

A Message from the CEO:

As our organization prepares to reopen next week, we must not forget that Our nation continues to be faced with a vicious and vile disease that plagues this country. Our nation's response to eliminate this disease has been at best inconsistent and at worst an atrocity of incompetence by the policy and decisionmakers of Our nation. We all know the disease from its various names and references, and we see how it manifests itself in its attack on black and brown communities. This disease, so virulent in how it spreads; so malevolent in how it destroys; so fermented in its impact, must be called out. *RACISM*.

Like the novel coronavirus, the disease of *RACISM* ravages black and brown communities. And like the coronavirus, it is dismissed by certain groups, institutions, and classes because, as long as it does not impact them, their family or their privileges, they are indifferent or in some cases (as history has shown) even derive delight in the destructive results and effects of *RACISM*.

The disease of *RACISM* has plagued Our nation from its inception. Whether people want to admit the grim truth or not, Our nation was built on the backs of people of color since the year 1619. However, those "backs" were provided not by free-will but through oppression, coercion, torture, and execution. The infectious disease of *RACISM* has since pervaded throughout this country for 400 years. This disease of the soul; this slavery, slimy, repugnant disease of the mind; this un-Godly, heretical menace to the spirit, has been used (overtly and covertly) in all manners of Our nation's growth to create all levels of atrocities to black and brown people.

The tragic and unmistakable murder of Mr. George Floyd doesn't only remind us of what black and brown people have known for 400 years concerning *RACISM*. His death reminds us that the ultimate objective of the disease of *RACISM*, which IS oftentimes neatly hidden behind or nestled away within the board rooms, admissions offices, political campaign rooms, country clubs, uniforms, titles and ranks, classrooms, financial institutions, real estate transactions, etc., is to oppress, coerce, torture and execute.

Let's reflect for one moment. How is it remotely possible for one quarter (1/4) of the people in Our nation to conclude that the murder of Mr. Floyd was an isolated incident? Do they understand that there are countless accounts of black and brown people being killed, being unjustly incarcerated, being discriminated against, being abused, black churches being burned, because of *RACISM*? Their disease of the mind, *one that they choose to be infected with*, creates their contemptible apathy.

You see, *RACISM* helps these morally corrupt people justify not helping their fellow “man” because the disease of *RACISM* warps that person’s mind to see black and brown people as less than a “man”, as less than a person, as less than a human being. This is not me pontificating over a so-called “isolated” incident as the 25 percenters may argue. No, this is an articulation made through the truth that is easily revealed from the annals of Our nation’s history.

It is instructive for us not to forget Our nation's history and the human capacity for oppression, coercion, torture, and execution. So let me provide a few historical moments that some members of Our nation have likely forgotten or in some cases, because of the fear and faults of Our educational system, may have never known.

Most of us are aware of those seminal moments in time where Our nation has taken a hard look at itself. Martin Luther King, Jr., Rosa Parks, Thurgood Marshall, Muhammad Ali, W.E.B. DuBois, Malcolm X, John Lewis (still living), Langston Hughes, Abraham Lincoln, Franklin D. (and Eleanor) Roosevelt, the Civil Rights Act of 1964, the decision in *Brown v. Board of Education*, etc., are just a few of the people and moments that represent Our fight to cure *RACISM*.

However, to understand the breadth of *RACISM* and how socially ingrained it has been for 400 years, I am reminded of other moments that many should understand.

Built into the founding documents of Our country is this notion that people of color are less than equal to white people. This foundational notion of black and brown inferiority has since coursed through Our nation’s DNA. For those that do not understand why I say this, Our nation was founded through core principles promulgated in the Constitution. Although used for political representation and taxation purposes, the language of Our Constitution in Article 1, Section 2, is quite revealing:

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, ***three-fifths of all other Persons***. (emphasis added).

In other words, enslaved Africans (slaves) were counted as three-fifths of a person. Bear in mind slavery began around 1619 in this country, and Our Constitution was ratified in 1788. It was not until 1865 that Our Constitution was amended to abolish slavery (13th Amendment for those interested). [President Lincoln had previously issued the Emancipation Proclamation in 1863.]

How could and how can black and brown people enjoy the edicts prescribed in the 1776 Declaration of Independence if black and brown people were considered three-fifths of a “Man”?

Second Paragraph of the Declaration of Independence:

We hold these truths to be self-evident, that **all men are created equal**, that they are endowed by their Creator with certain **unalienable Rights**, that among these are **Life, Liberty and the pursuit of Happiness**.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,

Most honest historians would agree that the American Civil War which began in 1861 was a result of the economic fight among Northern and Southern States ostensibly over who would control whether slavery in the respective States would be permissible. Slave owners saw slaves as property. Slave owners ("Masters") saw slaves as chattel to which they could oppress, coerce, torture, and execute to their desire. To this day, the three-fifths clause serves as a stark reminder of the foundational and institutional *RACISM*.

