

Milwaukee Municipal Court
 Case Filings 1994 - 1998, Select Ordinances/Statutes

Race	Pedestrian Victims: Pedestrian Signal (Jaywalking)					Vehicles Operator: Fail to Wear Seat Belt					Ride in Vehicle without Wearing Seat Belt				
	1994	1995	1996	1997	1998	1994	1995	1996	1997	1998	1994	1995	1996	1997	1998
Asian	1	4	1	0	2	23	21	28	52	41	0	3	1	3	0
Black	126	214	252	613	263	2,022	1,536	2,166	4,548	3,498	0	95	758	634	764
Hispanic	1	3	6	22	12	22	40	126	210	214	0	6	44	29	22
Indian	3	5	17	2	2	5	17	13	16	12	0	1	3	1	5
White	138	366	386	641	243	1,474	1,482	2,467	3,416	2,370	0	77	462	386	244
Unknown	0	1	2	4	0	33	12	2	7	3	0	0	2	2	0
TOTAL	288	593	666	1,291	512	3,579	3,118	5,102	8,248	6,139	0	182	1,270	1,255	1,044

TRAFALIC

VIOTATION

RACIAL PROFILING IS A REALITY FOR BLACK DRIVERS

POLICE MAJOR AARON CAMPBELL JR. was heading north on the Florida Turnpike one evening when it happened to him.

Charles and Etta Carter were driving through Maryland, returning home to Philadelphia on their 40th wedding anniversary when it happened to them.

And if their stories are not enough, lawyer Christopher Darden of O.J. Simpson trial fame, actor Wesley Snipes and other numerous known and unknown African-Americans have their own versions of it to tell. Even U.S. Deputy Attorney General Eric H. Holder Jr., the highest-ranking African-American in the U.S. Department of Justice, has a story from his college days about it. In each case, "it" is DWB — Driving While Black.

DWB (Driving While Brown when referring to Hispanics) is the catch phrase being used to describe racial profiling these days, the practice of law enforcement officials pulling over drivers simply because of the color of their skin. It's a practice that many police departments steadfastly deny, but one that many African-Americans say is an ugly rite of passage for Black and Hispanic drivers.

When you're Black or Hispanic, they say, rules of the road take on a different meaning. A car filled with young men has a good chance of being stopped. A Black or Hispanic man or woman driving through a mostly White area can arouse suspicion, and if they are driving a nice car, it's a good bet that they'll be pulled over. In the nation's protracted and too often misguided "war on drugs," U.S. highways have become like minefields for motorists of color, as authorities comb the roads in search of "mules," those smuggling narcotics — and often guns. Without warning, an innocent Black driver can end up parked on a highway shoulder, face-to-face with the law. Sometimes motorists are

BY MARCIA DAVIS

ticketed for minor infractions, such as a cracked taillight or making an illegal lane change. But the main purpose of their stop is to be questioned, and often have their vehicles and belongings searched. Then they are sent on their way, many times without an explanation or apology.

"Ninety percent of the people that they stop and infringe upon their rights get stopped and get humiliated," says Campbell, a police officer in Dade County for nearly 30 years, who was pulled over early one evening in 1997 while driving to a house he was building in North Florida. The incident, caught on videotape and now part of Campbell's own efforts to expose what he calls a "racist game of smoke and mirrors," ended in a scuffle with Orange County deputies. Campbell was pepper sprayed and arrested. He says he has spent nearly \$100,000 fighting the case. He was found guilty of a misdemeanor and has a civil suit pending, he says.

"The intent is good, but the way it's being practiced by racist police officers is an abuse of power," he says. "[Black and Hispanic drivers] are innocent people who haven't done anything. That's what's so bad about it. The majority of the people they are searching and humiliating are Black people. That's why I was so angry. I went from being an ordinary citizen and decorated officer to a criminal in a matter of minutes."

It may have taken minutes for Campbell's transformation, but it's taken years for the complaints about racial profiling to make

"[BLACK AND HISPANIC] DRIVERS ARE
INNOCENT PEOPLE WHO HAVEN'T
DONE ANYTHING.... THE MAJORITY OF
THE PEOPLE THEY ARE SEARCHING
AND HUMILIATING ARE BLACK."

it across America's great racial divide. Finally, after years of studies and lawsuits from angry Black motorists, police denials and charges that accusations were isolated incidents or inflammatory exaggerations, the issue is getting an unprecedented level of attention across the country.

