United States, Initial Report to the Committee on the Elimination of Racial Discrimination (September 2000).

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Introduction

The Government of the United States of America welcomes the opportunity to report to the Committee on the Elimination of Racial Discrimination on the legislative, judicial, administrative and other measures giving effect to its undertakings under the Convention on the Elimination of All Forms of Racial Discrimination, in accordance with Article 9 thereof. The form and content of this report follow the General Guidelines adopted by the Committee in July 1993 (CERD/C/70/Rev.3).

This report has been prepared by the U.S. Department of State with extensive assistance from the White House, the Civil Rights Division of the U.S. Department of Justice, the Equal Employment Opportunity Commission, and other departments, agencies and entities of the United States Government most closely concerned with the issues addressed by the Convention. Contributions were also solicited and received from interested members of the many non-governmental organizations and other public interest groups active in the area of civil rights, civil liberties and human rights in the United States. The report covers the situation in the United States through August 2000 and constitutes the initial report to the Committee.

The United States ratified the Convention on the Elimination of All Forms of Racial Discrimination in October 1994, and the Convention entered into force for the United States on November 20, 1994. In its instrument of ratification, which was deposited with the Secretary General of the United Nations pursuant to Article 17(2) of the Convention, the United States conditioned its ratification upon several reservations, understandings and declarations. These are set forth at Annex I and discussed at the relevant portions of this report.

Since June 17, 1997, the Federal government has been engaged in a major review of domestic race issues. On that date, the President established an "Initiative on Race" and authorized creation of a seven-member Advisory Board to examine issues of race, racism and racial reconciliation and to make recommendations on how to build a more united America for the 21st Century. Executive Order No. 13050, 62 Fed. Reg. 32987 (June 17, 1997). The Advisory Board submitted its report to the President on September 18, 1998. Based on its recommendations, the Administration is proceeding to formulate specific proposals and plans for action. A copy of the Initiative's final report and a chart-book prepared for the President's Initiative by the Council of Economic Advisers entitled "Changing America: Indicators of Social and Economic Well Being by Race and Hispanic Origin" (September 1998) are available at the White House web site: http//:www.whitehouse.gov.

Since 1992, the United States has also been a party to the International Covenant on Civil and Political Rights, some provisions of which have wider application than those of the Convention on the Elimination of All Forms of Racial Discrimination. The initial U.S. Report under the Covenant, which provides general information, was submitted to the Human Rights Committee in July 1994 (HRI/CORE/I/Add.49 and CCPR/C/81/Add.4) http://www.state.gov. The United States also ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at the same time as it ratified the Convention on the Elimination of All Forms of Racial Discrimination. The initial U.S. Report under the Convention Against Torture was submitted to the Committee Against

Torture in September 1999. . .

Prior to ratifying the Convention on the Elimination of All Forms of Racial Discrimination, the United States Government undertook a careful study of the requirements of the Convention in light of existing domestic law and policy. That study concluded that U.S. laws, policies and government institutions are fully consistent with the provisions of the Convention accepted by the United States. Racial discrimination by public authorities is prohibited throughout the United States, and the principle of non-discrimination is central to governmental policy throughout the country. The legal system provides strong protections against and remedies for discrimination on the basis of race, color, ethnicity or national origin by both public and private actors. These laws and policies have the genuine support of the overwhelming majority of the people of the United States, who share a common commitment to the values of justice, equality, and respect for the individual.

The United States has struggled to overcome the legacies of racism, ethnic intolerance and destructive Native American policies, and has made much progress in the past half century. Nonetheless, issues relating to race, ethnicity and national origin continue to play a negative role in American society. Racial discrimination persists against various groups, despite the progress made through the enactment of major civil rights legislation beginning in the 1860s and 1960s. The path towards true racial equality has been uneven, and substantial barriers must still be overcome.

Therefore, even though U.S. law is in conformity with the obligations assumed by the United States under the treaty, American society has not yet fully achieved the Convention's goals. Additional steps must be taken to promote the important principles embodied in its text. In this vein, the United States welcomed the visit of the UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance during the fall of 1994 and took note of the report of his findings (E/CN.4/1995/78/Add.1, dated 16 January 1995). In November 1997, the White House convened an unprecedented Hate Crimes Conference to formulate effective responses to the increasing number of violent crimes motivated by racial and ethnic sentiments. The President's Initiative on Race, the establishment of the White House Office on the President's Initiative for One America, and the preparation of this report constitute important parts of that effort. Indeed, in confronting issues of race every day, the American public is engaged in an ongoing dialogue to determine how best to resolve racial and ethnic tensions that persist in U.S. society.

Reflecting the multi-ethnic, multi-racial and multi-cultural nature of America today, the private sector plays an important role in combating racism in the United States, through activities and programs conducted by such non-governmental groups ("NGOs") as the American-Arab Anti-Discrimination Committee, the American Civil Liberties Union (ACLU), Amnesty International, the Anti-Defamation League, the Asian American Legal Defense and Education Fund, B'nai Brith, the Cuban-American National Council, Human Rights Watch, Indigenous Environmental Network, the Japanese American Citizens League, the Lawyers Committee for Human Rights, the Lawyers' Committee on Employment Rights, the League of United Latin-American Citizens, the Mexican-American Legal Defense and Education Fund (MALDEF), the National Asian Pacific American Legal Consortium, the National Association for the Advancement of Colored People (NAACP), the NAACP Legal Defense and Education Fund, the National Conference for Community and Justice, the National Council of La Raza, the National Congress of American Indians, the National Urban League, the Native American Rights Foundation, Na Koa Ikaika, the Organization of Chinese Americans, the Southern

Organizing Committee, the Southern Poverty Law Center, and the Southwest Network for Economic and Environmental Justice, among many others. NGOs played a vital role in the Civil Rights Movement, have been actively involved in the President's Initiative on Race, and continue to be instrumental in working towards full achievement of the purposes of this Convention. Information about the activities of these and many other civil rights NGOs can be obtained through the Leadership Conference on Civil Rights, a coalition of organizations dedicated to promoting civil and human rights in the United States http://www.civilrights.org.

As a functioning, multi-racial democracy, the United States seeks to enforce the established rights of individuals to protection against discrimination based upon race, color, national origin, religion, gender, age, disability status, and citizenship status in virtually every aspect of social and economic life. Federal law prohibits discrimination in the areas of education, employment, public accommodation, transportation, voting, and housing and mortgage credit access, as well as in the military and in programs receiving federal financial assistance. The Federal government has established a wide-ranging set of enforcement procedures to administer these laws, with the U.S. Department of Justice exercising a major coordination and leadership role on most critical enforcement issues. State and local governments have complementary legislation and enforcement mechanisms to further these goals.

At both the federal and state levels, the United States has developed a broad range of legal and regulatory provisions and administrative systems to protect and to promote respect for civil rights. Enforcement agencies have worked diligently over the last three decades to improve enforcement of these rights and to promote education, training and technical assistance. In addition, over the years, the U.S. Congress has significantly strengthened the enforcement provisions of some of the civil rights statutes. The Federal government remains committed to providing full, prompt, and effective administration of these laws.

This commitment to eliminating racial discrimination began with the Emancipation Proclamation (effective on January 1, 1863), which freed the slaves in the Confederacy (the region comprised of the southern states which attempted to secede from the Union), and with the end of the American Civil War (1861-65). Since that time, American society has sought to create ever more effective means to address and resolve racial and ethnic differences without violence. Indeed, the amendments to the United States Constitution enacted at the war's conclusion, the Thirteenth Amendment (ending slavery), the Fourteenth Amendment (guaranteeing equal protection of the laws and due process of law), and the Fifteenth Amendment (guaranteeing Black [note 1] citizens the right to vote), directly addressed questions of racial discrimination. The laws enacted in the Reconstruction Era, immediately following the Civil War, also addressed the rights of minorities. Unfortunately, however, these laws did not succeed in changing attitudes born of generations of discrimination, and through restrictive interpretation and non-application, they were largely ineffective. Moreover, the U.S. Supreme Court invalidated federal authority to protect Blacks and others from state-sponsored discrimination. As a result, through the first half of the 20th Century, racial discrimination and segregation was required by law (*de jure*) in many of our country's southern states in such key areas as education, housing, employment, transportation, and public accommodations. Discrimination and segregation was a common practice (*de facto*) in most other portions of the country. In addition, though the Fifteenth Amendment guaranteed that the "right of citizens of the United States to vote shall not be abridged by the United States or by any state on account of race, color, or previous condition of servitude," many southern states enacted laws that were seemingly neutral, but were designed and implemented in a way to

deny Black citizens the opportunity to participate in elections.

Prior to the middle of the 20th Century, there were no laws to address other forms of racial discrimination, such as discriminatory provisions in U.S. immigration law and policy. After the U.S. acquisition of California in 1848, there arose a need for cheap labor, and Chinese immigrants flocked to the western United States to work on the rapidly developing railroads. Anti-Asian prejudice and the competition that Chinese immigrants provided to American workers led to anti-Chinese riots in San Francisco in 1877, and then to the Chinese Exclusion Act of 1882. The Act banned all Chinese immigration for ten years, and it was extended until 1924 when a new immigration law prohibited all Asian immigration to the United States. Several years later, law and policy toward Asian immigrants was again changed, extending citizenship rights to those already in the United States and establishing a quota for immigrants from various countries. The quota was abolished in 1965.

