our human nature, but men and women of goodwill, of every color and race, can take steps to significantly improve racial justice after first educating themselves on the trials and tribulations of minorities being judged daily on the basis of their color and not on the content of their character. Such steps could include, among others: (1) frequently donating money, time, and other resources to social justice organizations; (2) creating social justice organizations; (3) supporting adoption and implementation of community policing; (4) insisting on banning law enforcement practices such as chokeholds and neck restraints that have had, and continue to have, catastrophic impacts on the lives of people of color, particularly African American men; (5) stepping out of our comfort zones, especially by our Caucasian colleagues, to speak up and condemn racial stereotypes/insensitive racial statements by others, and reassessing and keeping in check our own conscious and unconscious racial biases; (6) making concerted efforts to know your minority colleagues, neighbors, staff, etc.; (7) practicing the golden rule, especially when tempted to make stereotypical assumptions about minorities; and (8) joining peaceful protests against racial injustice and discrimination.

As Professor Philip Aka and I pointed out in our 2001 law review article, “Title VII, Affirmative Action, and the March Toward Color-Blind Jurisprudence, Temple Political & Civil Rights Law Review,” Vol. 11.1, the Civil Rights Acts of the 1960s were made possible through the great sacrifices of men and women of all races who had the courage to fight for racial justice. The same collaboration between men and women of all races is required to effectively address the ongoing racial injustices in our society, in both the public and private spheres.

If you are not taking actions to discourage injustice because it’s not happening to you, your family members, friends, and those who look and speak like you, you are encouraging and validating such actions. You cannot be a drum major for justice by remaining

silent and indifferent in the presence of racial injustice. ■

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