In April, North Carolina's Gov. Jim Hunt signed into law Senate Bill 76, which requires state law enforcement officers to record

the race, age and gender of every motorist stopped. North Carolina, which had been sued by Black motorists, was the first state to pass such legislation. Similar bills challenging racial profiling have been introduced in Congress and at least 12 other states, including those along the Interstate 95 corridor, which authorities target for heavy drug trafficking. The states with legislation pending include: New Jersey, Pennsylvania, Rhode Island, Connecticut, Maryland, Massachusetts, Virginia, Florida, Ohio, Illinois, Texas and California.

Though the debate on profiling has been a long-standing one, in recent months the issue has gained a wildfire momentum. In states such as Massachusetts and New Jersey, Black and Hispanic drivers have come forth, some in tears, to testify at public hearings about their roadside encounters with law enforcement; and the American Civil Liberties Union, one of the most tenacious and aggressive opponents of racial profiling, has filed at least nine lawsuits in six states, so far. An ACLU spokeswoman said another suit is planned, but she would not be specific about where. The group also has set up a national DWB hot line [1-877-6-PROFILE].

In the meantime, against the backdrop of unrelenting protests in New York City over a police shooting of an unarmed African immigrant, and a growing realization of the steadily plummeting confidence in law enforcement by communities of color, the nation's top law officer says she favors collecting racially specific data on traffic stops. In a speech in Washington, D.C., this spring,

U.S. Attorney General Janet Reno said collecting data is necessary so "we can see where the problems exist and how extensive they are." She praised the San Diego police department for its announcement this year of plans to voluntarily collect the information. San Jose, Calif. also announced this year that it would collect data.

Vice President Al Gore Jr. has spoken out against the practice, saying, "I am outraged by recent reports of 'racial profiling.' DWI is a crime in this nation. DWB shouldn't be. It is wrong to pigeonhole and punish innocent citizens on the basis of race. It is wrong to stereotype somebody as a suspect simply because of the color of their skin."

Gore will get no argument from U.S. Rep. John Conyers Jr. (D-Mich.), who has introduced his data collection legislation, "The Traffic Stops Statistics Act," for the second time in two years.

"We feel very good about what's happening. We think that we are poised to move forward," says Conyers. Last year, his bill passed the House on a voice vote but died in the Senate. This year, his legislation has three Senate sponsors: Edward M. Kennedy (D-Mass.), Russell D. Feingold (D-Wisc.) and Frank R. Lautenberg (D-N.J.). No Republicans have signed onto the bill so far, but a Conyers' aide says they hope for some GOP support. Conyers, whose efforts helped open up the national debate on racial profiling, says Reno supported the bill last year and he's also expecting her on board again.

But Reno and the Justice Department have come under fire from some activists who fear she is moving too slowly on the issue. "While it's heartening to hear Reno mouth the right words, they still have to go a long way in putting their money where their mouth is," says Laura W. Murphy, director of the national office in Washington, D.C.

Counters Christine DiBartolo, a spokeswoman for the Department's civil rights division, "The issue of police misconduct and police integrity is an issue that the Justice Department takes very seriously, and it's one of the highest priorities here."

It's certainly a high priority for activists in New Jersey. In late February, Gov. Christine Todd Whitman fired the head of the New Jersey State Police, Col. Carl A. Williams, after a report quoted him as saying that it was naive to believe race wasn't a factor in drug crimes and that most traffickers of cocaine and marijuana were people of color.

Weeks later, Whitman and her attorney general admitted that racial profiling was a reality on the New Jersey Turnpike. A preliminary report conducted by Attorney General Peter Verniero's office stated that based on information it reviewed, "minority motorists have been treated differently than nonminority motorists during the course of traffic stops on the New Jersey Turnpike." The report came a day after two state troopers had been indicted for falsely listing Black motorists as White in their reports. They were the same two involved in the turnpike shooting.

Says Whitman, "There is no question that racial profiling exists at some level. The problem of disparate treatment is real."

