

**United States' Compliance with the International  
Convention on the Elimination of All Forms of Racial Discrimination**

***Racial Discrimination & Equity in the United States:  
Evidence from UICD-Spartanburg, SC***

*Shadow Report to the 10<sup>th</sup>-12<sup>th</sup> Periodic Reports of the United States  
107<sup>th</sup> Session of the Committee on the Elimination of Racial Discrimination,  
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***Racial Discrimination & Equity in the United States:  
Evidence from Spartanburg, SC  
Executive Summary***

To inform the work of the CERD Committee, this report assembles recent data from a variety of sources on the state of racial equity and discrimination experienced in Spartanburg, SC and our surrounding region.

**Address institutionalized racism & discriminatory outcomes**

1. Regarding CERD Committee Recommendation Par. 5(a): Prohibit racial discrimination in all its forms in federal and state legislation, including indirect discrimination, covering all fields of law and public life, in accordance with article 1, paragraph 1, of the Convention.

On Sunday, June 26, 2022, two white men entered Mt. Moriah Baptist Church in Spartanburg, South Carolina during church service. The men came in wearing tee-shirts which said, "I support the right to bear arms." One of the men had on a gun holster, no firearm, and the other, an ankle bracelet. The police were called. The men were asked if they were armed, and they said their weapons were in the car. They left shortly.

This incidence made the members of the church fearful, and according to Reverend Brock, and a reevaluation of their security policy.

This is an example of the terrorism that African-Americans deal with in the United States of America, especially in light of the Dylan Roof murders and other racially-motivated murders.

2. Racism is a team sport. In America racism goes beyond state lines. It is not as if these incidents of racism occur in some states and not others. As African-Americans in the United States, we do not have the luxury of traveling from one state to another and feeling that we are free of the vestiges of racism. They occur in the north, south, east and west regions of the US. The incidents are televised nationally, on the internet, social media - although seen as an injustice, they are often repeated over and over again, and in a lot of cases in very short periods of time. You cannot address racism without taking into account the genocidal aspect of it in America.
3. Dr. Martin Luther stated, "The ultimate logic of racism is genocide, and if one says that one is not good enough to have a job that is a solid quality job, if one is not good enough to have access to public accommodations, if one is not good enough to have the right to vote, if one is not good enough to live next door to him, if one is not good enough to marry his daughter because of his race. Then at that moment, that person is saying that that person who is not good to do all of this is not fit to exist or to live. And that is the ultimate logic of racism."
4. African-Americans suffer from vigilante lynching. These attacks are often perpetrated by individuals espousing a white supremacy ideology. African-Americans don't feel safe in places of worship, shopping, or in leisure. These are just an example of the experiences of Black life in the US. The events are traumatic and long lasting.
5. The U.S. government has enabled and supported a national culture that tolerates and promotes racist attitudes and practices. In addition, the U.S. government has allowed states to offer increased protections for such behaviors through formal laws such as "stand your ground" laws and protections for people who physically (and even lethally) threaten demonstrators with their vehicles and vigilante laws that encourage residents to support state enforcement of anti-abortion laws. Such laws are inherently discriminatory in that they disproportionately impact vulnerable groups, particularly African Americans.
6. The U.S. government has failed to effectively regulate digital and social media to prohibit discriminatory actions that impacts national culture and the day-to-day security of vulnerable groups, especially BIPOC communities.
7. Although the following incidents took place in locations outside our community in South Carolina, we include below descriptions of prominent attacks on African Americans and African American communities which have had deep and lasting impacts on African Americans in Spartanburg, in South Carolina and the nation. The discriminatory outcomes of a racist national culture that routinely fails to sanction violence against

African Americans is damaging to mental and physical health and safety of individuals and communities across the United States.