In 1791 (three years after the ratification of Our constitution), a free black man, Benjamin Banneker, wrote to Thomas Jefferson:

I AM fully sensible of the greatness of that freedom, which I take with you on the present occasion; a liberty which seemed to me scarcely allowable, when I reflected on that distinguished and dignified station in which you stand and **the almost general prejudice and prepossession, which is so prevalent in the world against those of my complexion**.

I suppose it is a truth too well attested to you, to need a proof here, that we are a race of beings, **who have long labored under the abuse and censure of the world; that we have long been looked upon with an eye of contempt; and that we have long been considered rather as brutish than human, and scarcely capable of mental endowments**.

Sir, I hope I may safely admit, in consequence of that report which hath reached me, that you are a man far less inflexible in sentiments of this nature, than many others; that you are measurably friendly, and well disposed towards us; and that you are willing and ready to lend your aid and assistance to our relief, from those many distresses, and numerous calamities, to which we are reduced. Now Sir, if this is founded in truth, I apprehend you will **embrace every opportunity, to eradicate that train of absurd and false ideas and opinions, which so generally prevails with respect to us**; and that your sentiments are concurrent with mine, which are, that **one universal Father hath given being to us all; and that he hath not only made us all of one flesh, but that he hath also, without partiality, afforded us all the same sensations and endowed us all with the same faculties; and that however variable we may be in society or religion, however diversified in situation or color, we are all of the same family, and stand in the same relation to him**.

Sir, if these are sentiments of which you are fully persuaded, I hope you cannot but acknowledge, **that it is the indispensable duty of those, who maintain for themselves the rights of human nature, and who possess the obligations of Christianity, to extend their power and influence to the relief of every part of the human race, from whatever burden or oppression they may unjustly labor under;** and this, I apprehend, a full conviction of the truth and obligation of these principles should lead all to. Sir, I have long been convinced, that if your love for yourselves, and for those inestimable laws, which preserved to you the rights of human nature, was founded on sincerity, **you could not but be solicitous, that every individual, of whatever rank or distinction, might with you equally enjoy the blessings thereof; neither could you rest satisfied short of the most active effusion of your exertions, in order to their promotion from any state of degradation, to which the unjustifiable cruelty and barbarism of men may have reduced them.** (emphasis added)

After Benjamin Banneker's letter, it took nearly another 75 years and a Civil War for Our nation to abolish slavery. However, this did not stop the sentiments and actions of hate. It did not stop the oppression, coercion, torture, and executions. It did not stop the disease of *RACISM*.

In 1857, just before the Civil War began, the U.S. Supreme Court issued a decision in the *Dred Scott v. Sandford* case. The U.S. Supreme Court, the highest court in the land decided, inter alia, "whether the provisions of the Constitution, in relation to the personal rights and privileges to which the citizen of a State should be entitle, embraced [included] the negro African race, at that time in this country, or who might afterwards be imported, who had then or should afterwards be made free in any State; and to put it in the power of a single State to make him a citizen of the United States, and endue him with the full rights of citizenship in every other State without their consent? Does the Constitution of the United States act upon him whenever he shall be made free under the laws of a State, and raised there to the rank of a citizen, and immediately cloth him with all the privileges of a citizen in every other State, and in its own courts?"

You see, Dred Scott and his wife, Harriet, were slaves. However, they wanted to be free (along with their children). So, they petitioned the Court for their freedom from Irene Sandford (Emerson), their "owner". The matter began in the lower courts and made it to the U.S. Supreme Court, before some of the brightest legal minds in Our nation, for a conclusion.

The U.S. Supreme Court found as follows (by a 7-2 decision in favor of Sandford):

In the opinion of the court, the legislation and histories of the times, and the language used in the Declaration of Independence, show, that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not,

were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument.

It is difficult at this day to realize the state of public opinion in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted. But the public history of every European nation displays it in a manner too plain to be mistaken.... (emphasis added)

The Court's 200-page decision, ultimately, determined that Dred Scott was not considered a citizen as conceived by the Declaration of Independence and Constitution, therefore, he had no standing to sue for his freedom (the court lacked jurisdiction). In other words, Mr. Scott was not considered a "man" in the eyes of the law and, therefore, was not entitled to the rights and privileges that other "men" within Our nation received.

Soon after the Dred Scott decision, the Civil War ensued, followed by President Abraham Lincoln issuing the Emancipation Proclamation in 1862, the 13th Amendment to the Constitution being promulgated and the Civil Rights Act in 1866 enacted (which, ironically, was vetoed by President Andrew Johnson but over-ruled by the Congress).