New Jersey legislators and activists, noting Whitman's "some level" qualification and angry that her administration had appealed a court ruling against racial profiling, were lukewarm to the admission, saying the comments have come late in what has been a long and dangerous game on the New Jersey Turnpike. The appeal has since been dropped. Critics, however, also made

NEW JERSEY OFFICIALS RECENTLY ADMITTED TO RACIAL PROFILING, STATING, "...MINORITY MOTORISTS HAVE BEEN TREATED DIFFERENTLY THAN NONMINORITY MOTORISTS."

note of Whitman's aspirations for a seat in the U.S. Senate.

"It's hard to acknowledge the house is on fire as you run out the door," says the state's ACLU's acting Executive Director Kevin Keenan. "It is much harder to stay and help put it out."

Assemblyman LeRoy J. Jones Jr. was also skeptical. "They have a lot of things they said they are going to do, [but] I don't know that there is a great sense of confidence in anything that they propose."

The attorney general's report came on the same day that Jones and other members of the Black and Hispanic state legislative caucuses had spent 12 hours listening to testimony from residents about their traffic stops. "Many times there were individuals breaking down in tears," says Jones, who has introduced several pieces of legislation to step up state police accountability. "One woman, Dorothy Cobb, was physically abused and humiliated.... Two lawyers who had been pulled over for no apparent reason, had a gun stuck in their face and were talked to like they were second-class citizens. Just listening to the humiliations, to what people had to endure was very draining emotionally."

Along the New Jersey Turnpike, African-Americans made up

SOME CASES OF DRIVING WHILE BLACK

California

In October 1997, San Diego Chargers football player Shawn Lee was pulled over, and he and his girlfriend were handcuffed and detained by police for 30 minutes along Interstate 15. The officer said Lee was stopped because he was driving a vehicle that fit the description of one stolen that evening. But Lee was driving a Jeep Cherokee, a sport utility vehicle, and the reportedly stolen vehicle was a Honda sedan.

(From the San Diego Union-Tribune, Dec. 13, 1997.)

Officers in two Santa Monica police cruises followed George Washington and Darryl Hicks, both African-American men, as they drove into the parking garage of the hotel where they were staying. The men were ordered out of the car at gunpoint, handcuffed and placed in separate police cars while the officers searched their car and checked their identification. The police justified their retention

because the men allegedly resembled a description of two suspects being sought for 19 armed robberies and one of the men seemed to be "nervous." The men filed suit against the officers and the court found that neither man fit the descriptions of the robbers, and that the robberies had not even occurred in the city of Santa Monica.

(The Los Angeles Times, Nov. 6, 1996.)

New York

Colin Brown was driving from Albany to Bethlehem with his young daughter asleep

in the car, when he noticed that his headlights were dimming. He stopped the car and got out to see what was causing the problem. A Bethlehem police car pulled up behind him with its lights flashing and the officer asked if he needed any help. When Brown replied that he did not need any assistance, the officer told him to get behind the car and proceeded to search the car. The officer believed Brown that the car had been repaired in a shop, which was true. Brown had reported the car getting trouble shortly after it had been repaired in front of his Albany home. Albany police had received the car a week after it was reported stolen. Brown said he was surprised by the requirement of drivers to remain in the car and not talking during a stop. The officer eventually returned Brown's car to him and discovered that the car was indeed stolen. He then was arrested. *(The Albany Times Union, Jan. 21, 1997.)*

Maryland

Robert Walker, a young African-American college student from Georgia, was driving alone in a Maryland van he was taking to his state police car and his van's window was tinted. The officers detained him and kept his passengers for two hours as they searched the car for drugs, drugs, weapons, or other contraband. Finding nothing, they proceeded to search the car and removed most of a baby's car seat, a dog's collar and part of the window. After finding nothing, the officers in the car handed Walker a screwdriver, saying, "You're going to need this" as they left the scene.

(Raleigh, N.C.'s The News & Observer, June 11, 1998.)

Indiana

Sgt. David Smith, an African-American state police officer, was pulled over while driving in a marked car in the city of Carmel. Smith was wearing a pattern of the time, but he was not wearing a belt, which would have identified him as a police officer. According to a complaint filed with the AGSD, the trooper appeared to be "shocked and surprised" when Smith got out of the car. The trooper explained that he had stopped Smith because he had three passengers in the rear of his car and because he had a dog. *(The Indianapolis Star, Dec. 20, 1997.)*

Pennsylvania

Some Pennsylvania troopers pulled over while driving the Pennsylvania State Police car on I-76. The troopers' police car was parked on the scene and the officers said that Gammage was being pulled over before stopping. After the trooper handed the keys to the car, the trooper searched Gammage out of the car and found the trooper's belongings, including a dog's collar, a small dog, a small dog's collar. The trooper searched the dog and found a dog's collar and a small dog. The trooper searched Gammage with a flashlight, a computer scanner and a flashlight as they got out of Gammage's truck. Gammage was not handcuffed and handcuffed, but he was arrested on the payment shortly after the incident began. *(People Magazine, Aug. 15, 1998.)*

(Source: The American Civil Liberties Union.)