8. There is a national culture that routinely tolerates and even protects perpetrators of violence against African Americans. It is discriminatory in outcome and causes significant mental and physical harms to African American individuals and communities.
9. The fact that discriminatory practices by police authorities are routine, long-standing, and often go unpunished communicates the idea that Black lives don't matter. It enables discriminatory attitudes and practices to flourish, which contributes to even more violence/ domestic terrorism against African Americans and other racialized groups.
10. Where agents of the state are able to practice discrimination against a particular group, this allows and enables non-state actors to act in accordance with such discriminatory principles. This helps account for the recent spate of domestic terror against African Americans by individual U.S. citizens.
11. African-Americans deal with a triple-threat when it comes to racism. We deal with the espousal of hatred, but also; state violence from the police and vigilantism. When these instances occur, there is a concern within the Black community whether justice will be served.
12. In the United States, three-fourths of African-American people feel that they or someone they know will be the victim of a racist attack.

### **13. Domestic Terrorism**

#### 14. Ahmaud Arbery

- a. On February 23, 2020, Ahmaud Arbery, a 25-year-old black man, was murdered during a racially motivated hate crime while jogging in Satilla Shores, a neighborhood in Brunswick, Georgia. Three white men pursued Arbery in their trucks for several minutes, using the vehicles to block his path as he tried to avoid them. Two of the men, Travis McMichael and his father, Gregory McMichael, were armed and in one vehicle. Their neighbor, William "Roddie" Bryan, was in another vehicle videotaping the incident. After overtaking Arbery, Travis McMichael exited his truck and assaulted Arbery with a shotgun. As Arbery attempted to defend himself, Travis McMichael shot him three times, murdering him.
- b. **When Mr. Arbery was murdered, more than two months passed without an arrest. (Fausset)** Shortly after the shooting, the prosecutor for the Brunswick Judicial Circuit, Jackie Johnson, recused herself because Gregory McMichael had worked in her office. The case was sent to George E. Barnhill, the district attorney in Waycross, Ga., who later recused himself from the case after Mr.

Arbery's mother argued that he had a conflict because his son also worked for the Brunswick district attorney.

- c. The question of self-defense was a central one in the murder trial. Travis McMichael's lawyers argued that their client had no choice but to use force when Mr. Arbery engaged with him in a fight. The victim who ran away from the threat, he said, before being cornered and shot to death "while desperately trying to disarm his assailant, cannot be the aggressor." It was Mr. Arbery, he said, who was engaging in self-defense.
- d. Federal prosecutors shared text messages and social media posts expressing derogatory comments about Black people from the white men convicted of murdering Ahmaud Arbery. Many of the posts and messages included racial epithets, slurs, stereotypes and death threats aimed at Black people, who were often characterized as criminals.
- e. FBI intelligence analyst Amy Vaughan was called to the stand Wednesday to lead the jury through the evidence she collected that included text messages, Facebook posts, videos and memes that were shared by two of the men: Travis McMichael and William "Roddie" Bryan.

#### 15. 2022 Buffalo shooting

- a. On May 14, 2022, a mass shooting occurred in Buffalo, New York, at a Tops Friendly Markets store. Ten Black people were killed and three other people were injured. The shooter live streamed part of the attack on Twitch. The accused, identified as 18-year-old Payton S. Gendron, was taken into custody and charged with first-degree murder. He formally entered a plea of "not guilty" on May 19, 2022.
- b. Gendron wrote a manifesto, describing himself as an ethno-nationalist supporting white supremacy and motivated to commit political violence. He voiced support for the far-right "Great Replacement" conspiracy theory in the context of a "white genocide". The attack has been described as an act of domestic terrorism, and the incident is being investigated as motivated by racism.
- c. This shooting comes in the midst of a backlash against teaching students about the darker parts of American history — including the deep-seated white supremacy and racism that are woven into our nation's earliest beginnings. The goal of this reactionary movement is to wipe away this important history, or at the very least to claim that racism is a thing of the past.
- d. But tragedies like the one in Buffalo make it clear that ignoring white supremacy doesn't make it go away. Racism is alive and thriving today and its impacts are deadly. (Lieberman)

#### 16. Dylann Roof

- a. Dylann Storm Roof is an avowed American white supremacist, neo-Nazi, mass murderer, and domestic terrorist convicted for perpetrating the Charleston, South Carolina church shooting on June 17, 2015. During a Bible study at

Emanuel African Methodist Episcopal Church, Roof killed nine people, all African Americans, including senior pastor and state senator Clementa C. Pinckney, and injured one other person. He later confessed that he committed the shooting in hopes of igniting a race war. Roof's actions in Charleston have been widely described as domestic terrorism.

