

**GENERAL CONVENTION OF THE EPISCOPAL CHURCH 2018
ARCHIVES' RESEARCH REPORT**

RESOLUTION NO.: 2018-D089
TITLE: Supporting Non-Discrimination and Civil Rights
PROPOSER: Ms. Sarah Lawton
TOPIC: Discrimination

Directly Related: (Attached)

2012-A079 Urge Defense of Human Rights and Communities Unduly Affected
2003-D014 Reaffirm Actions on Japanese-American Internment
2003-D077 Affirm Abhorrence of Racial Profiling and Violence
1994-D132 Reject Racism Toward Immigrants and Request the Church to Respond

Indirectly Related: (Available in the [Acts of Convention](#) database, searchable by resolution number)

2015-C019 Work for Racial Justice and Reconciliation
2006-A017 Adopt the Principles of “The Alien Among You” as the Church Policy
1991-B051 Call for the Removal of Racism from the Life of the Nation

In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1976 through 2015, selecting “direct” resolutions that have a substantive bearing on the proposed legislation. The “direct” resolutions are attached and “indirect” resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives at 800-525-9329 before Convention or at Convention in the General Convention Secretariat.

D089 Supporting Non-Discrimination and Civil Rights

Proposer	Ms. Sarah Lawton
Endorsed by	Gaines, Ms. Carolyn; Metoyer, The Rev. Eric
Sponsored by	
Page numbers	Blue Book: p. N/A; Constitution & Canons: p. N/A
HiA / Leg. Cttee	/
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Version	Original (as filed)
Review Status	Not yet reviewed

RESOLUTION TEXT

- 1 *Resolved*, the House of _____ concurring, That the 79th General Convention decries the use of expressions of explicit racial malice and racially coded language with discriminatory intent on the part of political leaders; and be it further
- 2 *Resolved*, That the 79th General Convention express its dismay at the statements expressing animosity and fear toward Muslims that have pervaded political discourse in the United States in recent years; and be it further
- 3 *Resolved*, That the 79th General Convention recognize legitimate national security concerns, but reject national security as a pretext for discrimination and transgressing civil rights; and be it further
- 4 *Resolved*, That the 79th General Convention express regret at historical and current U.S. Supreme Court decisions that uphold governmental discriminatory policies and practices including *Korematsu v. United States* and *Trump v. Hawaii*; and be it further
- 5 *Resolved*, That the 79th General Convention direct The Episcopal Church's Office of Government Relations to urge the U.S. government to enact and implement legislation, policies, and initiatives that are not discriminatory in intent or in practice, and that remedies be sought to address the wrongs committed through discrimination, government policies, and political rhetoric that cause injury to communities that have been discriminated against.

EXPLANATION

In the 50 years after the Civil Rights Movement, there was an important positive development: explicit racial malice was broadly and publicly disavowed across American society. At the level of publicly articulated values and beliefs, anti-racism won.

Yet no broad cultural and societal practice, as deeply ingrained into our daily lives and identities as racism, simply disappears or ceases to exist. In the second half-century since the Civil Rights movement, confronted with persistent racial inequality even in the face of broad anti-racist commitments, two developments are notable: 1) Many Americans have come to understand how racial inequality is continually produced even in the absence of racial malice, using the language of privilege and implicit bias, or structural and institutional racism. 2) Other Americans, especially

White Americans, seeing the persistence of racial inequality as the product of unequal merit, chafe at the cultural shifts that the commitment to anti-racism requires. On the one hand, they long to speak more plainly about racial superiority and inferiority. On the other hand, explicit racism still garners negative consequences.

Trump v. Hawaii, the "Muslim ban" case recently decided by the Supreme Court, is at its core about facial neutrality and discriminatory intent. There is no dearth of evidence about its intent. As painstakingly catalogued by Justice Sonia Sotomayor in her dissent (Sotomayor dissent at pp. 4-12-- these are worth quoting in detail), President Trump throughout his campaign and into his Administration, made no secret of his animosity towards Muslims, and his desire enact a Muslim ban. When his Administration rushed out an early Executive Order banning refugees and immigrants from certain Muslim countries, federal courts enjoined its enforcement based on the clear discriminatory intent demonstrated by the President's many statements and tweets. A key Trump adviser stated that the President had asked him to put together a Muslim ban and to find a "way to do it legally." When the President signed the order, entitled, "Protecting the Nation From Foreign Terrorist Entry Into the United States," he looked up, and said "We all know what that means."

The Administration eventually revised the order and supplied a national security rationale supporting it, and the President promptly tweeted that the new order was a "watered down, politically correct version" of the "original Travel Ban" "to S[upreme] C[ourt]." The President went on to tweet: "People, the lawyers and the courts can call it whatever they want, but I am calling it what we need and what it is, a TRAVEL BAN!"

