

Amnesty International on Racial Profiling in America

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Amnesty International has released a new study of racial profiling in the United States.¹ The bottom line? It's well put-together, potentially useful to certain types of activist groups and lends Amnesty's august name to the movement for police accountability. At the same time, it's findings of fact will be old news to people of color, the poor and other police accountability activists, and the political solutions it proposes are uninspiring and politically paralyzing. That said we should be cautious about dismissing such liberals out of hand when we ourselves are lacking concrete strategies for making the anti-police struggle a national one.

The report is the result of both academic research and public input. Amnesty exhaustively researched federal and state laws, Supreme Court rulings, international treaties signed by the US government, public opinion polls, and written literature on racial profiling. They also consulted community organizations nationwide and held public hearings on the topic in five US cities in late 2003. They took testimony from victims of racial profiling, community activists, academics, and cops of various stripes. They concluded that racial profiling exists as a systemic problem affecting people of color, immigrants, and Muslims. They found people are subjected to police harassment while driving, walking, traveling, worshipping and even sleeping far out of proportion to their numbers in society. The report demonstrates that the profiling of Arabs, Muslims, Sikhs, South Asians and Persians has increased substantially since September 11, 2001.

Obviously none of this is news to people of color or others paying attention to the historical role of police in US society. But if you're engaged in educating other groups (i.e., white people of means), the report is a largely irrefutable demonstration that racial profiling exists, adversely affects individuals, communities, and the country as a whole. I do not see such education as strategically important when so many who already do know that the police are a problem are hungry for change, but such work does happen and it is in this arena the report would be most useful.

Specifically, the report serves to place the problem of racial profiling in the context of international human rights treaties and conventions to which the US is a party. It also provides estimates of the number of people, broken down by race, who are racially profiled in each state as well as a

¹ Threat and Humiliation: Racial Profiling, Domestic Security, and Human Rights in the United States. www.amnestyusa.org (Accessed 9/29/04).

spreadsheet summarizing the strengths and weaknesses of laws against racial profiling that exist (or not) in each state. These could be useful consciousness-raising tools for activists, particularly in states lacking strong existing police accountability organizations. They quickly and effectively demonstrate the breadth of the problem. In the same vein, its recommendations for effective civilian review are refreshingly radical and would serve as a good model for organizations interested in pursuing that strategy.

Points raised that are of most interest to revolutionaries are, unfortunately, briefly treated and not carried to their conclusions. To their credit, Amnesty acknowledges the historical basis of racial profiling as perpetrated on American Indians and African-Americans, mentions the economic devastation resulting from removing millions of male wage-earners from entire communities, and dismisses the potential of legal challenges to racial profiling given the Supreme Court's incremental narrowing of Miranda rights and broadening of police discretion in stops, searches and arrests.

There are also more fundamental problems with the report. In continually emphasizing the (admittedly real) damage racial profiling does to public safety, national security and public trust in the police, Amnesty's perspective is uncritical of who stands to benefit most from the type of "safety, security and trust" on offer from the state. The report offers compelling examples of major crimes that went unsolved while police fixated on people of (the wrong) color, but doesn't consider that crime may not actually be the primary target of the police. To liberals who believe in the basic goodness of US society, racial profiling is an aberration, an outrage and bad policing. To careful observers of history however, racial profiling is a defining characteristic of US law enforcement. In failing to critique the inequalities of power and resources that the police protect, Amnesty doesn't consider that racial profiling is essential to keeping people of color and immigrants socially marginal and economically precarious.

Most troubling are the report's recommendations and lack of attention to grassroots movements. Just pages after pointing out that existing Constitutional and legislative protections go un-enforced, and that the Federal Government has always responded to national crises by repressing minorities, Amnesty nonetheless invokes the White Knight of Uncle Sam to come rescue us from wayward local and state police agencies. Complementing this total reliance on legislation is an equally complete silence on the role of communities in their own liberation. Even while accepting testimony from community organizers and people with a clear interest in the eradication of racist policing, the report makes no mention of what communities can do (and indeed, are already doing) to stand up to racist police.

But before we get too smug in our radical critiques of liberalism's inability to comprehend the problem, we'd do well to take a good long look at the numbers provided in Amnesty's report. At least 32 million people in the US report being racially profiled. Amnesty estimates that at least 87 million are at high risk of being profiled in their lifetime. That's about one-third of this country that knows full well the risks they take every time they leave the house. If ever there were a potential mass base for a revolutionary movement, this is it. If we believe, as I think we should, that mere legislation is a dead end, we need to be engaged in the community resistance to police racism and violence that has always existed in this country, and trying to coordinate strategy on a national level.

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