13.5 percent of the traffic and 15 percent of the speeders, but were 46 percent of those pulled over. According to the attorney general's report, arrest data from the Computerized Criminal History database shows that from 1996 through 1998, for Cranbury, Morristown and Newark — the three New Jersey trooper stations along the turnpike — of 2,871 arrests, 61.7 percent were Black and 32.5 percent were White. Five percent were other races. In Florida, *The Orlando Sentinel* videotaped traffic stops and found that 70 percent of those stopped on Interstate 95 were Black motorists, even though they made up less than 10 percent of the driver population.

In Maryland, the numbers were equally disturbing, showing that while 17.5 percent of the traffic violators on I-95 just north of Baltimore were African-American, 70 percent of those searched by the Maryland State Police were Black. Charles and Etta Carter were stopped along that stretch. The couple, then Philadelphia residents, was traveling north on I-95 through Maryland on their 40th wedding anniversary in 1994 when they were pulled over by the state police in Cecil County. Troopers brought in a drug-sniffing dog to search the van, and even refused to allow Etta Carter, 69, to relieve

herself. They said later they feared she would flee. The couple's belongings were strewn along the highway, including their daughter's wedding gown and invitations, a microwave and even boxes of detergent. The Carters say the dog even urinated on some items.

After being detained for a long period — the Carters say it was for three hours; state police say it was for about an hour — the couple was allowed to leave. No drugs had been found; the couple received a warning citation for improper lane change.

"They had us sitting on the embankment all this time and you feel like an idiot," says Charles Carter, 70, a retired jewelry store worker. His wife had been a kindergarten assistant in Philadelphia public schools. "To top it off, my wife had to relieve herself and they wouldn't let her. They told us if we didn't sit down, they were going to handcuff us." The Carters have since moved to Florida to live with their daughter and her husband. Now on their anniversary, thoughts of their wedding day are overshadowed by the memory of that stop. "That's why we'll never forget it," Etta Carter explains. "When I start to talking about it, I get so angry. I wanted them to really pay for what they did. They have to stop it." Authorities did

CLUB HAS TRIED TO OUT REPUBLICANS ON CRIMINAL JUSTICE LEGISLATION. THE POLICY... BEEN SOME OF THE MOST REGRESSIVE WE'VE SEEN IN A LONG TIME."

...sisted the help of the ACLU and sued. They were awarded \$10,000 in an out-of-court settlement.

Harvard-trained lawyer Robert L. Wilkins and several members of his family were also pulled over on I-95. Wilkins, a public defender in Washington, D.C., was returning from a funeral in Chicago in May 1992 when the rented Cadillac he and his family were in was stopped for speeding in western Maryland. Troopers said the car was traveling 60 miles an hour in a 40 mile zone. The trooper ordered Wilkins, his aunt, uncle and cousin out of the car.

"I remember standing in the rain with that German shepherd jumping all over the car and police standing around and all the cars driving past and the occupants looking at the dogs and the cars and us. And I remember seeing this young boy who was White, who was in one of those cars. He was about 6 and had his face pressed against the window the way kids do. I couldn't help but to think what that image subconsciously told him as he is growing

up. What did it help to contribute about his view of Black people? Whether it's going to contribute to him [believing] racist stereotypes about Blacks, or an unwarranted fear about Black men."

The car was searched for drugs, but authorities didn't find anything.

Wilkins, along with the ACLU, sued. The Maryland State Police denied the allegations of racial profiling but settled the case. Part of the settlement was a requirement that the state police collect racial data on traffic stops. The case encouraged others to seek data on police stops.

"I think it's encouraging that there's interest and attention being paid to this issue. It's certainly not new," Wilkins says. "It's something that's been going on for generations, and finally people are starting to do something about it. This is one of the terrible legacies of slavery and racism that needs to be left behind as we go forward to the year 2000. I think that getting the statistics was very important because they showed very clearly how police discretion can skew the public's attitude about Blacks and crime."

