



Office of Minnesota Attorney General Keith Ellison

# Racial Hierarchy in America

DATE

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AUTHORIAL SUPPORT

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Institute

# Introduction

## Protesters call for Minneapolis police chief's resignation after Amir Locke killing

Updated February 8, 2022 · 2:53 PM ET

NELL CLARK

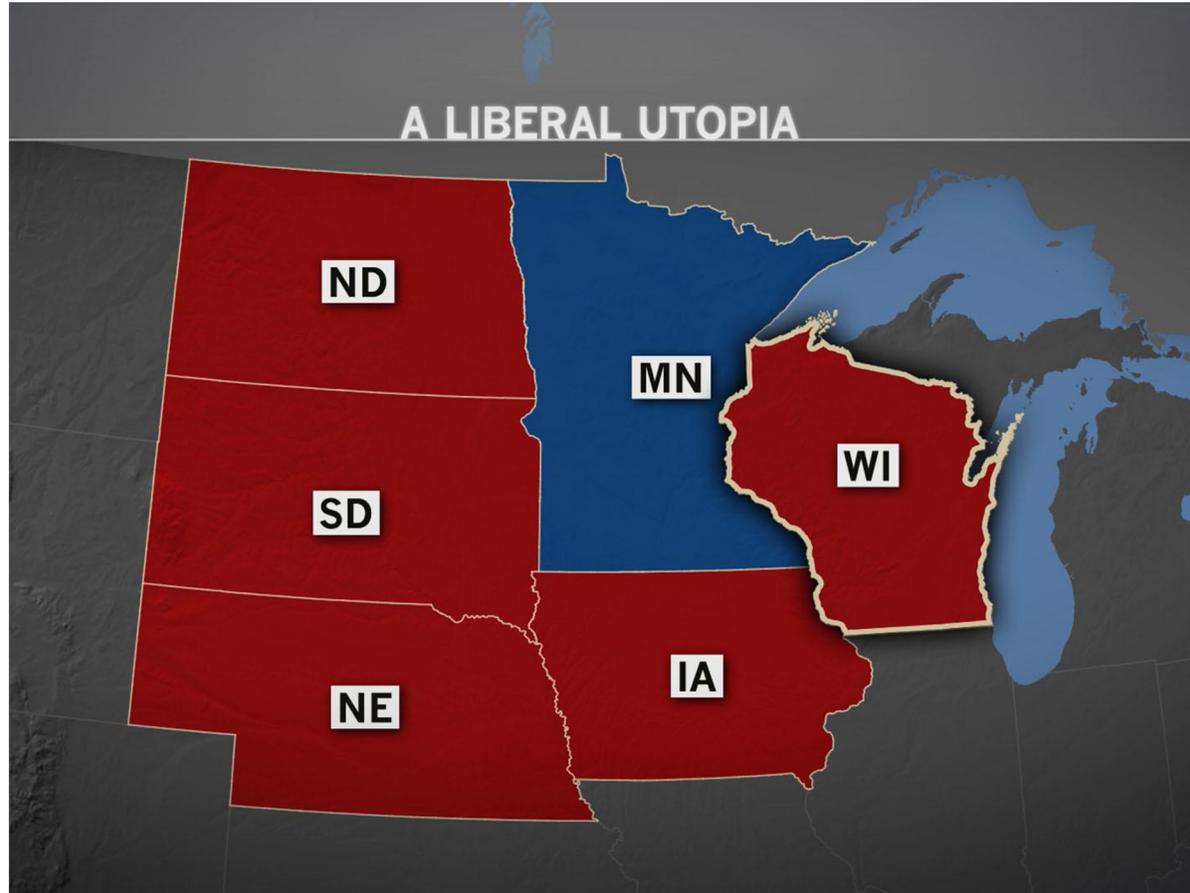
SHARON PRUITT-YOUNG



The killing of Amir Locke has brought protesters back to the streets in Minneapolis, where George Floyd was murdered by police less than two years ago.