17. Nathan Allen

- a. Nathan Allen, 28, killed Ramona Cooper, 60, a former Air Force staff sergeant, and retired Massachusetts State Trooper David L. Green, 58. Suffolk County District Attorney Rachael Rollins, whose office is leading the investigation, said journals recovered at Allen's apartment depicted him as fueled by hate. Allen wrote in his journal, "White people are the world's apex predators." He also wrote, "Whites in the USA are waking up. FACT."

18. Jeffrey Hash, a Cumberland County Sheriff's Office deputy

- a. Jason Walker, 37, of Fayetteville, was shot to death after jumping on the hood of a truck in the middle of Bingham Drive around 2:15 p.m. on Jan. 8, 2022 according to a police press release at the time.
- b. The man who shot and killed Walker was later identified as Jeffrey Hash, a Cumberland County Sheriff's Office deputy who was off duty at the time of the fatal shooting.
- c. Fayetteville police said that some witnesses told officers who responded to the scene that Walker ran out into the road and jumped onto the hood of a red pickup truck before ripping off the windshield wiper and hitting the front window with it.
- d. The autopsy released by the medical examiner's office shows that Walker was shot four times with hollow-point bullets from a 9mm gun — once in the head, once in the heart, once in the back and once in the left thigh.
- e. Hash's attorney, Parrish Daughtry, said her defense strategy would involve self-defense, defense of others and defense of vehicles. A Campbell University Law Professor told CBS 17 there are elements one has to prove to win a self-defense claim. Those include not being the initial aggressor, avoidance and reasonable belief such force is necessary. (Zarcone et al.)
- f. A trained police officer trained in deescalation of situations saw deadly force as the only option.

19. [Buffalo killings reveal depth of white extremism](#) (Miah)

20. [Racism's Psychological and Physical Impact](#)

- a. ["Seeing a member of one's group killed engenders a feeling of threat and vulnerability."](#) said Eichstaedt, who also directs Stanford's Computational Psychology and Well-Being Lab. "People realize 'that could have been me or a member of my family.' It touches the emotional core of who we are." (De Witte)

21. [Social Media Increasingly Linked With Mass Shootings](#)

- a. "Social media has compounded a growing racial, cultural and gender divide in America and the world," explained Anthony Silard, professor at the Luiss Business School, Rome, and the author of *The Art of Living Free in the Digital Age*.

22. [Warning signs in online postings missed before recent mass shootings](#)

- a. These so-called lone wolf attacks can be among the hardest to disrupt, because suspects can very quickly cross the threshold from hateful speech online, which can have First Amendment protections, to violence. (Herridge)
- b. Within the past two years, a number of zealous Roof fans and would-be copycats have emerged, including some who have crossed the line into criminal activity: ("Hardcore White Supremacists Elevate Dylann Roof to Cult Hero Status") The killing of Black people in America by related to racism is treated not as if a human being was killed, but as a favor to society. When Dylan Roof murdered nine people, he was escorted to a restaurant for a meal upon his arrest. When the murder of Ahmaud Arbery was reported, there was no arrest, and reluctance to prosecute. The Buffalo shooting suspect, taken into custody without incidence, whereas Black people are losing their lives just for enjoying the liberties of life.
- c. When solutions about gun violence is addressed in the United States, it seems that White racists are given the benefit of some mental condition. The gun legislation will expand the background check system for prospective gun buyers under the age of 21, giving authorities up to 10 business days to examine juvenile and mental health records. It sets aside millions of dollars so states can fund intervention programs, such as mental health and drug courts, and carry out so-called red flag laws that allow authorities to temporarily confiscate guns from any person found by a judge to be too dangerous to possess them. (Kanno)

**23. RECOMMENDATION**

24. Current laws or legislation may address mental issues, but they do not address the motivation of "sane" or "mentally ill" people that are motivated by hate. There is a small percentage of people that commit these act that suffer mental issues versus those that are motivated by hatred. To use people with mental issues as scapegoats instead of stopping the proliferation of hate will not stop the killings.