California Assemblyman Kevin Murray (D) is pursuing the same issue on the West Coast. Like Rep. Conyers, Murray sponsored DWB legislation last year and has reintroduced it this year. Last year, GOP Gov. Pete Wilson vetoed the first initiative, which had been passed by the legislature. This year, with Democratic

leadership in both state houses and the governor's mansion, Murray is confident the bill will become law.

"The issue is reaching a critical mass," says the legislator, who was stopped by police one evening last year while he was out with his fiancée in Beverly Hills. Authorities have said Murray didn't have a front license plate, though Murray was never ticketed and says the officer never looked at the front of his car. "My little incident is small and irrelevant," he says. "But if this could happen to me, someone who has gone to law school and is an elected official, then it really must be horrible when it happens to others who are not in my position.

"We are talking about nice middle-class people who are getting targeted. We're talking about people whose only difference is that they happen to be African-American. That is not an allowable crime suppression tool in this country. Individuals commit crimes, races don't commit crimes."

Tell that to Boston-based Drug Enforcement Administration agent Paul L. D. Russell Jr., who was on duty last Nov. 18 and driving through Reading, Mass., (a predominantly White town about 10 miles north of Boston) when he was pulled over for having an expired license plate. He was in an unmarked DEA car. Russell says he had no problem with the initial stop because the plate was expired. The officer asked if he knew why he'd stopped him, Russell recalls. He replied he did, produced his driver's license, DEA badge and other I.D. The car Russell was driving wasn't registered to him, common with vehicles used in undercover DEA operations. The officer "wasn't impressed" by his explanation, though. He asked numerous questions, then said he'd have to have his sergeant check things out, Russell says.

"We're all on the same team supposedly, but the whole attitude was very condescending, it was very suspicious-looking," Russell says. The officer called a sergeant to the scene. The two conferred, Russell says, then the sergeant told Russell there were holes in his story. The sergeant asked if he had a weapon. Like most agents, Rus-

If I had a
dollar
for
every
time

I've been
pulled over...

Have you ever been stopped for Driving While Black?

Racial profiling on America's highways is no surprise to people of color. But most public officials are still in denial about it.

Federal and state legislation is needed to stop discrimination on our highways and streets. But so far, only North Carolina has passed such a law, and the Traffic Stops Statistics Study Act introduced by Rep. John Conyers (D-MI) is stalled in Congress.

The ACLU has made the "DWB" problem a priority issue. We are representing victims in court, lobbying Congress and state legislatures, and educating the public. But we need your help. The more examples we have, the more effective we will be.

If you have been a victim of racial profiling while driving, call our toll-free hotline at

1-877-6-PROFILE.

Or go to www.aclu.org/forms/trafficstops.html on our website.

We'll make sure your story reaches lawmakers on Capitol Hill.

You can also help by supporting the ACLU.

Yes, I want to join the ACLU. Enclosed is my contribution:

\$20 \$35 \$50 Other

Name _____

Address _____

City, State, Zip _____

E-mail address _____

Send your donation to:

American Civil Liberties Union,
125 Broad Street, 18th Floor, New York, NY 10004.

PEMERG

sell did. The sergeant ordered Russell against the car. "The officer pressed against me on the car, pushed me and started yelling commands at me, kicking my legs open. They completely ignored my credentials and my badge," says Russell. "Clearly they had a different agenda and I believe a lot of it was racially motivated."

He was released without any apology. "I'm not saying all police officers are racist, but there is a segment that do profiling," says Russell, who also points out that as a federal officer he actually had the authority to arrest the officers.

What's ironic about a DEA officer being stopped is that it's the DEA's low-key drug interdiction program known as Operation Pipeline that many activists say is a major source of the DWB problems along interstates such as I-95. The agency, a branch of the Justice Department, for more than a decade has run a program meant to bust smugglers traveling along major drug corridors. The program, which the department says it has reviewed, is alleged by DWB opponents to include some profiling of racial and ethnic characteristics.

Murphy, of the ACLU in Washington, believes the Justice Department, among other things, should take a harder look at the program. Murphy also fears that much of the administration's talk against DWB will not be followed up by meaningful deeds. "My fear is that the Clinton administration will give the civil rights community and Black mayors and Black religious leaders a few crumbs in the right direction but use this as a sweetener so that the civil rights community will not oppose [the administration's] omnibus crime bill," Murphy says. "This administration and the Republicans and Democrats agree that there ought to be another crime bill."