With regard to Native Americans, the United States has historically recognized Native American tribes as self-governing political communities that pre-date the U.S. Constitution. From 1778 until 1871, the United States entered into numerous treaties with Indian tribes, which recognized tribal self-government, reserved tribal lands as "permanent homes" for Indian tribes, and pledged Federal protection for the tribes. Yet, the United States engaged in a series of Indian wars in the 19th Century, which resulted in significant loss of life and lands among Indian tribes. In the 1880s, over the protests of Indian leaders, including Sitting Bull and Lone Wolf, the United States embarked on a policy of distributing tribal community lands to individual Indians in an attempt to "assimilate" Indians into the agrarian culture of our Nation. This "Allotment Policy" resulted in a loss of almost 100 million acres of Indian lands from the 1880s until 1934, when President Franklin D. Roosevelt ended the policy with the enactment of the Indian Reorganization Act in 1934. This Act was intended to encourage Indian tribes to revitalize tribal self-government, so that Indian tribes might use their own lands and resources to provide a sustainable economy for their people. This policy of respect for Native American and Alaska Native tribes and cultures acknowledges tribal self-government and promotes tribal economic self-sufficiency.

In 1941, Franklin D. Roosevelt issued an Executive Order prohibiting discrimination on the basis of race, color, creed or national origin in the war industries or Federal government. However, the U.S. armed forces continued to operate racially segregated combat units until 1948. During World War II, persons of Japanese, German, and Italian ancestry suffered blatant forms of discrimination, justified on grounds of military necessity. Thousands of U.S. citizens, the majority of whom were ethnically Japanese, were "relocated" to internment camps throughout the western United States. This policy was held lawful by the U.S. Supreme Court in *Korematsu v. United States*, 321 U.S. 760 (1944). In recent years, however, the United States has recognized the wrongfulness of this policy and made lump sum payments to Japanese Americans who were detained in accordance with this policy, or to their survivors.

Following World War II, a combination of grass roots civic action and critical decisions by the Executive and Judicial branches of the Federal government set the stage for strategies for overcoming the legacy of slavery. In 1948, the U.S. Supreme Court banned the use of racially restrictive covenants that limited the sale of housing to members of racial or religious minorities. *Shelly v. Kramer*, 334 U.S. 1 (1948). In the same year, President Truman issued an Executive Order requiring equality of treatment for all persons in the U.S. Armed Forces. In 1954, the Supreme Court rendered its landmark decision in *Brown*

v. Board of Education of Topeka, 347 U.S. 483 (1954), banning state-sponsored racial segregation in public education and creating the foundation for the emergence of the contemporary civil rights movements.

During the past forty years there has been a steady stream of legislation at the federal, state and local levels creating remedies for individuals affected by racial discrimination. Some of the most significant pieces of federal civil rights legislation include: the Civil Rights Act of 1964, which outlawed discrimination in public accommodations, employment, and education; the Voting Rights Act of 1965, which prohibited voting discrimination and thus brought Blacks from southern states into the political process, and which continues to protect all racial and language minorities throughout the nation from discrimination in the political process; and the 1968 Fair Housing Act which eliminated discrimination in housing and mortgage lending. Executive Orders issued by Presidents through the years have supplemented this catalog of protections by specifically requiring non-discrimination in a vast range of public programs. Similarly, the Immigration Act of 1965 repealed restrictions on the permanent entry of Asians and made family reunification, not race or national origin, the cornerstone of U.S. immigration policy.

In each of the areas covered by this Convention, the American people can point with pride at the great strides towards equality made over the past half-century. However, despite these enormous accomplishments, much remains to be done to eliminate racial discrimination altogether. While the scourge of officially-sanctioned segregation has been eliminated, *de facto* segregation and persistent racial discrimination continue to exist. The forms of discriminatory practices have changed and adapted over time, but racial and ethnic discrimination continues to restrict and limit equal opportunity in the United States. For many, the true extent of contemporary racism remains clouded by ignorance as well as differences of perception. Recent surveys indicate that, while most Whites do not believe there is much discrimination today in American society, most minorities see the opposite in their life experiences.

Indeed, in recent years the national conscience has been sharply reminded of the challenges to eradicating racism by such notorious incidents as the 1991 beating of Rodney King by two Los Angeles police officers; the death of Amadou Diallo in New York; the burning of Black churches, synagogues and mosques; the brutal murder of James Byrd, Jr., in Texas; the shootings at a Jewish cultural center in Los Angeles, and the pattern of discrimination revealed in civil rights litigation against the Denny's Restaurant chain and the Adams Mark Hotel. Further, heightened awareness and discussion of racial issues have led some to call on Americans to reexamine our history and to consider making reparations in some form to Blacks for past slavery. These and other issues have prompted vigorous debate in schools, media and government over issues of race.

No country or society is completely free of racism, discrimination or ethnocentrism. None can claim to have achieved complete success in the protection and promotion of human rights, and, therefore, all should welcome open dialogue and constructive criticism. As a society, the United States continues to search for the best means to eliminate all forms of racial, ethnic and religious discrimination through the mechanisms available within a pluralistic, federal system of government.

The United States has long been a vigorous supporter of the international campaign against racism and racial discrimination. Indeed, the United States will play an active role in the upcoming World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001. Toward that end, the United States is engaged in a domestic

preparatory process that will invite the involvement of state and local government officials as well as academia and civil society.

The last half-century of progress has provided the United States with a useful perspective from which to offer insights to other countries with diverse and growing minority populations. By the same token, the people and government of the United States can learn from the experiences of others. The United States looks forward to a constructive dialogue with the members of the Committee.

PART II - IMPLEMENTATION OF SPECIFIC ARTICLES

Since its Civil War, the United States has worked to develop the proper configuration of constitutional, statutory and voluntary cooperation to transform race relations from conditions of political and economic domination by the White, landed gentry to legal and actual parity for all U.S. residents. Because the relevant laws derive from specific historical and social circumstances over a lengthy period, they have taken shape in a manner which does not directly parallel the specific articles of the Convention. Moreover, some aspects of this body of law, and of the national political structure, caused the United States to condition its adherence to the Convention on a few precisely crafted reservations, understandings and declarations. Given these facts, it is useful to preface the discussion of the specific articles with the following background information.

A. Prohibition of Racial Discrimination

Existing U.S. Constitutional and statutory law and practice provide strong and effective protections against discrimination on the basis of race, color, ethnicity or national origin in all fields of public endeavor and provide remedies for anyone who, despite these protections, becomes a victim of discriminatory acts or practices anywhere within the United States or subject to its jurisdiction. Especially since the landmark 1954 decision of the U.S. Supreme Court in *Brown v. Board of Education*, the notion of racial equality has been fundamental to the Constitutional and statutory law of the United States.

2. Federal Legislation

Since the Civil War, Congress has adopted a number of statutes designed to supplement and expand upon the prohibitions of the Thirteenth, Fourteenth and Fifteenth Amendments in an effort to eliminate racial discrimination in a broad range of governmental, economic and social activity.

(a) *The 1866 and 1871 Civil Rights Acts*. These post-Civil War, Reconstruction Era statutes prohibit racial discrimination in both the civil and criminal arenas. As codified at 42 U.S.C. sec. 1981-85, racial discrimination is prohibited in the making and enforcement of private contracts, including employment, education, health care and recreational facilities (sec. 1981) and in the inheritance, purchase, sale or lease of real and personal property (sec. 1982). They also create a cause of action for civil damages against anyone who under "color of law" subjects another to unlawful discrimination (sec. 1983), as well as those who conspire to deprive individuals of their federally secured rights (sec. 1985). Similar prohibitions apply in the criminal context, including the prohibition against conspiracies (public or private) to "injure, oppress, threaten or intimidate" any person in the exercise of any Constitutional or other federally protected right (18 U.S.C. sec. 241); and against the willful deprivation of rights under "color of law" (18 U.S.C. sec. 242) (used most frequently to prosecute law enforcement officials for acts of excessive force).

With its review of *The Slaughter-House Cases*, 83 U.S. (16 Wall.) 36, in 1873 the U.S. Supreme Court had its first opportunity to examine the scope of the Reconstruction amendments to the U.S. Constitution, and thereby establish the extent of the Federal government's authority to legislate in the area of civil rights. In rejecting a Thirteenth and Fourteenth Amendment challenge to a Louisiana statute granting a monopoly to engage in the slaughterhouse business in New Orleans, the Court concluded that neither the Thirteenth Amendment nor the privileges and immunities or due process clauses of the Fourteenth Amendment could be interpreted to create a prohibition against discrimination by the States against groups of their citizens. Such a reading, the Court held, would "radically [change] the whole theory of the relations of the State and Federal governments to each other and both of these governments of the people."

The Supreme Court's opinion in the *Slaughter-House Cases* substantially slowed the momentum to provide federal civil rights protections during the Reconstruction Era. Based on the Court's reasoning, numerous statutes enacted for the protection of the newly freed slaves were invalidated. This judicial dismantling of Reconstruction Era legislation was accompanied by a collapse in the political coalition behind the Reconstruction movement. The result was a hodge-podge of state civil rights protections, many of which were either weak, non-existent, or rarely enforced. It was not until the mid-twentieth century and the passage of the Civil Rights Act of 1964, when strong, comprehensive federal protection for civil rights was established.