*Nathan Howard/Getty Images*

# Minnesota

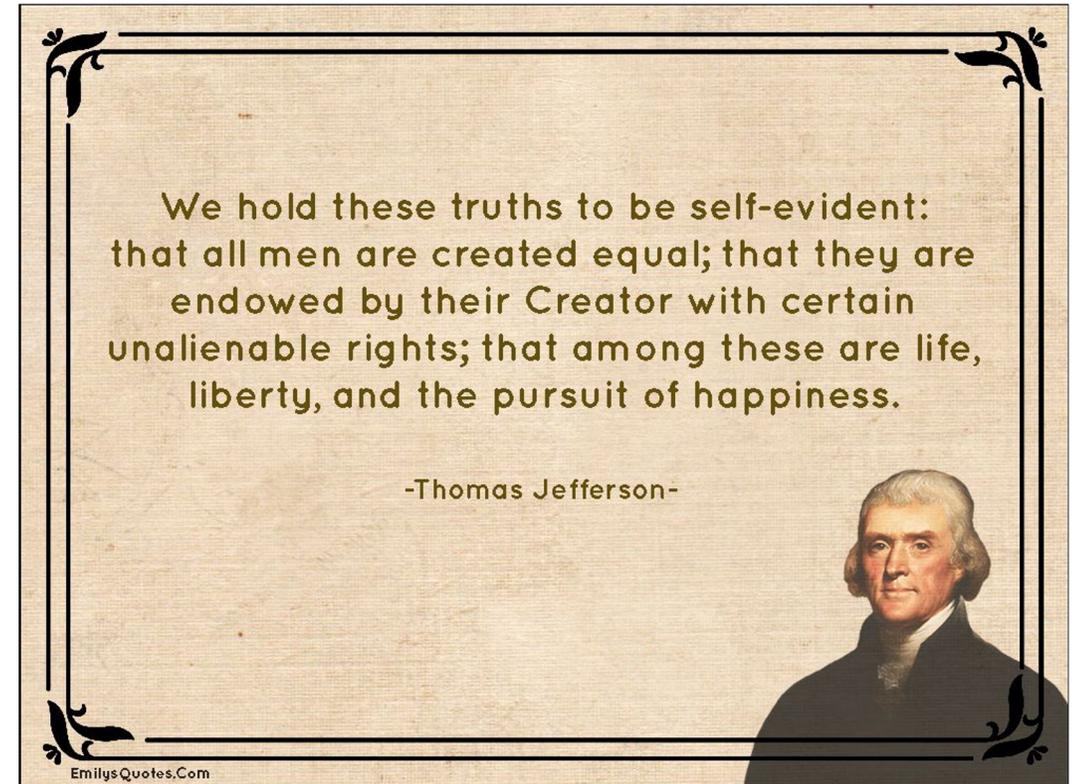


# History of Racial Hierarchy

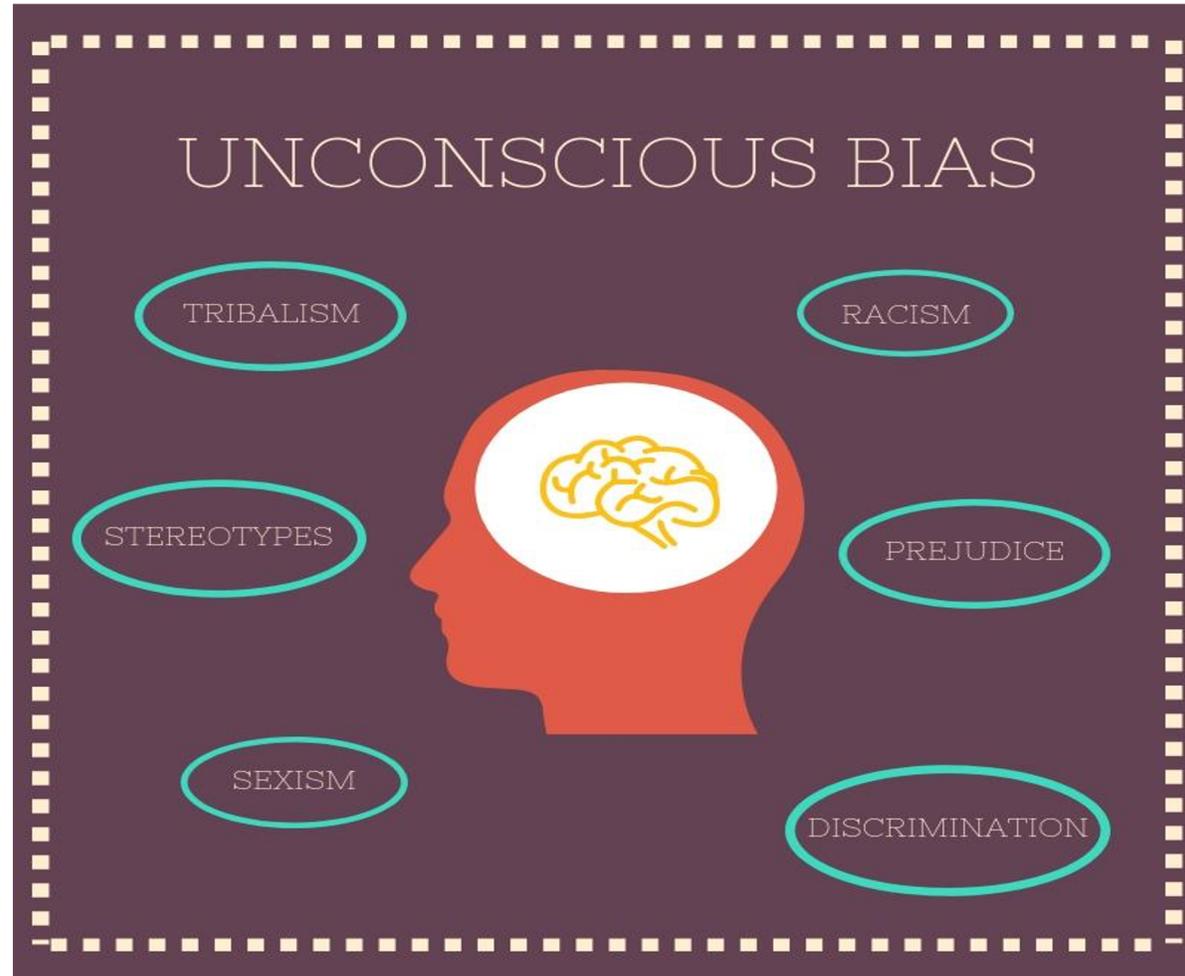
- Racial hierarchy arose from ideas of human hierarchy.
- For human hierarchy, historically this is all based on underlying assumptions of how universe was arranged – that at the top was god, bottom was insect, and that there was this gradient in between where humans existed.