The last one included tougher death penalties, "3 strikes, you're out" provisions and didn't do anything about the crack and powder cocaine sentencing disparities. "I think she [Reno] is trying to keep the White House happy, which has made a career out of looking pro police," Murphy explains. "This administration has tried to out Republican the Republicans on criminal justice legislation. The policy out of the White House has been some of the most regressive we've seen in a long time."

Despite Conyers' optimism about the bill and even Reno's support, like Murphy, he says there's a lot more work to be done.

"I can't use this surge of support on the DWB to think that we're getting somewhere on other issues," he says. "It doesn't appear to be. Though there are a lot of people offended by the violence of police and their illegal conduct, it still seems to go on."

In fact, Reno could take the initiative on data collection without a congressional vote, says Rachel King, the ACLU's legislative counsel in Washington. King says she's not even sure the legislation will be passed and signed into law. "I wouldn't be surprised if it got attached to something else. I think a lot of stuff is going to come down in terms of dealing with police abuse, and dealing with police accountability.... Whether it's going to pass straight alone as a standup bill, I don't know."

Ronald Neubauer, police chief of the 55,000-member bedroom community of St. Peters, Mo., and president of the International Association of Chiefs of Police (IACP), knows what he'd like to see concerning Conyers' bill. "The way it's drafted, we aren't for the legislation. It's not the concept that we have an issue with it, it's the method," he says. He fears asking race-based questions during traffic stops might add to

an already-tense situation.

In San Diego, Keith W. Enerson isn't hesitating. "We think it's the right thing to do," says Enerson, the acting police chief for the country's sixth-largest city with more than a 2,000-member police force and with 800 civilian workers. Before retiring as chief this year, Jerry Sanders decided to collect the data, Enerson says. He expects the system to be operating by year's end.

"We're in the process of equipping all of our officers with laptop computers," he says. "We will build a program into this where we will capture all this info in a very easy way. We'll include the reason for the stop and the race, sex, age and whatever the disposition. Then we'll be able to retrieve all that information and analyze it."

To the north, San Jose makes about 100,000 stops each year, about half of them resulting in citations.

"We are going to take a look to see if we are stopping a disproportionate number of young people or different ethnic groups," says San Jose Chief Bill Lansdowne. "We want to do the job right. But if you don't do it, it damages the trust and relationship in a community. If you are doing the job right, then the numbers shouldn't cause you a problem. And if there is a problem, we'll fix it."

Lansdowne decided to collect the data after hearing his own officers of color talk about being pulled over, as well as stories from area residents. "We have to keep the communication lines open, to listen and listen well. We have a tendency in law enforcement to isolate ourselves from the community and that's a huge mistake." ■

—Additional reporting by Lottie L. Joiner and Rhonda Stewart.

WHAT TO DO DURING A STOP

BEFORE THE STOP

- Stay calm. Don't panic.
- Don't argue with police.
- Keep your hands visible at all times.
- Don't drink.
- Don't resist even if you're innocent.
- Don't get into the car unless you're told to.
- Don't get out of the car unless you're told to.
- Don't touch anything in the car.
- Don't talk to anyone in the car.
- Don't get into the car unless you're told to.
- Don't get out of the car unless you're told to.
- Don't touch anything in the car.
- Don't talk to anyone in the car.

POINTS TO KEEP IN MIND

- What you say to police can be used against you and a lawyer will try to exploit it when you sue. Only if you are innocent to an officer.
- You do not have to answer a police officer with a computer that shows your driver's license, registration, and proof of insurance when stopped while driving a car. In other situations, you cannot be legally arrested for failing to identify yourself to the police.
- You do not have to consent to any search of your car if you are in your home. If you do consent to a search, it can affect your rights later. If the police claim to have a warrant, you have the right to see it.
- You can be arrested if you interfere with or obstruct police.

Source: The American Civil Liberties Union
For more advice on what to do if you're stopped by police, visit www.aclu.org

Salter, George

From: Nilsen, Paul
Sent: Thursday, June 03, 1999 9:44 AM
To: Rep.MorrisTatum; Rep.YoungL; Rep.Coggs
Subject: FW: CNN - 'Driving while black' -- racial profiling under study - June 2, 1999 (htt

I thought you might find this page interesting. There are numerous related links at the bottom of the page. North Carolina currently requires statewide racial data collection on traffic stops.

