

Driving While Black

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Out of Bounds

CounterPunch

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Tells the Facts and Names the Names

The issue of racial profiling by police briefly grabbed the attention of the press when New Jersey Governor Christine Todd Whitman recently fired the head of the state police after he accused blacks and hispanics of being more likely to be drug dealers and therefore deserving of heightened police scrutiny. Whitman earned glowing coverage for her swift action.

In fact, Whitman has sedulously ignored the problem for most of her term, insisting that racial profiling is not a practice of the state police. Even after two New Jersey state troopers fired eleven shots into a van carrying four black men on their way to a basketball clinic last winter Whitman clung to her contention that the action was not racially motivated. In 1995 a New Jersey state judge threw out charges against fifteen black drivers who, the judge said, had been pulled over without cause. During the trial it emerged that on a 26-mile long stretch on the southern part of the New Jersey Turnpike minorities accounted for 46 percent of the drivers stopped, even though they were only 15 percent of the speeders.

Whitman also kept her mouth shut in early February when Emblez Longoria, a New Jersey state trooper, filed suit against his department claiming that he was being pressured to make illegal stops of black and hispanic drivers in order to fulfill his arrest quotas. Longoria, who is hispanic, alleges that he was denied promotions and harassed by his superiors when he refused to pull over drivers using racial profiling. Ultimately, Whitman's hand was forced by the racist remarks of Col. Carl Williams, the head of the New Jersey state police. Responding to a report showing that 75 percent of all motorists arrested on the New Jersey Turnpike in the first two months of 1997 were minorities, Williams told the Newark Star-Ledger that cocaine and marijuana traffickers were most likely to be either black or hispanic. Williams was canned, but don't expect much more action than that. The investigation of his Department has been in the hands of Attorney General Peter Verniero, who has fiercely denied that New Jersey cops use profiling. Black leaders in New Jersey have demanded that Verniero's investigation be taken up by an independent panel. But Whitman has refused and instead has nominated Verniero for a spot on the New Jersey Supreme Court.

But racial profiling is neither new nor isolated to the Garden State. Criminology has had these genetic typing obsessions as far back as eugenicists such as Cesare Lombroso, who attempted to define criminal types through head shapes and other physical characteristics. Particularly influential in the US was Earnest Albert Hooten, a Harvard professor of anthropology and appalling racist who published *The American Criminal* in 1939. Now these racist theories have pervaded the policing system of the United States from coast to coast. To be a black driver in America is to invite police scrutiny, as thousands are daily singled out for groundless pull-overs, "pretext" stops, and subjected to intrusive, warrantless searches and abusive treatment by police.

The problem is not merely one of racist cops, but of a policing system that encourages and promotes racial typing. In Amherst, Massachusetts, the police department held seminars for its officers on "perpetrator profiles". The officers were told that "interracial couples" were more likely to be engaged in drug dealing than white couples.

In San Diego, the police are ever vigilant to pull over black people driving expensive cars. In October of 1997, a black man named Shawn Lee and his girlfriend were stopped by the California Highway Patrol on Interstate 15. Lee, a member of the San Diego Chargers football team, and his girlfriend were handcuffed and held by police for more than an hour. The patrolman said that they were detained because Lee was driving a car that fit a description of one that had been reported as stolen that night. This story was false. Lee was driving a new Jeep Grand Cherokee. The stolen vehicle was a Honda.

A similar kind of racial typing is evident up the coast in supposedly liberal Santa Monica. In the fall of 1996, two police cars tailed Darryl Hicks and George Washington, two black men, as they pulled into the parking garage of their hotel. The police cruisers turned on their lights and at gun-point ordered the men out of their cars. The men were handcuffed and placed in separate police cars. Washington and Hicks' car was searched. The police claimed the men were being detained because they fit the description of suspects wanted in a string of nineteen armed robberies. The officers also said one of the men appeared to be "nervous". Washington and Hicks later sued the police officers for false arrest and civil rights violations. In ruling for the two men, the court determined that the armed robberies had not occurred in Santa Monica and that neither of the men fit the descriptions of the robbers.

In Carmel, Indiana, an affluent suburb of Indianapolis, a state trooper pulled over a black man named David Smith. The trooper was unaware that Smith was a sergeant in the Carmel city police department and the sedan he was driving was actually an unmarked police car. Smith was ordered out of his car and, according to Smith, the trooper appeared to be "shocked and surprised" when he saw that Smith was wearing his police uniform. The trooper said he had pulled Smith over because he had three antennas on the back of his car.