(b) *The Civil Rights Act of 1964*. Often described as the most important civil rights legislation in U.S. law, this statute prohibits discriminatory acts involving public accommodation (Title II), education (Title IV), federally-funded programs (Title VI) and employment (Title VII). This legislation has been repeatedly amended in the years since 1964. See, e.g., Pub.L. 102-166 (1991) (establishing the burden of proof in Title VII

disparate impact cases, prohibiting the discriminatory use of test scores, refining the definition of an unlawful business practice, and extending coverage to U.S.-controlled foreign corporations); Pub.L. 92-261, sec. 2(2) (1972) (extending the statute to state and local government employers, eliminating the exemption for the employment of individuals engaged in the educational activities of non-religious educational institutions, and extending its coverage to applicants for employment or membership in organizations); see also Glass Ceiling Act, Pub.L.102-166, Title II (1991) (establishing a commission to study issues related to the under-representation of women and minorities in management and decision-making positions in business).

(i) Title II of the Act, codified at 42 U.S.C. sec. 2000a, prohibits discrimination on the basis of "race, color, religion or national origin" in places of "public accommodation," which are defined to include establishments affecting commerce that are hotels, motels and other lodging, restaurants and other places serving food, theaters, concert halls, sports stadiums and other places of entertainment or exhibition and gasoline stations.

(ii) Title IV, codified at 42 U.S.C. sec. 2000c *et seq*., provides for the orderly desegregation of public schools and for non-discriminatory admissions to public colleges and universities.

(iii) Title VI, codified at 42 U.S.C. sec. 2000d et seq., provides that no person in the United States shall be excluded from participation in, or denied the benefits of, any federally-funded or assisted program or activity on account of race, color or national origin. This provision has had a particularly salutary effect in the continuing efforts to eliminate *de jure* school and housing segregation.

(iv) Title VII, codified at 42 U.S.C. sec. 2000e *et seq*., is the primary federal statute addressing discrimination in employment. Subject to certain exceptions, it prohibits discrimination on the basis of, *inter alia*, race, color and national origin in hiring, compensation, conditions of employment and dismissals by employers (defined as those that employ more than fifteen employees), labor organizations and employment agencies affecting commerce. In addition, employers are prohibited from engaging in intentional discrimination on the basis of race by 42 U.S.C. section 1981. Complaints under Title VII are initially filed with the Equal Employment Opportunity Commission. Those complaints filed against state or local government employers can be referred to the Department of Justice for enforcement in federal court. In 1991, Congress amended Title VII to provide additional remedies for intentional discrimination in the workplace.

(c) *The Voting Rights Act of 1965*. Among the most fundamental rights in any democratic system is the right to participate freely in the government of one's country without discrimination on the basis of race, color or national origin. In the United States, the Fifteenth Amendment, ratified in 1870, prohibits denial or abridgement of the right to vote on account of race, color or previous condition of servitude. While in the northern, non-slave-holding states, Blacks frequently (but not uniformly) were already enfranchised, the Fifteenth Amendment and legislation adopted at that time to enforce it did not lead to the permanent enfranchisement of Blacks in the former slave-holding states. In response to the Fifteenth Amendment, many states, through a combination of physical and economic coercion and through the use of state legal systems, almost totally excluded Blacks from the political process in several southern states by the end of the 19th century. Through the work of civil rights activists such as Martin Luther King, Jr., the NAACP Legal Defense Fund and others, a nation-wide political movement created a sea-change in the country by the

middle of the 20th Century.

As a result, through a series of lawsuits decided by the Supreme Court of the United States, Civil Rights Acts enacted by the United States Congress in 1957, 1960, and 1964, and especially the Voting Rights Act of 1965, Blacks and other racial and ethnic minorities have gained the right to vote free from racial discrimination in every part of the United States.

The Voting Rights Act has been extended or strengthened by Congress on several occasions (1970, 1975, 1982, and 1992) and has been interpreted or amended to protect all racial or ethnic minority groups, including language minorities. The Act authorizes the United States Attorney General and private parties to bring lawsuits in federal court to enforce the Fifteenth Amendment to ensure that minority voters are afforded an equal opportunity to elect their candidates of choice to state, local, and federal office. The Act also bans the use of literacy tests and other tests and devices which had been applied in a discriminatory manner to disqualify eligible minority applicants from being able to register to vote. In addition to general provisions banning discriminatory practices that apply to the entire nation, the Act has specialized mechanisms that apply to areas of the country with the most severe history of discrimination against Blacks. This part of the Act requires federal pre-approval for any proposed changes in voting laws and practices to prevent the implementation of new discriminatory laws and practices; authorization of federal observers to monitor elections to assure that minority voters are permitted to vote free from discrimination or intimidation, and that their votes are actually counted; and the provision of bilingual voting information and assistance is required in certain areas of the country.

(d) *The Fair Housing Act*. This statute, originally enacted as Title VIII of the Civil Rights Act of 1968 and amended by the Fair Housing Amendments Act of 1988, is codified at 42 U.S.C. sec. 3601-19. It prohibits discrimination on the grounds, *inter alia*, of race, color, religion, or national origin in the sale or rental of housing as well as in other real estate related transactions (i.e., lending, insurance, and appraisal practices) and brokerage services. Exceptions are provided for private clubs, single family dwellings and owner-occupied boarding houses with no more than three other family units, except when the owner uses the services of real estate brokers or others. It also includes a criminal provision, 42 U.S.C. sec. 3631, which makes it a federal crime for any person to use force or the threat of force willfully to injure, intimidate, or interfere with, or attempt to injure, intimidate or interfere with any person because of his or her race, color, religion, sex or handicap, and because he or she is exercising federally protected housing rights. This statute is used, for example, to prosecute cross-burnings and other racially-motivated threats and violence directed at people in their homes.

(e) *Civil Rights Act of 1968*. One of the statutes promulgated under this Act was 18 U.S.C. sec. 245, a criminal statute which, *inter alia*, prohibits any person from using force or willful threats to injure, intimidate, or interfere with, or attempt to injure, intimidate or interfere with any person because of his or her race, color, religion or national origin, and because he or she is engaging in certain federally protected rights, including rights related to education, employment, and the use of public facilities and establishments which serve the public.

(f) *Protection of Religious Property*. Passed in 1988, and amended in 1996, 18 U.S.C. section 247 makes it a crime to deface, damage or destroy religious property because of the race, color, or ethnic characteristics of any individual associated with that property. This statute has been used, for example, to prosecute racially-motivated church arson, and the

painting of anti-Semitic graffiti on and within a Jewish synagogue.

(g) *American Indian Religious Freedom Act, 42 U.S.C. sec. 1996*. Enacted in 1978, then amended in 1996, this Act resolves that it shall be the policy of the United States to protect and preserve for the American Indian, Eskimo, Aleut and Native Hawaiian the inherent right to freedom to believe, express and exercise their traditional religions, including, *inter alia*, access to religious sites, use and possession of sacred objects and freedom to worship through ceremonial and traditional rites. Federal agencies are directed to evaluate their policies and procedures to determine if changes are needed to ensure that such rights and freedoms are not disrupted by agency practices. The courts have interpreted this act to require that the views of Indian leaders be obtained and considered when a proposed land use might conflict with traditional Indian religious beliefs or practices, and that unnecessary interference with Indian religious practices be avoided during project implementation.

(h) *Protection of Traditional Rights in American Samoa, 48 U.S.C. sec. 1661(a)*. In 1929 the Congress accepted and ratified the cessions of Tutuila and Aunu'u (1900) and Manu'a (1904) by the islands' traditional leaders and thereby confirmed that the Federal government would "respect and protect the individual rights of all people dwelling in Tutuila and Aunu'u to their lands and other property" and "no[t] discriminat[e] in the suffrages and political privileges between the present residents of said Islands [Manu'a] and citizens of the United States dwelling therein, and also [recognize] . . . the rights of . . . all people concerning their property according to their customs."

(i) Equal Credit Opportunity Act, 15 U.S.C. sec. 1691 et seq. The Equal Credit Opportunity Act makes it unlawful for any creditor to discriminate in a credit transaction on the basis of race, color, religion, national origin, sex, marital status, age, or source of income (e.g., public benefits). Enforcement has focused on all aspects of the lending process from marketing to underwriting and pricing. For example, in 1997 the U.S. Department of Justice filed and settled a case alleging that Albank of New York engaged in so-called "redlining" by refusing to take mortgage loans from areas with significant minority populations. The settlement included an agreement by the bank to provide $55 million dollars at below market rates to previously redlined areas. Cases have been brought on behalf of Blacks, Hispanics, Native Americans, women and the elderly both in major metropolitan areas such as Boston and Los Angeles and in less populated areas such as Mississippi and South Dakota.

(j) *Violent Crime Control and Law Enforcement Act of 1994*. The Violent Crime Control and Law Enforcement Act of 1994 includes a provision, 42 U.S.C. sec. 14141, that authorizes the Department of Justice to file suit to enjoin a pattern or practice of unconstitutional or unlawful conduct by a state or local law enforcement agency. Misconduct that may be addressed includes discriminatory police practices, use of excessive force, false arrests, and improper searches and seizures.