However, the disease of *RACISM* continued to pervade Our country like a psychotic serial-killer consumed by destructive thoughts and actions. Notwithstanding the 13th Amendment and the Civil Rights Act, the "men" of the States and local jurisdictions developed laws, schemes, and workarounds to continue to perpetuate the oppression, coercion, torture, and execution of black and brown people. What was done? They created Jim Crow laws (or "Black Codes") in various States for the next 100 years. What are Jim Crow laws? They are laws intended to keep the status quo of oppression, coercion, torture, and execution of black and brown people notwithstanding the Federal government's clear laws and declarations. For example, here were some of the laws of various States (purely driven by the disease of *RACISM* and engrained in Our society by some as "righteous" laws and principles):

- Separate schools required for white and black children;
- Penalty for intermarriage between whites and blacks was labeled a felony, punishable by imprisonment in the penitentiary from one to five years;
- Unlawful for any school or college to permit white and black persons to attend the same school. Penalty: \$50 fine, or imprisonment from 30 days to six months, or both.
- Separate buildings for black and white patients in hospitals for the insane. (That is how pernicious *RACISM* has been that politicians promulgated laws to segregate hospitalized people).

- “No freedman, free negro or mulatto, not in the military service of the United States government, and not licensed so to do by the board of police of his or her county, shall keep or carry fire-arms of any kind, or any ammunition, dirk or bowie knife, and on conviction thereof in the county court shall be punished by fine, not exceeding ten dollars, and pay the costs of such proceedings, and all such arms or ammunition shall be forfeited to the informer; and it shall be the duty of every civil and military officer to arrest any freedman, free negro, or mulatto found with any such arms or ammunition, and cause him or her to be committed to trial in default of bail.” (Essentially, no 2nd Amendment rights for black and brown people without the board of police’s consent. How do you think that process went for black and brown people back then?).
- “If any freedman, free negro, or mulatto, convicted of any of the misdemeanors provided against in this act, shall fail or refuse for the space of five days, after conviction, to pay the fine and costs imposed, such person shall be hired out by the sheriff or other officer, at public outcry, to any white person who will pay said fine and all costs, and take said convict for the shortest time.” (Effectively, legalizing slavery after "adjudicating" a black or brown person that can not pay his or her fine. How do you think that went for black and brown people?);
- “Persons of color shall not testify, except where the prosecution is against a person who is a person of color; or where the offense is charged to have been committed against the person or property of a person of color. . . .”;
- That all laws and parts of laws relating to persons lately held as slaves, or free persons of color, contrary to, or in conflict with, the provisions of this act, be and the same are hereby repealed; provided, nevertheless, that nothing herein shall be so construed as to repeal any law prohibiting the inter-marriage of the white and black races, nor to permit any other than *white men to serve on juries, hold office, vote at any election, State, county, or municipal*; Provided, further, that nothing herein contained shall be so construed as to allow them to testify, except in such cases and manner as is prescribed in the Constitution of the State...”

So, everyone knows something about *Brown v. Board of Education of Topeka* (or should know something). That was the landmark Civil Rights case argued before the U.S. Supreme Court by Thurgood Marshall, a black attorney for the NAACP (and eventually a U.S. Supreme Court justice). The Supreme Court found that the “separate but equal” doctrine was unconstitutional. That was in 1954. The “separate but equal” doctrine, however, had been around since 1896. That is, for almost

90 years, Our nation, confirmed by the highest court in the land, was driven by the idea that ethnic races should be separate. That it is an offense against humanity for one ethnic race to sit in the same area of a bus, in the same area of a train car, in the same part of a restaurant, use the same restroom, share the same classrooms, etc.

In 1896, the U.S. Supreme Court issued a decision in the *Plessy v. Ferguson* case.

Homer Plessy was set to travel in the State of Louisiana by passenger train. Mr. Plessy sat in an area that was designated for “whites only”. When Mr. Plessy refused to leave his seat after being directed by John Ferguson to go to the “black” designated cars, he was arrested and convicted for violating the Jim Crow law requiring separate cars. The Jim Crow law stated:

...[T]hat all railway companies carrying passengers in their coaches in this State, shall provide **equal but separate** accommodations for the white, and colored races, by providing two or more passenger coaches for each passenger train, or by dividing the passenger coaches by a partition so as to secure separate accommodations... (emphasis added)

Mr. Plessy sued Ferguson and the U.S. Supreme Court, eventually, heard the matter. In 1896, the Court ruled against Mr. Plessy, and found the following:

...So far, then, as a conflict with the Fourteenth Amendment is concerned, the case reduces itself to the question of **whether the statute of Louisiana is a reasonable regulation**, and concerning this, there must necessarily be a large discretion on the part of the legislature. In determining the question of reasonableness, **it is at liberty to act with reference to the established usages, customs and traditions of the people, and with a view to the promotion of their comfort, and the preservation of the public peace and good order.** Gauged by this standard, **we cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable**, or more obnoxious to the Fourteenth Amendment than the acts of Congress requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned, or the corresponding acts of state legislatures...