25. We must shut down the avenues used to promote racist ideology.

- a. In 2021, the [Southern Poverty Law Center tracked 773](#) (Tischauer et al.) hate groups within the United States. Some of these groups have had political leaders speak at their conventions. These groups do not exist under cover, but openly.

The US government is aware of the name of the organizations, location, rallies, members and ideology.

- b. Washington Post:
  - i. [Poll: Black Americans fear more racist attacks after Buffalo shooting](#)
  - ii. Two years after George Floyd's murder, nearly 8 in 10 Black Americans say there has been little or no improvement in how police treat Black people, according to a Washington Post-Ipsos poll (Foster et al.)

## 26. Killed By the Police

- a. [Racial Profiling in America](#) (Harris et al.) Racial profiling is based on the premise that most drug offenses are committed by minorities. The premise is factually untrue, but it has nonetheless become a self-fulfilling prophecy.
- b. In 2015, The Washington Post began to log every fatal shooting by an on-duty police officer in the United States. In that time there have been more than 5,000 such shootings recorded by The Post.
  - i. [1,029 people have been shot and killed by police in the past year](#) (Fallis and Rindler)
    - 1. [Updated July 11, 2022](#)
  - ii.

27. [Police killings and their spillover effects on the mental health of black Americans](#) ("Police killings and their spillover effects on the mental health of black Americans: a population-based, quasi-experimental study")

## 28. #SAYTHEIRNAMES

- a. Highlights Black people killed by police in U.S

## 29. George Floyd, Jr.

- a. On May 25, 2020 George Floyd Jr., an African-American man was murdered by a police officer in Minneapolis, Minnesota, during an arrest after a store clerk suspected Floyd may have used a counterfeit twenty-dollar bill. Derek Chauvin, one of four police officers who arrived on the scene, knelt on Floyd's neck and back for 9 minutes and 29 seconds. After his murder, protests against police brutality, especially towards black people, quickly spread across the United States and globally. His dying words, "I can't breathe," became a rallying cry.

## 30. Breonna Taylor

- a. On March 13, 2020 Breonna Taylor, a 26-year-old African-American woman, was fatally shot in her Louisville, Kentucky, apartment, when at least seven police officers forced entry into the apartment as part of an investigation into drug dealing operations. The officers said that they announced themselves as police

before forcing entry, but Walker said he did not hear any announcement, thought the officers were intruders, and fired a warning shot at them. The shot hit an officer in the leg, and the officers fired 32 shots in return. Walker was unhurt but Taylor, who was behind Walker, was hit by six bullets and died. According to police, Taylor's home was never searched.

- b. Walker was charged with assault and attempted murder of a police officer, but the charges were dismissed with prejudice 12 months later. On September 15, the city of Louisville agreed to pay Taylor's family \$12 million and reform police practices. On September 23, a state grand jury indicted one of the officers on three counts of wanton endangerment for endangering Taylor's neighbors with his shots. On March 3, 2022, another was acquitted. On October 2, 2020, recordings from the grand jury investigation into the shooting were released. Two of the jurors released a statement saying that the grand jury was not presented with homicide charges against the officers. Several jurors have also accused Kentucky Attorney General Daniel Cameron and the police of covering up what happened.
- c. The shooting of Taylor by white police officers, and the lack of charges for her death, led to numerous protests that added to those across the United States against police brutality and racism. When a grand jury did not indict the officers for her death, further civil unrest ensued.

### 31. Jayland Walker

- a. On June 27, 2022, at approximately 12:30 a.m., Akron, Ohio police officers killed Jayland Walker, a 25-year-old African-American male from Akron, during a foot chase following a hot pursuit vehicle stop.
- b. Officers fired more than 90 bullets toward Walker. Walker was not carrying a weapon when killed, although a handgun was later located in his car. Officers allege that Walker fired one or more shots during the preceding car chase with this handgun.