(k) *Anti-discrimination Provision of the Immigration and Nationality Act (INA), 8 U.S.C. sec. 1324b*. This law was enacted in 1986 in response to concerns that employers, faced with sanctions against knowingly hiring unauthorized immigrants, would refuse to hire people they perceived to be foreign based on their accent or appearance. The law prohibits citizenship status and national origin discrimination with respect to hiring, firing, or referral or recruitment for a fee. The law also prohibits unfair documentary practices with respect to employment eligibility verification. All U.S. citizens and nationals and work-authorized immigrants are protected from national origin discrimination and unfair documentary practices. U.S. citizens and nationals, permanent residents, asylees, refugees, and temporary

residents are protected from citizenship status discrimination

(l) *Youth Conservation Corps Act of 1970, 16 U.S.C. sec. 1704*. This Act requires assurances of nondiscrimination in employment within the State Youth Conservation Corps in order for states to receive funds to cover Youth Conservation Corps projects.

(m) *Emergency Insured Student Loan Act of 1969, 20 U.S.C. sec. 1078(c)(2)(F)*. This act requires adequate assurances that the loan guaranty agency will not engage in any pattern or practice which results in a denial of a borrower's access to loans under this part because of the borrower's race, sex, color, religion, national origin, age, disabled status, income, attendance at a particular eligible institution within the area served by the guaranty agency, length of the borrower's educational program, or the borrower's academic year in school.

(n) *Higher Education Act of 1965, 20 U.S.C. sec. 1011 et seq*. This law provides funds to higher education institutions and prohibits the schools from using these funds in programs or contracts with discriminatory provisions barring students on the basis of race, national origin, sex, or religion. Through subsequent amendments, particularly those made in 1992 and in 1998, the Act has added programs which provide insurance assistance to historically Black colleges and universities, Hispanic serving institutions, and tribal colleges, and which encourage youth from disadvantaged backgrounds to gain early awareness and readiness for post-secondary education, e.g. through the "Gear-Up" program, which funds partnerships of high-poverty middle schools, colleges and universities, community organizations, and businesses.

(o) Bilingual Education Act of 1967, 20 U.S.C. sec. 7401 et seq. This statute was enacted to ensure equal educational opportunities for all children and youth, through developing and funding programs to assist limited-English proficient children meet the same standards for academic performance expected of all children.

(p) *The Equal Educational Opportunities Act of 1974, 20 U.S.C. sec. 1703*. This law requires the provision of equal educational opportunities in all public schools, whether or not they are federally funded, and it prohibits discrimination on the basis of race, national origin, color, or sex; including the failure to take appropriate action to overcome language barriers that impede equal participation in instructional programs.

(q) *Elementary and Secondary Education Act of 1965, 20 U.S.C. sec. 6301 et seq*. This Act provides federal aid to elementary and secondary schools, reinforcing the civil rights protections included in the 1964 Civil Rights Act. In particular, it provides for services to meet the special education needs of educationally deprived children, especially those children from low-income families.

(r) *Federal Family Education Loan Program, 20 U.S.C. sec. 1087-1(e)(3)*. This Act provides special allowance payments for loans financed by proceeds of tax-exempt obligations. It prohibits denial of a borrower's access to loans under this part because of the borrower's race, sex, color, religion, national origin, age, handicapped status, income, attendance at a particular eligible institution, length of the borrower's educational program, or the borrower's academic year in school.

(s) *Improving America's Schools Act of 1994, 20 U.S.C. sec. 7502(b)(4)*. This Act applies to any federally assisted education program. It prohibits exclusion of students on the bases of surname or language-minority status. This Act also made far-reaching changes in the Elementary and Secondary Education Act to enable schools to provide opportunities for

children to meet challenging State content and performance standards.

(t) *Alaska Natural Gas Transportation Act of 1976, 15 U.S.C. sec. 719o*. This Act provides funding for delivery of Alaska natural gas. It requires implementation of affirmative action policies to prevent discrimination on the basis of race, color, national origin, sex or religion in the issuance of certificates, permits, rights-of-way, leases, or other authorizations under this Act.

(u) *Federal Energy Administration Act of 1974, 15 U.S.C. sec. 775*. This Act also addresses funding for the delivery of Alaska natural gas. It requires implementation of affirmative action policies to prevent discrimination in programs given certificates, permits, right-of-ways, lease, or other authorizations under this Act. It prohibits discrimination based on race, color, national origin, sex, or religion.

(v) *Federal Non-nuclear Energy Research and Development Act of 1974, 42 U.S.C. sec. 5919(v)*. This Act provides funds for developing new non-nuclear energy options. It prohibits discrimination based on race, color, national origin, sex, or religion.

(w) *Energy Conservation in Existing Buildings Act of 1976, 42 U.S.C. sec. 6870*. This Act provides weatherization assistance for low-income persons. It prohibits discrimination based on race, color, national origin, sex, or any other factor specified in any federal law prohibiting discrimination.

(x) *Violent Crime Control and Law Enforcement Act of 1994, 31 U.S.C. sec. 6711*. This Act provides funding for crime prevention through education treatment, substance abuse or job programs. It prohibits discrimination based on race, color, national origin, sex, religion, age, and disability.

(y) *Housing and Community Development Act of 1974 (Title I), 42 U.S.C. sec. 5309*. This Act authorizes the Community Development Block Grant. It prohibits discrimination based on race, color, national origin, sex, religion, age, and disability.

(z) *Home Investment Partnerships Act/National Affordable Housing Act of 1975, 42 U.S.C. sec. 12832*. This Act provides funding to increase affordable housing (including rental housing) for very low-income Americans. It prohibits discrimination based on race, color, national origin, sex, religion, age, and disability.

(aa) *Mining and Mineral Resources Institutes Act of 1984, 30 U.S.C. sec. 1222*. This Act sets out recommendations regarding funding for mining and mineral resources research institutes. The Act stipulates that funding is to be provided without regard to, or on the basis of, race, sex or religion.

(bb) *Trans-Alaska Pipeline Authorization Act of 1973, 43 U.S.C. sec. 1651(note)*. This Act provided funds for the construction of the Trans-Alaska Pipeline. It requires the implementation of affirmative action policies to prevent discrimination on the bases of race, color, national origin, sex, and religion in the issuance of certificates, permits, rights-of-way, leases or other authorizations under the Act.

(cc) *Federal Land Policy and Management Act of 1976, 43 U.S.C. sec. 1747(10)*. This Act provides loans to states to relieve social/economic impacts from certain mining. It prohibits discrimination on the bases of race, color, national origin, sex, and religion.

(dd) *Outer Continental Shelf Lands Act Amendments, 43 U.S.C. sec. 1863*. This Act provides funds under the Outer Continental Shelf Lands Act and prohibits discrimination on the bases of race, color, national origin, sex, and religion.

(ee) *48 U.S.C. sec. 1708*. This section addresses conveyances of certain submerged land of U.S. territories and prohibits discrimination on the bases of race, color, national origin, sex, religion and ancestry in making such conveyances.

(ff) *Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. sec. 3789d*. This Act provides funding for state and local justice system improvements. It prohibits discrimination on the bases of race, color, national origin, sex, and religion.

(gg) *Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. sec. 5672*. This Act, enacted to provide federal assistance to juvenile justice programs nationwide, incorporates the non-discrimination provisions of 42 U.S.C. sec. 3789d, which prohibit discrimination on the bases of race, color, national origin, sex, and religion.

(hh) *Justice Assistance Act of 1984, 42 U.S.C. sec. 10504*. This Act provides assistance for emergency law enforcement and incorporates non-discrimination provisions at 42 U.S.C. sec. 3789d, which prohibit discrimination on the bases of race, color, national origin, sex, and religion.

(ii) *Victims of Crime Act of 1984, 42 U.S.C. sec. 10604*. This Act provides assistance for emergency law enforcement and incorporates non-discrimination provisions at 42 U.S.C. sec. 3789d which prohibit discrimination on the bases of race, color, national origin, sex, and religion.

(jj) *Workforce Investment Act of 1998, 29 U.S.C. sec. 2938*. This Act provides funding for employment, training, literacy, and vocational rehabilitation programs. It prohibits discrimination on the bases of race, color, national origin, sex, religion, age, disability, and political affiliation or belief.

(kk) *Foreign Assistance Act of 1961, 22 U.S.C. sec. 2314(g)*. This Act provides for foreign assistance. It prohibits discrimination on the basis of race, national origin, sex, or religion against U.S. persons participating in the furnishing of this assistance.

(ll) *Federal-Aid Highway Act of 1968, 23 U.S.C. sec. 140*. This Act provides employment assurances for the receipt of funds for the federal-aid highway systems. It prohibits discrimination on the basis of race, color, national origin, sex, or religion.

(mm) *Federal Transit Act, 49 U.S.C. sec. 5332*. This Act provides funds for mass transportation programs and prohibits discrimination on the basis of race, color, national origin, sex, religion, or age.

(nn) *Airport and Airway Improvement Act, 49 U.S.C. sec. 47123*. This Act provides funds for airport and airway improvements and prohibits discrimination on the basis of race, color, national origin, sex, or religion.

(oo) *Domestic Volunteer Service/Volunteers in Service to America Act of 1973, 42 U.S.C. sec. 5057*. This Act provides funds to foster and expand voluntary citizen service in communities throughout the nation in activities to help the disadvantaged. It prohibits discrimination on the basis of race, color, national origin, sex, religion, age, political

affiliation, or disability.

(pp) *National and Community Service Act of 1990, 42 U.S.C. sec. 12635*. This Act provides federal assistance for national service as job or education training and prohibits discrimination on the basis of race, color, national origin, sex, religion, age, disability, or political affiliation.