...While the defendant had no right to make a rule providing for an unjust discrimination, still **he would have the right, under the law, to make proper and reasonable rules for the conduct of his business**, and governing the conduct of his patrons; and whether this was a reasonable rule I will submit to you for determination. Thus, the defendant has the right to reserve certain portions of his business for ladies, and other portions for gentlemen, while he may also reserve other portions for his regular patrons or boarders. He might also, under the law, reserve certain tables for white men, and others where colored men would be served, providing there be no unjust discrimination... (emphasis added)

As you can see, the legal minds of the time validated to the people of Our nation that it is a “reasonable” measure to separate the races, as long as there are “equal” accommodations (which we all know was a farcical notion in practice). This engrained disease of *RACISM* through Jim Crow laws and habitually flawed legal reasoning and findings was not limited to matters coming from the southern States like Louisiana (Plessy) or Missouri (Scott). Even before the Plessy decision, in 1867 right after the Civil Rights Act of 1866 was enacted, there was a case out of Pennsylvania that reminds us that the northern States had Jim Crow laws as well.

West Chester and Philadelphia Railroad v. Miles was a case similar to Plessy’s but year’s ahead. Mary Miles, a black woman, was intending to travel from Philadelphia to Oxford via passenger train. She boarded the train car and proceeded to sit near the middle. According to the conductor, Ms. Miles was not sitting in the area designated for “colored” people by the Philadelphia Railroad’s rules. Ms. Miles was asked to sit in the designated area, to which she refused. As a consequence, Ms. Miles was eventually required to leave the train car.

Court surmised the following (note the subtle distinction in language through the use of “citizens” versus “inhabitants”):

“...And in 1838, the people of this Commonwealth, by an express amendment of their constitution, drew the line directly between the white citizens and the black inhabitants of the state. **It is clear, therefore, that under the constitution and laws the white and black races stand in a separate relation to each other. We find the same difference in the institutions and customs of the state.** Never has there been an intermixture of the two races, socially, religiously, civilly or politically. By uninterrupted usage the blacks live apart, visit and entertain among themselves, occupy separate places of public worship and amusement, and **fill no civil or political stations, not even sitting to decide their own causes.** In fact, there is not an institution of the state in which they have mingled ’ indiscriminately with the whites. Even the common school law provides for separate schools when their numbers are adequate. In the military service, also, they were not intermixed with the white soldiers, but were separated into companies and regiments of color, and, this not by way of disparagement, but from motives of wisdom and prudence, to avoid the antagonisms of variant and immiscible races. **Law and custom having sanctioned a separation of races, it is not the province of the judiciary to legislate it away. We cannot say there was no difference in fact, when the law and the voice of the people had said there was.** The laws of the state are found in its constitution, statutes, institutions and general customs. It is to these sources judges must resort to discover them. If they abandon these guides they pronounce their own opinions, not the laws of those whose officers they are. Following these guides, we are compelled to declare that, at the time of the alleged injury, **there was that natural, legal and customary difference between the white and black races in this state which made their separation as passengers in a public conveyance**

the subject of a sound regulation to secure order, promote comfort, preserve the peace and maintain the rights both of carriers and passengers..." (emphasis added)

As a lawyer, it pains me to read decisions like this that promote, buttress, and validate the social norms of *RACISM* throughout the history of Our nation. However, it informs us of how race, and the hate by others, has saturated Our nation to the point of being a disease of the mind, soul, and spirit of many in Our country. In my message, if nothing else, you should be, as I am, struck and sickened by the level of *RACISM* certain people within this country have displayed over the short life of Our nation. I am sickened by the death of Mr. Floyd and the deaths and victimization of other black and brown people. And, thus, I am morally compelled to remind people of Our nation's disease-plagued history, and to remind people in positions of power and influence that there is a moral duty to make decisions, laws, policies, and practices in a manner that recognizes the travesties that have been created from the long history of foundational, systemic and institutional *RACISM*.

As we think through the history of Our nation and where we are today with hate groups and race-baiting bigots, it should serve as a bull horn that *WE* must have the right people seated and operating in those board rooms, admissions offices, political campaign rooms, country clubs, uniforms, titles and ranks, classrooms, financial institutions, real estate transactions, healthcare institutions, etc. We must be placed in decision and policy-making positions to eradicate the disease of *RACISM*. And, as a Nation, all of us decent and fair-minded people must demand more from our leaders regarding fair and just treatment for every person, and we must firmly call out *RACISM* ***with the objective to eliminate this disease of the soul of our society*** like any other viral contagion.

Senghor Manns
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