The Supreme Court, in a narrow 5-4 decision written by Chief Justice John Roberts, upheld the ban, largely because the President's order was "facially neutral toward religion." The majority insists on focusing on the institutional authority of the Presidency rather than on the statements of the particular President in question.

At the same time, the Court overturned one of its most notorious decisions, the Korematsu case. That World War II-era precedent upheld the incarceration of Japanese Americans. As the Court notes, Korematsu "was gravely wrong the day it was decided, has been overruled in the court of history." However, the Court insists that in substance, Korematsu was irrelevant to this decision, as Korematsu involved an order that was explicitly discriminatory on its face, whereas here the order was facially neutral.

The reasoning in Korematsu focused on the extreme deference owed to the government in matters of national security. That deference was held to justify racial discrimination. And while nominally overturning Korematsu, the Court again defers to a proffered national security rationale to approve a government action that is, by the testimony of its authors if not by the language of the order itself, intended to discriminate against our Muslim sisters and brothers. Trump v Hawaii is a stain that is the exact shape and color of the decision it is replacing. It should not stand for a day, much less 75 years.



Resolution Number: 2012-A079
Title: Urge Defense of Human Rights and Communities Unduly Affected
Legislative Action Taken: Concurred as Substituted
Final Text:

Resolved, That the 77th General Convention urge each congregation in The Episcopal Church to become a model for peacemaking in our society by encouraging its members to commit themselves to nonviolent and peaceable behavior in their relationships with others and to express concern about attacks on human rights, including attacks on the right to dissent from U.S. government policy; and be it further

Resolved, That the General Convention express its concern through its Office of Government Relations that use of the Antiterrorism and Effective Death Penalty Act, the Patriot Act, and the Supreme Court decision in Holder vs. Humanitarian Law Project have a chilling effect on God's call to peacemaking and unduly impact the Arab, Palestinian, and Muslim communities in the United States; and be it further

Resolved, That the General Convention commend Episcopal congregations for their work in interfaith bridge building, including between Christian, Muslim, and Jewish communities.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Indianapolis, 2012* (New York: General Convention, 2012), pp. 281-282.



Resolution Number: 2003-D014
Title: Reaffirm Actions on Japanese-American Internment
Legislative Action Taken: Concurred as Substituted
Final Text:

Resolved, That the 74th General Convention reaffirm previous actions taken by both Executive Council and General Conventions on the internment and redress of Japanese-Americans and Japanese Latin Americans during World War II; and be it further

Resolved, That The Episcopal Church, in reaffirming its baptismal covenant to "uphold the dignity of every human being," support the civil liberties of all, regardless of ethnicity and religious beliefs; and be it further

Resolved, That in this post 9/11 era, the Church call on the United States government to be mindful of the experience and treatment in the internment of Japanese-Americans; and be it further

Resolved, That the United States government be instructed by this deplorable history when it considers any reauthorization, expansion, or implementation of legislation or regulations relating to "The Patriot Act of 2001," H.R. 3162, which can be found at <http://Thomas.loc.gov> (please note no www) (click on: legislation related to the attacks of September 11, 2001).

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Minneapolis, 2003* (New York: General Convention, 2004), p. 326.



Resolution Number: 2003-D077
Title: Affirm Abhorrence of Racial Profiling and Violence
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That this Church affirm its abhorrence of all violence toward and racial profiling of Muslims and people of color done in the name of religion, especially toward our Muslim brothers and sisters; and be it further

Resolved, That all members of this Church be encouraged to reach out in friendship to our neighbors of all religions—especially at this time to Muslims—seeking mutual understanding and expressing support; and be it further

Resolved, That The Episcopal Church direct the Committee on National Concerns of Executive Council to examine and direct the Office of Government Relations to monitor governmental policies on the imprisonment and restrictions of American citizens or legal residents based solely on ethnicity; and be it further

Resolved, That the General Convention acknowledge the danger that in this post 9/11 era a repeat of racial hatred, terrorism, hysteria, and a failure of political leadership could result in governmental policies causing the incarceration of citizens and legal residents based solely on their ethnicity.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Minneapolis, 2003* (New York: General Convention, 2004), p. 342.



Resolution Number: 1994-D132
Title: Reject Racism Toward Immigrants and Request the Church to Respond
Legislative Action Taken: Concurred As Substituted and Amended
Final Text:

Resolved, That the 1994 General Convention of the Episcopal Church declare reprehensible the widespread racist and unjust treatment of immigrants that has become a convenient theme of current political discourse; and be it further
Resolved, That provinces and dioceses develop programs of literacy, citizenship, voter registration and advocacy to counteract violations of civil rights.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Indianapolis, 1994* (New York: General Convention, 1995), p. 355.