(qq) *General Education Provisions Act, 20 U.S.C. sec. 1228*a. This statute directs the Secretary of Education to require an applicant for assistance under an applicable program administered by the Department to describe in the application the steps the applicant proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability and age.

4. State Anti-Discrimination Measures

Most states, and many large cities, have adopted their own statutory and administrative schemes for protecting individuals from discrimination in fields actively regulated by state and local governments. For example, state constitutions and statutes typically protect individuals from discrimination in housing, employment, public accommodations, government contracting, credit transactions and education. As a result, a particular discriminatory act might well violate federal, state and local law -- each having its own sanctions. States may also provide protections which differ from or exceed the minimum requirements of federal law. Where such protections exist, state or municipal law also provides judicial or administrative remedies for victims of discrimination.

This re-enactment of similar or expanded protections at the state and local level serves several important purposes. First, this process involves a broad range of legislators at all levels of government taking positive steps toward the elimination of racial discrimination. This is important both for the specific legislative action that results, and for the increased local participation in the effort to eradicate race-based inequalities and racial intolerance. Thus, the effort to eliminate racial discrimination occurs at the most basic political level. Second, the process usually involves the creation of a state or local agency for the administrative enforcement of the protections involved. This frequently involves the appointment of a local commission with the power to investigate complaints and to enforce the legislation in question. Accordingly, enforcement offices are made available at locations closer to, and more accessible by, the affected individuals. Since local officials may more fully understand underlying issues and complexities in individual cases, adjudication of cases by them may yield better public understanding.

For example, the Florida Commission on Human Relations was established in 1969, with the enactment of the Florida Human Rights Act, for the purpose of enforcing Florida's anti-discrimination laws. The Commission is both a policy-making and community organization and an enforcer of anti-discrimination laws. The Commission is authorized to investigate and seek the resolution of discrimination complaints -- in housing, employment, public

accommodations and private club membership -- through administrative and legal proceedings.

In Alaska, the State Commission for Human Rights, is responsible for enforcing the Alaska Human Rights law, which makes it unlawful to discriminate in employment, housing, public accommodations, finance and credit, and state political practices in all cases on the basis of race, national origin, religion, sex, color, and physical or mental disability, and in some cases, on the basis of age, pregnancy, marital status, parenthood, and changes in marital status.

Moreover, many municipalities have established agencies to monitor and enforce anti-discrimination legislation. In San Francisco, the Employment, Housing and Public Accommodations Division of that city's Human Rights Commission implements the San Francisco Charter and Administrative Code, which prohibits discrimination in employment, housing, and public accommodations. Division staff investigate and mediate complaints involving allegations of discrimination and non-compliance, as well as prepare and promote community programs aimed at reducing or eliminating inequalities and educate the community regarding the principles of equal opportunity. With regard to equal employment, there are 121 designated Fair Employment Practice agencies created by state and local jurisdictions which investigate charges of race discrimination under work-sharing agreements with the EEOC pursuant to Section 706 of the Civil Rights Act of 1964. These are identified at 29 Code of Federal Regulations Part 1601.74. There are also a number of Tribal Employment Rights organizations which investigate charges of discrimination on or near Indian reservations pursuant to work-sharing agreements with the EEOC. Examples of state laws prohibiting race discrimination in employment are: the California Fair Employment and Housing Act, Cal. Gov. Code ¤ 12940; the New York Human Rights Law, N.Y. Exec. Law ¤ 296; and the Texas Commission on Human Rights Act, Tex. CA Labor ¤ 21.051.

In subsequent reports to the Committee, the United States intends to discuss in greater detail state and local measures taken to prevent racism and racial discrimination. As with protections at the federal level, these measures are complex and comprehensive, therefore requiring a more detailed discussion than was possible here.

1. Freedom of Speech

Article 4 of the Convention expressly requires States Parties to condemn all propaganda and all organizations based on ideas or theories of superiority of one race or group of persons of one color or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form. States Parties are further required to take immediate and positive measures to "eradicate all incitement to, or acts of, such discrimination," inter alia, by (a) punishing the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, and acts of violence or incitement to acts of violence, as well as the provision of assistance to racist activities, including financing; (b) prohibiting organizations

and activities which promote and incite racial discrimination, including participation in such organizations and activities; and (c) preventing public authorities or institutions, whether national or local, from promoting or inciting racial discrimination.

Article 7 imposes an undertaking on States Parties to take measures to combat prejudice and promote tolerance in the fields of teaching, education, culture and information. These provisions reflect a widely held view that penalizing and prohibiting the dissemination of ideas based on racial superiority are central elements in the international struggle against racial discrimination. The Committee itself has given a broad interpretation to Article 4, in particular emphasizing in General Recommendations I (1972) and VII (1985) that the mandatory requirements of Article 4(a) and (b), are compatible with the rights of freedom of opinion and expression. Many other States Parties to the Convention have enacted and enforced measures to give effect to these requirements.

As a matter of national policy, the U.S. government has long condemned racial discrimination, and it engages in many activities both to combat prejudices leading to racial discrimination and to promote tolerance, understanding and friendship among national, racial and ethnic groups. Such programs include those under the authority of Title VI of the Civil Rights Act, the Fair Housing Act, the Bilingual Education Act, the Mutual Educational and Cultural Exchange Act of 1961, the International Education Act (Title VI of the HEA of 1965), and the National Foundation on the Arts and the Humanities Act of 1965. Also, under U.S. law, federal tax money cannot be used to support private entities (such as schools) that practice racial or ethnic discrimination. Further, the Hate Crimes Statistics Act of 1990 mandates collection by the Justice Department of data on crimes motivated by, inter alia, race.

However, American citizens applaud the fact that the First Amendment to the U.S. Constitution sharply curtails the government's ability to restrict or prohibit the expression or advocacy of certain ideas, however objectionable. Under the First Amendment, opinions and speech are protected without regard to content. This is a cornerstone of American society that has as much resonance with regard to modern forms of communication like the Internet as with more traditional modes of communication. Certain types of speech, intended and likely to cause imminent violence, may constitutionally be restricted, so long as the restriction is not undertaken with regard to the speech's content. For example, several federal statutes punish "hate crimes," i.e., acts of violence or intimidation motivated by racial, ethnic or religious hatred and intended to interfere with the participation of individuals in certain activities such as employment, housing, public accommodation, use of public facilities, and the free exercise of religion. See, e.g., 18 U.S.C. sec. 241, 245, 247; 42 U.S.C. sec. 3631. An increasing number of state statutes are similarly addressed to hate crimes, and while they too are constrained by constitutional protections, the U.S. Supreme Court has recently determined that bias-inspired criminal conduct may be singled out for especially severe punishment under state law. In two recent cases, the U.S. Supreme Court has addressed first amendment issues in the context of hate crimes legislation. In R.A.V. v. City of St. Paul, 505 U.S. 377 (1992), the municipal ordinance in question made it a misdemeanor to "place on public or private property a symbol, object, appellation, characterization, or graffiti, including, but not limited to, a burning cross or Nazi swastika, which one knows or has reasonable grounds to know arouses anger, alarm or resentment in others on the basis of race, color, creed, religion or gender." The Court held that the statute unconstitutionally restricted freedom of speech on the basis of its content. Notably, the Court did not find it unconstitutional to criminalize "hate speech" per se. Instead, a majority of the Court held that a jurisdiction may not select only some kinds of hate speech to

criminalize while leaving other kinds unrestricted.

Then, in Wisconsin v. Mitchell, 508 U.S. 476 (1993), the Court addressed the issue of enhanced penalties for crimes motivated by prejudice. Under the relevant state law, an individual who was convicted of aggravated assault (an offense which normally carried a penalty of two years imprisonment) was sentenced to an additional four years imprisonment because his crime had been racially motivated.

The Wisconsin Supreme Court had found the statute to be in violation of the First Amendment, as interpreted by the U.S. Supreme Court in R.A.V. v. City of St. Paul, because it singled out the defendant's biased thoughts and penalized him based on the content of those thoughts. On appeal, the U.S. Supreme Court reversed the judgment and upheld the statute as Constitutional. In a unanimous opinion, the Court held that while the St. Paul ordinance had (impermissibly) targeted expression, the Wisconsin enhanced-penalty statute was aimed at unprotected (indeed, criminal) conduct.

In subsequent decisions, federal and state courts have followed this distinction, generally upholding statutes which punish specific behavior motivated by bias. For example, a federal appellate court sustained the criminal prosecution under federal civil rights laws of a defendant who had burned a cross on a Black family's lawn, distinguishing that act done with intent to intimidate from similar acts meant to make a political statement. United States v. Stewart, 65 F.3d 918 (11th Cir. 1995), cert. denied sub nom. Daniel v. United States, 516 U.S. 1134. In T.B.D. v. Florida, 656 So.2d 479 (Fla. 1995), cert. denied, 516 U.S. 1145 (1996), Florida's highest court upheld a statute making it a misdemeanor to place a "a burning or flaming cross, real or simulated" on the property of another without permission.

During the drafting of Article 4, the U.S. delegation expressly noted that it posed First Amendment difficulties, and upon signing the Convention in 1966, the United States made a declaration to the effect that it would not accept any requirement thereunder to adopt legislation or take other actions incompatible with the U.S. Constitution. A number of other States Parties have conditioned their acceptance of Article 4 by reference to the need to protect the freedoms of opinion, expression, association and assembly recognized in the Universal Declaration of Human Rights.