A similar incident occurred in Orange County, Florida. In April of 1997, Aaron Campbell was pulled over by sheriff's deputies on the Florida Turnpike. The deputies ordered Campbell from the car, forced him to the pavement, drenched his face with pepper spray and arrested him. Campbell was a major in the Metro-Dade County police department

and had identified himself as a policeman when he was pulled over. The Orange County deputies later said Campbell had been stopped for having an "obscured license tag" and for making an illegal lane change.

As is so often the case, the pretext for the profiling is the drug war, itself a ill-disguised form of state-sponsored racism. Nowhere has this kind of racial typing in the name of drug interdiction been used as aggressively as in Maryland, where since at least 1988 it has been the policy of the state troopers to pull over, detain and search drivers for drugs and guns, using a race-based "drug courier profile". According to the testimony of a Maryland State Trooper, those race profiles explicitly targeted: "1) young, black males wearing expensive jewelry; 2) driving expensive cars, usually sports cars; 3) carrying beepers; and 4) in possession of telephone numbers."

In 1990, the state police set up a drug task force called "Special Traffic Interdiction Force", or STIF. STIF targeted drivers along Interstate 95 in northeastern Maryland. The unit was composed of six white troopers. Over the course of six years, the STIF unit, using the drug courier profile, pulled over and searched black drivers four times as often as they did whites. One of the troopers, Bernard M. Donovan, searched only black drivers.

In 1992, the Maryland State Police's Criminal Intelligence Division developed a "Confidential Criminal Intelligence Report", which troopers used to make stops and searches based on race. The report encouraged troopers in Allegheny County to increase searches of black male drivers by saying that "the county is currently experiencing a serious problem with the incoming flow of crack cocaine". The Intelligence Report professed that "the dealers and couriers (traffickers) are predominantly black males and females".

The Criminal Intelligence Report came to light through a lawsuit filed in 1993 by Robert Wilkins. Wilkins, a Harvard Law School graduate, was a public defender in Washington, DC. In May of 1992 he was returning to DC from a family funeral in Ohio in a rented Cadillac. He was accompanied by his aunt, uncle and a 29-year old cousin. Wilkins was pulled over by a trooper in western Maryland for speeding. He and his family were ordered out of the car and forced to stand in driving rain for more than an hour as the state trooper brought in drug-sniffing dogs to search the car. No drugs were found. Wilkins and the American Civil Liberties Union filed suit and, in 1995, won a substantial settlement from the Maryland State Police. As part of the Wilkins settlement, the state police agreed to compile a database of all stops of drivers on Maryland highways in which police ask to perform searches or in which a search is done by a drug-sniffing dog.

White motorists make up 78 per cent of Maryland highway traffic, while black drivers account for about 17 per cent and other minorities about 5 percent in the state. When the Wilkins data were submitted to the court in late 1998, they showed that between January 1, 1995 and December 15, 1997, more than 70 per cent of the people who were stopped and searched on Interstate 95 were black and about 77 per cent were minorities. Only about 23 per cent were white. The data also revealed that the vast majority of drivers who

were stopped and searched and not found to be carrying any drugs were also black, more than 67 percent. The ACLU has used such data to bring a class action suit against the Maryland state police.

Clearly, the Wilkins litigation did nothing alter the racist practices of the Maryland troopers as evidenced by the testimony of State Trooper Michael Lewis in a recent criminal case. Lewis told the court that he pulled over Robert Ware in large measure because he was a young, black man. Lewis admitted that he factored in the race of drivers on a daily basis as part of his drug interdiction work. In late 1998, the Maryland State Police assigned Lewis to a post as an instructor, training other troopers in how to identify potential drug couriers on the state's highways.

One of the plaintiffs in the ACLU suit is Nelson Walker, a native of Liberia and a student at the University of North Carolina. In April of 1995 Walker was stopped on Interstate 95, purportedly for failure to have his seatbelt buckled. The trooper who pulled him over insinuated that his 1990 Infiniti was too nice a car for Walker to be driving and ordered Walker and his passenger out of the car. Drug-detecting dogs were called for and then the car was searched for over an hour and a half. Walker and his friend, Mecca Agunabo I, were made to stand in the rain for nearly two hours while the car was searched.

When Agunabo said he needed to get out of the rain because he had just recently recovered from a bout with pneumonia, the trooper threatened to arrest him. In a search for drugs, the troopers rummaged through the men's luggage and other personal belongings. Then the troopers largely dismantled Walker's car, tearing out a door panel, the back seat and part of the sunroof. No drugs were found. One of the troopers went to his cruiser and returned with a screwdriver, which he handed to Walker saying, "Here, you're going to need this." **CP**

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