### 32. Patrick Lyoya

- a. On April 4, 2022, Patrick Lyoya, a 26-year-old refugee from the Democratic Republic of the Congo, was fatally shot in the back of the head by Officer Christopher Schurr of the Grand Rapids Police Department during a scuffle between the two in Grand Rapids, Michigan, United States. After Lyoya began to flee the scene, Schurr attempted to detain him, firing a taser at Lyoya twice and missing both times, with a struggle ensuing between the individuals over the weapon. According to authorities, Lyoya had no weapons of his own in possession.

### **33. In Columbia, South Carolina - POLICE SHOOTINGS**

- a. Statewide non-profits Carolina for All (Columbia) and Racial Justice Network (Charleston) have partnered with Ubuntu Institute for Community Development for this segment of the report submitted to the National Human Rights Cities



Gathering, Washington, DC, July 19-21, 2022. We are in full support of the United Nation's using global human rights to strengthen anti-racism organizing.

1. We call for attention to the issue of numerous black subjects shot by white law enforcement officers, and some of these subjects had mental health issues. Several press conferences have been held surrounding this incident, drawing news stories from around the state.
2. In the case listed below from earlier this year in Richland Co., SC, the sheriff's dept. clearly had a history on record of the subject's mental issues, when they responded to a domestic call. He had become disturbed and his own family called for help. But one of the responding officers shot and killed him.
3. We are calling for an independent investigation into the shooting of Irvin Moorer-Charley, who was killed at his own home March 19, 2022. Charley was mentally ill. Sheriff's deputies had been to the residence before on a number of occasions. The family even had a fun cell phone photo that deputies took with Irvin. Also, a family member told authorities about his condition just before he was shot. These organizations assert that it is completely inadequate for the Richland Co. Sheriff's Department, led by last year's recipient of the National Sheriff of the Year Award, to investigate a shooting by one of its own deputies. During that brief "investigation", which took a matter of hours, the Department found no problem with the officer's handling of the incident. We agree with the State Law Enforcement Division (SLED) that an independent investigation should be conducted and we want a federal investigation into this waste of precious human life.

**4. Recommendation**

- a. Charley's family and activists want the deputy who shot Charley to be charged. This white deputy killed a mentally ill Black person unnecessarily.
- b. Furthermore, this case is a red flag for mental health advocacy, statewide and nationwide, pointing out that law enforcement agencies need to have procedures in place that require someone with special mental health training to be present on calls where a mentally ill person is involved.
- c. We understand that a new federal system is now in place where anyone can call a Suicide Prevention Hotline (988—similar to 911). The State of South Carolina has

approved temporary funding for a second crisis call center. Possibly these call centers should welcome domestic calls like the one that Irvin's family made that day, to assure that appropriate help should be sent. Or at least all law enforcement and 911 centers should have the correct protocol in place, to assure that a lack of training—and even racial prejudice—don't continue to cause the deaths of innocent people.

5. The murder of George Floyd on 25 May 2020 and the ensuing mass protests worldwide have marked a watershed in the fight against racism. In some countries, there is now broader acknowledgment of the systemic nature of the racism that affects the lives of Africans and people of African descent and of the need to address the past in order to secure future conditions of life that uphold the dignity and rights of all. It is our collective duty to address these issues – immediately and everywhere. (“A/HRC/47/53: Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers”)

### **34. Genocide**

- a. [In The Spirit of Mandela Coalition](#) (“INTERNATIONAL TRIBUNAL • Spirit of Mandela”) organized The International Tribunal on Human Rights Abuses Against Black, Brown and Indigenous Peoples was held Oct. 23-25, 2021 at The Malcolm X and Dr. Betty Shabazz Memorial and Educational Center in Washington Heights, New York City. This panel indicted the United States for genocide. The main theme of the Tribunal was “We Still Charge Genocide” in recognition of the “We Charge Genocide: The Crime of Government Against the Negro People” — a 1951 petition to the United Nations signed by dozens of notables. The 2021 indictment is against the United States of America, represented by its President, Department of State, federal and state policing agencies and other governmental institutions.
- b. We Charge Genocide (“WCG”) is a grassroots, inter-generational, volunteer effort to center the voices and experiences of the young people most targeted by police and most impacted by police violence in Chicago. The name We Charge Genocide comes from a petition submitted by the Civil Rights Congress to the United Nations in 1951, which documented 153 racial killings and other human rights abuses, mostly by the police. Today, police violence continues to afflict communities of color throughout the United States. (“We Charge Genocide”)