In becoming a party to the International Covenant on Civil and Political Rights in 1992, the United States faced a similar problem with respect to Article 20 of that treaty. In part because the Human Rights Committee had adopted a similarly broad interpretation of that article in its General Comment 11 (1983), the United States entered a reservation intended to make clear that the United States cannot and will not accept obligations which are inconsistent with its own Constitutional protections for free speech, expression and association. A similar reservation was therefore adopted with respect to the current Convention. It reads:

[T]he Constitution and laws of the United States contain extensive protections of individual freedom of speech, expression and association. Accordingly, the United States does not accept any obligation under this Convention, in particular under Articles 4 and 7, to restrict those rights, through the adoption of legislation or any other measures, to the extent that they are protected by the Constitution and laws of the United States.

3. Dispute Settlement

In accordance with its long-standing policy, the United States also conditioned its adherence to the Convention upon a reservation requiring its consent to the exercise of the jurisdiction of the International Court of Justice over any dispute that might arise between it and another State Party. The text of this reservation is identical to those recently taken upon ratification of other treaties, including the ICCPR:

[W]ith reference to Article 22 of the Convention, before any dispute to which the United States is a party may be submitted to the jurisdiction of the International Court of Justice under this article, the specific consent of the United States is required in each case.

5. Non Self-executing Treaty

In ratifying the Convention, the United States made the following declaration:

[T]he United States declares that the provisions of the Convention are not self-executing. This declaration has no effect on the international obligations of the United States or on its relations with States Parties. However, it does have the effect of precluding the assertion of rights by private parties based on the Convention in litigation in U.S. courts. In considering ratification of previous human rights treaties, in particular the U.N. Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (1994) and the International Covenant on Civil and Political Rights (1992), both the Executive Branch and the Senate have considered it prudent to declare that those treaties do not create new or independently enforceable private rights in U.S. courts. However, this declaration does not affect the authority of the Federal government to enforce the obligations that the United States has assumed under the Convention through administrative or judicial action.

As was the case with prior human rights treaties, existing U.S. law provides protections and remedies sufficient to satisfy the requirements of the present Convention. Moreover, federal, state and local laws already provide a comprehensive basis for challenging discriminatory statutes, regulations and other governmental actions in court, as well as certain forms of discriminatory conduct by private actors. Given the adequacy of the provisions already present in U.S. law, there was no discernible need for the establishment of additional causes of action or new avenues of litigation in order to guarantee compliance with the essential obligations assumed by the United States under the Convention.

This declaration has frequently been misconstrued and misinterpreted. Declaring the Convention to be non-self-executing in no way lessens the obligation of the United States to comply with its provisions as a matter of international law. Neither does it contravene any provision of the treaty or restrict the enjoyment of any right guaranteed by U.S. obligations under the Convention. There is, of course, no requirement in the Convention that States

Parties make it "self executing" in their domestic law, or that private parties be afforded a specific cause of action in domestic courts on the basis of the Convention itself. The drafters quite properly left the question of implementation to the domestic laws of each State Party.

The United States is aware of the Committee's preference for the direct inclusion of the Convention into the domestic law of States Parties. Some non-governmental advocacy groups in the United States would also prefer that human rights treaties be made "self-executing" in order to serve as vehicles for litigation. The declaration reflects a different choice, one in favor of retaining existing remedies for private parties

Article 2 Eliminate Racial Discrimination

Under Article 2(1), States Parties to the Convention condemn and undertake to eliminate racial discrimination in all its forms and by all appropriate means. To this end, this article specifies a number of specific undertakings.

Art 2(1)b No Support or Defense of Discrimination

(b) Under Article 2(1)(b), States Parties undertake not to sponsor, defend or support racial discrimination by any person. Such conduct is strictly prohibited in the United States. The U.S. Constitution prohibits discrimination on the basis of race or other personal characteristics at every level of government (federal, state, and local). Several federal statutes, including Title VI of the Civil Rights Act of 1964, prohibit discrimination by state or local governments, or private entities, that receive federal financial assistance. Not only does the U.S. government not sponsor, defend, or support discrimination, but the Federal government is actively engaged in the enforcement of anti-discrimination statutes against public and private entities in the areas of discrimination in employment, voting, housing and education.

Art. 2(1)c Take Effective Measures to Eliminate

(c) Article 2(1)(c) requires States Parties to "take effective measures to review governmental, national and local policies . . . which have the effect of creating or perpetuating racial discrimination." Article 2(1)(c) also requires States Parties to "amend, rescind or nullify any laws and regulations" that have such effects.

The United States satisfies the policy review obligation of Article 2(1)(c) through this nation's legislative and administrative process, as well as through court challenges brought by governmental and private litigants. U.S. law is under continuous legislative and administrative revision and judicial review.

Art 2(1)e Encourage Integrationist Multi-racial Organizations

Under Article 2(1)(e), each State Party undertakes "to encourage, when appropriate, integrationist multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division."

As part of his Initiative on Race, President Clinton has taken important steps to encourage various sectors of United States society to celebrate diversity and work toward the goal of building One America by promoting racial reconciliation and encouraging racial equal opportunity for all.

For example, on July 20, 1999, President Clinton issued a call to action to the legal community to enlist their support in the fight for equal justice. Leading organizations in the United States, including the American Bar Association, the American Corporate Counsel Association, the Association of American Law Schools and the Lawyers Committee for Civil Rights, responded by forming the "Lawyers for One America." Lawyers for One America is a unique collaboration with a mission to promote racial justice through increased pro bono legal service and diversity initiatives within the legal

community.

On March 9, 2000, President Clinton met with a broad group of American religious leaders to highlight new commitments and programs they have pledged to undertake within the faith community to ensure that the nation's religious organizations are doing their part to expand diversity, end racism and promote racial reconciliation. At the meeting, the National Conference for Community and Justice (NCCJ) pledged to hold a national forum of faith leaders to share information on their efforts and to seek commitments from other faith leaders to address race issues.

On April 6, 2000, President Clinton met with the leaders of the nation's largest corporations to challenge them to promote diversity and make commitments to expand economic opportunities to racial minorities and close the opportunity gap that exists in the United States. At the meeting, several corporate leaders pledged to convene dialogues on racial issues, workplace diversity and employment equity during the next year. In addition, twenty-five leading companies pledged to spend $250 million, $1 million per year for the next ten years, to expand diversity in the high technology workforce.

Also inspired by President Clinton's leadership on race relations, numerous cities in the United States, like Indianapolis, Indiana and Grand Rapids, Michigan, have held or are planning to hold day-long "race summits" that bring together people of diverse backgrounds to hold dialogues on racial reconciliation.

The Department of Justice promotes the goals of Article 2(1)(e) through active involvement in communities beset by either actual or potential destructive racial conflict. The Department's Community Relations Service sends experienced mediators to assist local communities in resolving and preventing racial and ethic conflict, violence or civil disorder. For over thirty years, the Department has played an enormously positive role in conflict prevention at the local level.

The Equal Employment Opportunity Commission (EEOC) seeks to eliminate racial discrimination through education and prevention, and by publishing policy guidance statements, compliance manuals and other educational materials. The EEOC also regularly sponsors nationwide technical assistance program seminars, and makes presentations to employee and employer interest groups. Within the past two years, the EEOC has developed a comprehensive website http://www.eeoc.gov and launched a mediation program in each of its district offices, with the goal of resolving charges of discrimination while preserving working relationships.

Art 3 Condemn Racial Segregation and Apartheid

Article 3 requires States Parties to condemn racial segregation and apartheid and to undertake to prevent, prohibit and eradicate "all practices of this nature" in territories under their jurisdiction.

State-sponsored segregation and *de jure* discrimination has been prohibited in the United States since the enactment of the Thirteenth, Fourteenth, and Fifteenth Amendments a few years after the end of the Civil War. However, the federal courts interpreted those provisions to permit state-sponsored and private racial discrimination (so-called "separate but equal" treatment of the races) through the first half of the Twentieth Century. This interpretation was authoritatively overruled by the Supreme Court in 1954 in *Brown v. Board of Education*, which outlawed racial segregation in public schools and set the foundation for the elimination of segregation in all forms of public life. As discussed above, a series of Civil Rights Acts following that decision has extended the reach of this prohibition to many private relationships and activities. The United States emphatically condemns racial segregation and apartheid and prohibits any such practice in all territories under its jurisdiction.

Prior to the removal of the racist regimes in southern Africa, the United States condemned the policies and practices of those regimes and imposed economic and related sanctions in accordance with the decisions of the United Nations. Independent of the Federal government's actions, many state and local governments as well as private institutions also acted to divest or otherwise dissociate themselves economically and politically from governments and institutions supporting or tolerating apartheid. Non-governmental groups supported economic boycotts and lobbied and pressured government at all levels to exert political and economic influence to end the racist policies in South Africa.

Article 5(a) Equality Before Tribunals

Equality Before Tribunals. The right to equal treatment before tribunals and all other organs administering justice, as guaranteed by Article 5(a), is provided by U.S. law through the operation of the Equal Protection Clause of the U.S. Constitution, which is binding on all governmental entities at all levels throughout the United States. This right has been reinforced by a number of constitutional decisions. For example, race may not be a criterion in the selection of jurors in criminal or civil cases. See *Hernandez v. Texas*, 347

U.S. 475 (1954); *Batson v. Kentucky*, 476 U.S. 79 (1986). Nonetheless, the perception of unequal treatment in the criminal justice system is widespread among Blacks and Hispanics, and in many respects that perception is supported by data.

