Office of Minnesota Attorney General Keith Ellison

Racial Hierarchy in America

DATE
February 14, 2022

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AUTHORIAL SUPPORT
Othering & Belonging Institute
Introduction

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

Updated February 8, 2022 - 2:53 PM ET

NEL 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/Shutterstock
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

UNCONSCIOUS BIAS

- Tribalism
- Racism
- Stereotypes
- Prejudice
- Sexism
- Discrimination
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)*
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.

Case Examples

EDUCATION

HOUSING
Moving Forward

What can attorneys do to help create a more equitable society?
Thank you for your time.

Questions?