### 35. RECOMMENDATIONS

- a. There is a pattern across this country: unarmed people killed by the police, vigilante murder, killing of children, mass incarceration, lengthy sentences during our child bearing and family building years, drugs and weapons in communities rampant in communities with excessive gun violence. There is no territory that we can travel to and feel that it is a safe haven from racism. We fear for our children on playgrounds, in schools. We are always wary of our surroundings. This takes a mental toll on us as human beings because we feel unsafe and the government takes to no action to eliminate racism.
- b. We need a Truth and Reconciliation process in the U.S. like that required in South Africa and in other international peace accords, and like the one that Canada underwent in response to the treatment of Indigenous peoples.
- c. The U.S. government must do more to enact Article 4 of ICERD by effectively prohibiting racist propaganda and white supremacist ideology. This requires more effective regulation of digital and especially social media, support for public programming that builds a culture of tolerance and human rights, and the sanctioning of discriminatory public speech that infringes on the rights and safety of African Americans and other racialized groups.
- d. [The International Convention on the Elimination of All Forms of Racial Discrimination](#), Article 4

### 36. [Convention on the Prevention and Punishment of the Crime of Genocide](#) states:

- a. Article IV
  - i. Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals. (**“Convention on the Prevention and Punishment of the Crime of Genocide”**)

### 37. CONCLUSION

The United has a long history of racism that is tied to its inception. Since the abolition of slavery, America has dealt with a recurring problem: what to do with its Black population. This has led to lynchings, terrorism, mass incarceration, trauma, destruction of self image, etc., a myriad of issues aimed at the destruction of a people. Also, historically, the question of relocation has been addressed.

38. [In 1871, the US almost acquired the Dominican Republic. President Ulysses S. Grant hoped that 'the entire colored population of the United States' would move to the island.](#)

- a. The political climate of the United States beginning in the late 1860s was rife with questions about what was next for Black Americans. Historians told Insider that in the early 1860s, before the end of the Civil War, politicians in Washington, DC, were concerned with how white people would treat newly emancipated Black Americans. One idea that some politicians considered was urging Black Americans to move away from the mainland entirely. (Walker)

### **39. RECOMMENDATIONS**

- a. The elimination of racism in the United States requires real honesty. The question is does racism benefit someone in the society, financially or economically. Hate groups are allowed to march and hold public rallies, they advertise on the internet, and some are 501(c)(3). (“Extremist and Hate Groups May be Abusing Non-Profit Status”). Individuals are allowed to spread hatred through social media, publish manifestos, and be elected to public offices. This Hatred is not bound by income class. A great number showed up at the nation's Capitol on January 6 on the request of the POTUS. And went back to their normal lives.
- b. The Convention for the Elimination of All Forms of Racial Discrimination says “Eliminate”, not tolerate. The existence of racism/discrimination is a threat to evwryones humanity, safety and dignity. We should not allow a small group of people to use a right (the freedom of speech) that tramples on the rights of others to enjoy life.
- c. Shut down hatred in America wherever it exists. Global experiences shows that reparations to redress historic wrongs can be effective if carried out as part of a comprehensive truth-telling process. Indeed, as the UN Special Rapporteur on racism has recommended to states in her report to the UN General Assembly, “reparations for slavery and colonialism include not only justice and accountability for historic wrongs, but also the eradication of persisting structures of racial inequality, subordination and discrimination that were built under slavery and colonialism to deprive non-whites of their fundamental human rights.
- d. We therefore urge the CERD Committee to recommend the United States undertake a truth-telling process that links historic wrongs to current racial inequities and defines how reparations can address systemic inequalities. Such a process requires a two-fold commitment: first, taking active responsibility for past wrongdoing by not just acknowledging but, more importantly, forthrightly addressing histories of exclusion and violence through substantive institutional reform of governmental entities; second, committing to repair, in part, consequences of past policies—both through symbolic actions and cultural/educational work to advance collective accountability for racialized exclusions and through substantive reparations targeted to redress systemic inequalities.

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