Some have raised concerns about the use of so-called "secret evidence" in legal proceedings against immigrants. Particularly, critics of the 1996 Anti-Terrorism and Effective Death Penalty Act, which has been interpreted to permit use of this evidence, cite the disproportionate effect on Arab-Americans and American Muslims. The United States has taken the position that the limited use of such evidence, in the context of a system that includes procedural protections, does not violate due process or equal protection guarantees.

Article 5(c) Political Rights

Political Rights. As required by Article 5(c), U.S. law guarantees the right to participate equally in elections, to vote and stand for election on the basis of universal and equal suffrage, to take part in the government as well as in the conduct of public affairs, and to have equal access to public service.

These guarantees arose in the mid-1960s in response to the continued discrimination against Blacks in the electoral process despite the ratification in 1870 of the Fifteenth Amendment, which was intended to protect the right to vote from denial or abridgement on account of race, color, or previous condition of servitude. With the enactment of the Voting Rights Act of 1965, the political process started to become open to Blacks. As interpreted, this statute also reaches discrimination on the basis of ethnic or national origin. It also requires that bilingual voting information be made available where more than 5 percent of the population or 10,000 individuals within a jurisdiction speak a language other than English. The statute was amended in 1982 to prohibit practices that result in the denial or abridgement of the right to vote.

The Department of Justice is responsible, along with private plaintiffs, for the enforcement of the Voting Rights Act. The Department brings suits in federal court under Section 2 of the Act to challenge voting practices or procedures that have the purpose or effect of denying equal opportunity to minority voters to elect their candidates of choice.

By operation of Section 5 of the Voting Rights Act, any change with respect to voting that occurs in a specially covered jurisdiction (applies to nine states in their entirety and to parts of seven additional states) must obtain federal pre-approval before it can be put into affect. The federal review is designed to ensure that the voting change in question will not have the purpose or effect of making minority voters worse off. The Civil Rights Division reviews approximately 20,000 voting changes per year. In recent years, the Attorney

General has blocked implementation of a wide variety of discriminatory changes, including annexations and at-large election systems that dilute minority voting strength, discriminatory local and statewide redistricting plans, discriminatory redistricting guidelines, and discriminatory voter assistance procedures.

In recent years, the Supreme Court has recognized a new cause of action that permits White voters to challenge redistricting plans enacted by state or local governments as unconstitutional. This cause of action requires that if a state or local government uses race as the "predominant factor" in redistricting, that use will be subject to strict judicial scrutiny. Under that standard, the action will only be upheld if there is compelling governmental interest in the use of race and if the use is narrowly tailored to meet that interest.

As of August 1, 2000, of the total 1,218 judges on the federal bench, 106 are Black (8.7 percent), 51 are Hispanic (4.2 percent), and three are Native American (0. percent). Of the nine justices on the U.S. Supreme Court, one is of a racial minority (Black). Of the 159 judges on the U.S. Courts of Appeal, ten are Black (6.3 percent), ten are Hispanic (6.3 percent), two are Native American (0.6 percent), and one is Asian (0.6 percent).

According to the Directory of Minority of Judges of the United States published by the American Bar Association, of the approximately 60,000 state court judges, 3,610 are of racial minorities (approximately 6 percent). Of this number, 1,680 are Black, 1,310 are Hispanic, 254 are Asian, and 42 are Native American.

With respect to the 535 members of the 106th Congress, 37 are Black (6.9 percent), 18 are Hispanic (3.4 percent), three are Asian (0.6 percent), and one is Native American (0.2 percent). Of the 50 state governors, only two are of racial minorities - both are Asian. Finally, of the mayors of the 25 largest cities in the United States, eight are Black (32 percent) and two are Hispanic (8 percent).

In 1992 the Census Bureau collected data regarding minority participation in local elected office through the 1992 Census of Governments. The census collected data regarding general purpose government officials (e.g., municipal mayors and city councilors) and special purpose government officials (e.g., school board members). Among the 419,761 officials for whom race or Hispanic origin was reported, 405, 905 were White (96.7 percent); 11,542 were Black (2.7 percent); 1,800 were American Indian, Eskimo and Aleut (0.4 percent); and 514 were Asian or Pacific Islander (0.1 percent). There were 5,859 local elected officials who identified themselves as Hispanic (1.4 percent). This data reflected a notable increase in minority representation since the last time the Census of Governments was conducted in 1987.

Article 5(f) Access to Public Accommodations

Access to Public Accommodations. Consistent with Article 5(f), U.S. law provides strong protections for the right of equal access to any place or service intended for use by the general public, including transport, hotels, restaurants, cafes, theaters and parks.

Title II of the Civil Rights Act of 1964 (42 U.S.C. sec. 2000a) prohibits discrimination because of race, color, religion, and national origin in certain places of public accommodation, such as hotels, restaurants, and certain places of entertainment. In addition, most states have their own laws requiring equal access to public accommodations.

Over the last five years, the majority of public accommodation cases pursued by the Justice Department have involved bars or nightclubs that utilize a similar pattern to keep Black patrons from entering the establishment. Typically the club owner advises Black patrons that the club is private and the patron would have to apply for membership. White patrons, in contrast, are allowed entry without membership or are offered the opportunity to become members on the spot. Cases that raised this scenario include *United States v Patin*, *United States v. Broussard*, *United States v. Lagneaux*, and *United States v. Richard*, all cases filed in Louisiana in 1995, 1996, 1997, and 1999 respectively; and United States v. C & A Enterprises, filed in West Virginia in 1996. These cases were resolved and the defendants enjoined from continuing their discriminatory practices.

Two Title II suits in recent years have more broadly alleged discrimination in nationwide chains. In 1999, the Department sued HBE Corporation, the owner of the Adam's Mark Hotels. The lawsuit alleged that AMH placed non-white guests in less desirable rooms than white guests or segregate them to the least desirable areas of the hotel; charged non-white guests higher room rates than white-guests; charged different prices for goods and services for non-whites guests than white guests; applied stricter security, reservation, and identification requirements to non-white guests than white guests; and had policies to limit the number of non-white clientele in the hotel's restaurants, bars, lounges or clubs. A proposed settlement of the case is pending court approval. It will enjoin future discrimination at Adam's Mark Hotels and provides for a compliance officer to monitor compliance with the settlement decree; investigate any complaints filed by hotel guests; review, approve, and monitor a training program as well as oversee a testing program; and establish a marketing plan to identify, target, and reach African American markets.

Several years earlier, a suit was filed against the Denny's Restaurant chain. On May, 24, 1994, settlement papers were filed in the United States' Title II action and two private lawsuits against Denny's, one of the largest food service companies in the country. The settlement, embodied in two consent decrees filed in U.S. District Courts in Los Angeles and Baltimore, resolved these suits that had claimed that Denny's failed to serve Blacks, required Blacks to pre-pay for their food, forced them to pay a cover charge, and neglected to serve them. Under the settlement, Denny's agreed to pay $45 million in damages and implement a nationwide program to prevent future discrimination. The decrees required Denny's, *inter alia*, to: retain an independent Civil Rights Monitor with broad responsibilities to monitor and enforce compliance with the decrees; educate and train current and new employees in racial sensitivity and their obligations under the Public Accommodations Act; implement a testing program to monitor the practices of its company and franchised-owned restaurants; and feature Black and members of other

racial minority groups as customers and employees in advertising to convey to the public that all potential customers, regardless of their race or color, are welcomed at Denny's. The decrees are scheduled to expire in November 2000.

Article 6 Assure Effective Protection and Remedies

Article 6 requires States Parties to assure persons within their jurisdictions effective protection and remedies through tribunals and other institutions for acts of racial discrimination, including the right to seek "just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination."

As set forth throughout this report, U.S. law offers those affected by racial discrimination a number of different remedies, ranging from individual suits in the courts, to reliance on administrative procedures to criminal prosecution of offenders.

Private suits. The federal statutes derived from the Civil Rights Act of 1868, including most of the laws dealing with discrimination by governments and their officials, give the individual a "cause of action," i.e., a right to sue in federal court to correct the alleged discrimination. See, e.g., 42 U.S.C. sec. 1981-1985. These suits may seek injunctive relief, which requires the governmental unit or official to correct the conduct, and monetary relief, which requires the payment of damages. A government official who "knew or ought to have known" that the conduct was unconstitutional or in violation of federal law may also be subjected to punitive or exemplary damages. If the plaintiff "substantially prevails" in one of these suits, the plaintiff can also recover attorneys' fees. Private litigation under these provisions has played a substantial role in promoting and protecting racial equality. Non-governmental organizations that promote civil rights are frequently involved in assisting individual lawsuits. Further, the availability of recovery of attorneys fees has encouraged lawyers and organizations to come to the assistance of such individuals and provides the financial wherewithal to pursue future cases.

Civil Suits by the United States. In many circumstances, the Federal government is authorized to initiate suits to enforce racial equality. See, e.g., the Voting Rights Act, the Fair Housing Act; Titles II, IV and VII of the Civil Rights Act; and the Equal Credit Opportunity Act. Involvement of the government agency in such litigation is important because these suits usually include allegations of discriminatory "patterns or practices" that require intensive investigation that would be difficult for a private party to pursue. The Department of Justice also administers the pre-clearance requirement of the Voting Rights Act, which requires review and approval of changes in state and local voting practices and procedures to assure that they do not have the purpose or effect of denying or abridging the right to vote of members of minority groups. It applies in states and other jurisdictions which historically have denied or abridged minority voting rights.