# History of Racial Hierarchy

- Declaration of Independence: “we hold certain truths to be self-evident that all men are created equal” but this goes directly against the hierarchy that was being sustained in the United States at the time.
- So... the United States moves forward by insisting that all people are indeed created equal but some that some humans are not people.



# Unconscious/Implicit Bias



# Intent Standard in the Law

- Law has not caught up with systems theory & mind science with regard to intent, except in limited circumstances.
- Intent should not be required and is unnecessarily divisive.
- As we move deeper into mind science and build deeper understandings of structures, our notions around individual agency + intent will be called into question and we will need to address this discrepancy.
- To draw on, there are some examples where the intent standard is not considered a requirement...



# Example 1: *Product Liability and Strict Liability*



# Example 2: *International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*

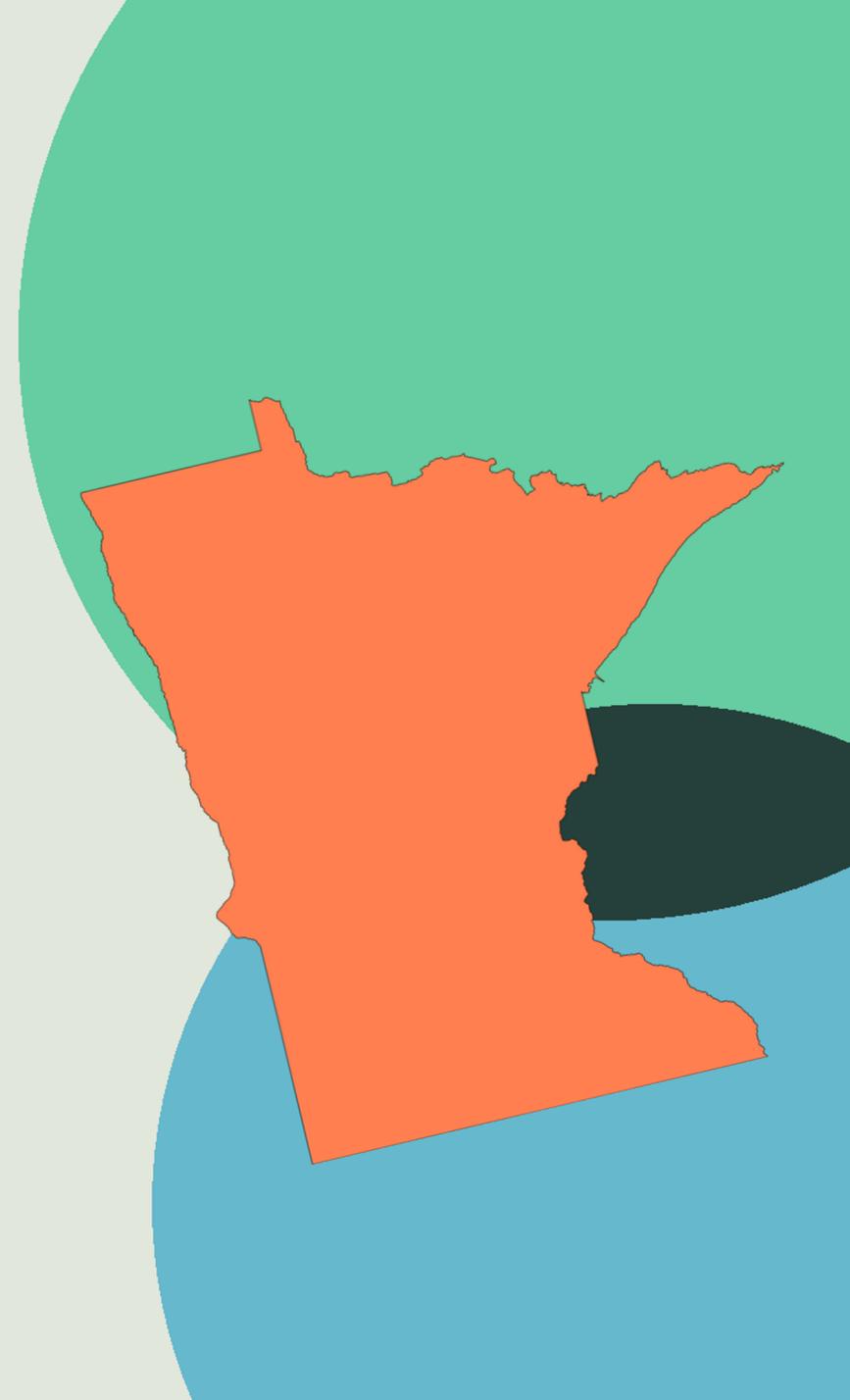


Convention on the Elimination  
of all forms of Racial  
Discrimination



# Use and Impact of Intent Standard in Minnesota

- Minnesota Human Rights Act (MHRA)
- The Twin Cities Metro Area is one of the most racially segregated urban landscapes in the country.
- *Fletcher Properties, Inc. v. City of Minneapolis* (2019)



# Case Examples

## EDUCATION



## HOUSING

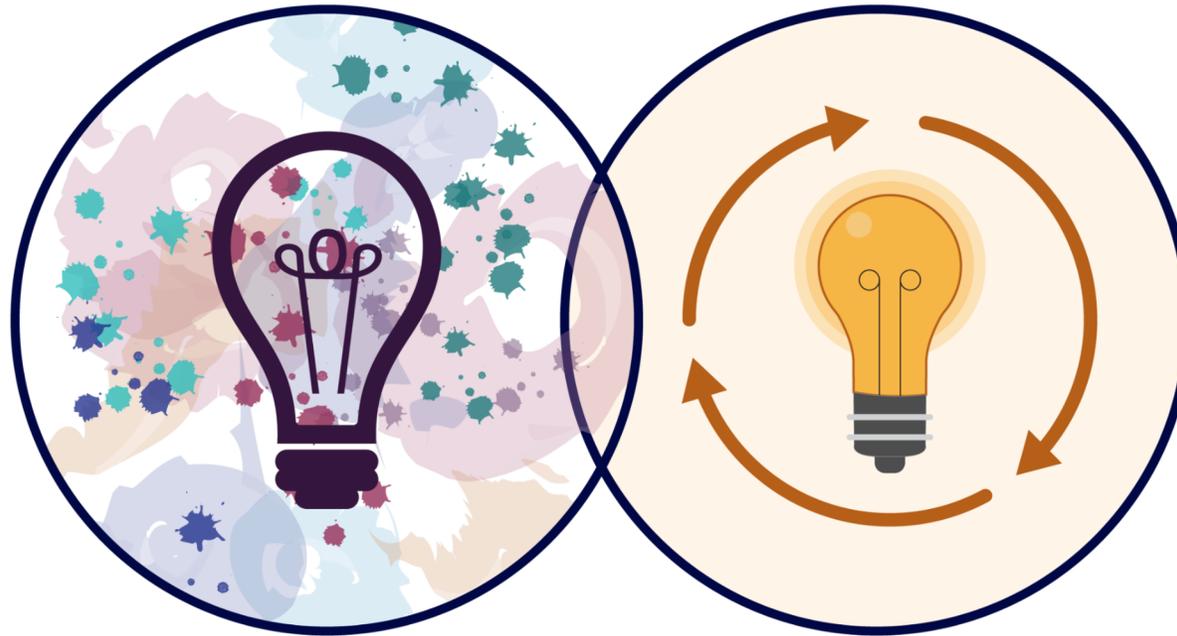


# Moving Forward

*What can attorneys do to help create a more equitable society?*

**Creativity**

**Innovation**



Thank you for your time.

# Questions?