In addition, under the Fair Housing Act, the Secretary of Housing and Urban Development may initiate investigations and file complaints relating to cases of housing discrimination. The Secretary can also commence actions in administrative tribunals to enforce laws prohibiting housing discrimination.

Criminal prosecution. A number of federal statutes also provide for criminal penalties for intentional or willful violations. In these cases, the U.S. Attorney for the district in question will initiate an investigation, either on the prosecutor's own initiative or on information provided by the Civil Rights Division or by the private complaining party.

Administrative remedies. An entire federal agency, the Equal Employment Opportunity Commission (EEOC), is devoted to the enforcement of anti-discrimination laws relating to employment. An individual may file a complaint with the Commission, which engages in initial investigation and attempts to provide a resolution of the matter through conciliation. In cases where conciliation fails and a determination is made to file a lawsuit to vindicate the public interest, it may assume direct responsibility for prosecuting the case. In other cases, it will issue a "right to sue" letter, permitting the individual to pursue the claim in private litigation.

By statute, the EEOC has five Commissioners and a General Counsel, each of whom is appointed by the President of the United States and confirmed by the Senate. With its headquarters in Washington, DC, the EEOC operates approximately fifty field offices nationwide, including district, area and local offices. Each of these field offices has an enforcement staff responsible for accepting charges of discrimination from the public, investigating the charges, and attempting conciliation and mediation. Each district and most area offices also have a legal unit, responsible for providing legal advice to the enforcement staff and bringing lawsuits in federal court to enforce Title VII.

In addition to enforcement efforts through the administrative process and litigation, the EEOC enforces Title VII though various other means. For instance, the EEOC issues procedural regulations implementing Title VII, requires employers to post notices summarizing the requirements of Title VII, and requires large employers to file reports on the relationship of minority workers to the employer's total workforce in specified job categories.

The EEOC recently has been able to implement significant changes in the pursuit of ending race discrimination. The EEOC has increased its staff of investigators and attorneys and has modernized its technology. In addition, the EEOC has developed a comprehensive strategic enforcement model to reduce the backlog of charges, increase the number of charges resolved through mediation, develop closer ties with its stakeholders in local communities, and increase public awareness of discrimination. In the arena of federal employment, the EEOC has modified the regulation governing the administrative complaint process, 29 C.F.R. ¤1614, to streamline the process by eliminating unnecessary layers of review and addressing perceptions of unfairness. The most significant change is the transfer of authority to issue a final decision on discrimination complaints from the agency charged with discrimination to the EEOC.

Since its creation in 1965, the EEOC (and state and local fair employment practice agencies, known as FEPAs) have received approximately 1.2 million charges of discrimination based on race and approximately 275,000 charges of discrimination based on national origin. In Fiscal Year 1999, the EEOC and the FEPAs received approximately 50,000 charges of discrimination based on race and approximately 13,000 charges of

discrimination based on national origin. Since 1965, the EEOC and the FEPAs have recovered more than $2.2 billion in monetary damages through voluntary settlement or conciliation during the administrative process on behalf of victims of discrimination. In 1999 alone, the EEOC recovered over $210 million in monetary damages in the administrative process. The EEOC also has initiated lawsuits based on many meritorious charges that were not resolved in the administrative process, recovering over $8.5 million in 1999. Over the past ten years, the EEOC has filed 866 lawsuits alleging discrimination based on race and 242 lawsuits alleging discrimination based on national origin. In many cases, the EEOC secures other valuable relief in addition to monetary damages, such as reinstatement of wrongfully discharged employees, court-ordered training in the equal employment opportunity laws, the development of written equal employment opportunity policies, and court orders prohibiting specific discriminatory practices. Taken together, the monetary and non-monetary relief serve the dual purpose of compensating victims of discrimination and preventing similar forms of discrimination from recurring in the future.

Other federal agencies also play important roles in enforcing civil rights and equal protection:

At the Department of Labor's Office of Federal Contract Compliance Programs, individuals may file complaints if they believe they have been discriminated against by federal contractors or subcontractors, and the Office itself may conduct compliance investigations to determine whether contractors are complying with Executive Order 11246's non-discrimination and affirmative action obligations. Complaints may also be filed by organizations on behalf of the person or persons affected. Other departments administer laws requiring recipients of federal financial assistance to provide equal opportunity for participants of programs that receive the federal financial assistance.

As discussed earlier, the Department of Education's Office of Civil Rights (OCR) bears primary responsibility for enforcing laws prohibiting discrimination in educational programs and activities receiving federal financial assistance. But while a large share of OCR's work is enforcement, OCR also issues national policy statements that define to the nation-at-large the scope of legal requirements to eliminate racial barriers to equal educational opportunity. These policies address many key, sometimes controversial issues, including:

Educational Opportunity for English Language Learners. OCR requires school districts to ensure equal educational opportunity to English language learners. Districts are required to take affirmative steps to provide equal educational opportunity where the inability to speak and understand the English language excludes national origin minority group children from effective participation in the district's educational program. The Supreme Court in *Lau v. Nichols*, 414 U.S. 563 (1974) upheld OCR's policy that requires school districts to ensure that language barriers do not exclude English language learners from effective participation in their programs.

Higher Education Desegregation. OCR's policy provides guidance to institutions of higher education pursuant to the Supreme Court's decision in *Ayers v. Fordice*, 111 F. 3d 1183 (4th Cir. 1997) cert. denied, 522 U.S. 1084 (1998), requiring the elimination of vestiges of desegregation in formerly de jure higher education systems.

Race Based Financial Assistance. OCR's policy guidance on race based financial

assistance sets forth five principles that satisfy the requirements of Title VI. These principles provide that:

1. A college may make awards of financial aid to disadvantaged students without regard to race or national origin even if that means that such awards go disproportionately to minority students.

2. A college may award financial aid on the basis of race or national origin if the aid is awarded under a federal statute that authorizes the use of race or national origin.

3. A college may award financial aid on the basis of race or national origin if the aid is necessary to overcome the effects of past discrimination. A finding of discrimination may be made by a court or administrative body, and may also be made by a State or local legislative body, as long as the legislature has a strong basis in evidence identifying discrimination within its jurisdiction for which that remedial action is necessary. In addition, a college may voluntarily take action to remedy its past discrimination where it has a strong basis in evidence for concluding the action is necessary to redress its past discrimination and its financial aid program is narrowly tailored to that purpose.

4. A college may promote its First Amendment interest in diversity by weighing many factors -- including race and national origin and its efforts to attract and retain a student population with different experiences, opinions, backgrounds, and cultures -- provided that the use of race or national origin is consistent with the constitutional standards reflected in Title VI, i.e., that it is a narrowly tailored means of achieving the goal of a diverse student body.

5. Title VI does not prohibit an individual or an organization that is not a recipient of federal financial assistance from directly giving scholarships or other forms of financial aid to students based on their race or nation origin. Principles 3 and 4 apply to the use or race-targeted privately donated funds by a college and may justify awarding these funds on the basis of race or national origin if the college is remedying past discrimination or attempting to achieve a diverse student body.

Racial Harassment. OCR's policy on racial harassment provides that a recipient of federal financial assistance violates Title VI if 1) an official representative of a recipient treats someone differently in a way that interferes with or limits the ability of the student to participate in or benefit from the recipients' program; 2) the different treatment occurred in the course of the official or representative's assigned duties or responsibilities, and 3) the different treatment was based on race, color, or national origin, and there was no legitimate nondiscriminatory non-pretextual basis for the different treatment. An official representative will also be in violation of Title VI if his or her actions establish or contributes to a "racially hostile environment" (1) when the recipient had actual or constructive notice of a racially hostile environment and (2) a racially hostile environment existed, and (3) the recipient failed to respond adequately to redress the racially hostile environment.

U.S. Commission on Civil Rights Oversight. In addition to institutions devoted to law enforcement, other bodies are involved in making policy recommendations to improve the protection of the rights of minorities. The Civil Rights Commission conducts studies and makes recommendations in this regard, and it receives communications from individuals and groups about alleged discrimination.

Further, through fifty-one State Advisory Committees, including the District of Columbia, the Civil Rights Commission receives information on civil rights issues in the states. Through the Commission's regional directors, the Committees hold regular meetings, cooperate on race-related projects, and submit findings to the Commission on civil rights issues that have regional importance. From time to time, the Commission may recommend specific projects to be undertaken.

Equal opportunity officers. Another approach to protecting individuals is the requirement that many larger employers designate an "equal opportunity officer" within their organization, whose responsibility is to receive and respond to complaints about employment discrimination within the firm. In effect, this requirement provides an internal advocate within the firm for protection of the rights secured by this Convention. The equal opportunity officers may make recommendations to prevent discriminatory practices, as well as to remedy instances that have occurred. They are not, strictly speaking, "enforcement" officers, but have had a significant impact on realization of the goals of non-discrimination.

D. Conclusion

Over the years, the United States has worked hard to overcome a legacy of racism and racial discrimination, and it has done so with substantial successes. Nevertheless, significant obstacles remain. But, as a vibrant, multi-cultural democracy, the United States -- at all levels of government and civil society -- continually reexamines and reevaluates its successes and failures, having the elimination of racism and racial discrimination as its ultimate goal. The United States looks forward to discussing its experiences and this report with the Committee.