Paul E. Nilsen
(608) 261-6926
Legislative Attorney
State of Wisconsin

-----Original Message-----

From: Peter Herman [mailto:pherman@execpc.com]
Sent: Wednesday, June 02, 1999 10:20 PM
To: Nilsen, Paul
Subject: CNN - 'Driving while black' -- racial profiling under study - June 2, 1999 (htt



[Click Here](#)

Covering all the major food groups! [Click here to taste](#)



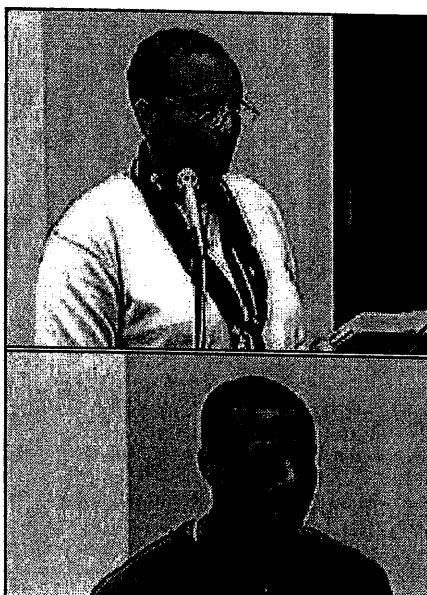
[u.s. > story page](#)

'Driving while black' -- racial profiling under study

June 2, 1999
Web posted at: 4:22 p.m. EDT (2022 GMT)

SAN FRANCISCO (CNN) -- With the growing number of allegations that police are using racial profiles to decide which motorists to pull over, some states are moving to gather statistics to show just who is stopped for alleged traffic violations.

Some minority leaders say they expect the statistics to show African Americans routinely are stopped for what they call "driving while black."



SPECI
WILD
Matt Di
TotalE
(VHS):
(List: \$
TOTAL

- [MAIN PAGE](#)
- [WORLD](#)
- [U.S.](#)
- [LOCAL](#)
- [POLITICS](#)
- [WEATHER](#)
- [BUSINESS](#)
- [SPORTS](#)
- [SCI-TECH](#)
- [NATURE](#)
- [ENTERTAINMENT](#)
- [BOOKS](#)
- [TRAVEL](#)
- [FOOD](#)
- [HEALTH](#)
- [STYLE](#)
- [IN-DEPTH](#)

- [custom news](#)
- [Headline News brief](#)
- [daily almanac](#)
- [CNN networks](#)
- [CNN programs](#)
- [on-air transcripts](#)

news quiz

CNN WEB SITES:



EN ESPAÑOL
em português
SVENSKA
NORGE
danmark

PATHFINDER SITES:

Go To ...

MORE SERVICES:

- [video on demand](#)
- [video archive](#)
- [audio on demand](#)
- [news email services](#)
- [free email accounts](#)
- [desktop headlines](#)
- [pointcast](#)
- [pagenet](#)

DISCUSSION:

- [message boards](#)
- [chat](#)
- [feedback](#)

SITE GUIDES:

- [help](#)
- [contents](#)
- [search](#)

FASTER ACCESS:

- [europe](#)
- [japan](#)

WEB SERVICES:

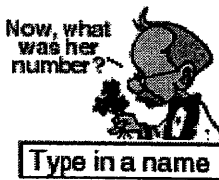
FIRST USA



.card



50% off all
best selling books



After being stopped recently in Clayton, California, black motorist Sam Williams asked the officer why he had pulled him over.

"I said, 'Do you know why I'm being pulled over?' He said because someone in the back seat fidgeted," Williams said.

Police later said Williams was stopped because of "suspicious activity."

Clayton Police Chief Pete Peterson maintains that his department keeps a close watch for racial harassment.

"We don't tolerate racial harassment or discrimination of any type. If somebody has a complaint like that, we will investigate it vigorously. If there is a problem, if discipline is necessary, we'll certainly take that kind of action," Peterson said.

He said in this case, an investigation showed that the officers' actions were correct and legal.

Some African American leaders think gathering statistics on police stops will help show that the problem of racial profiling is widespread.

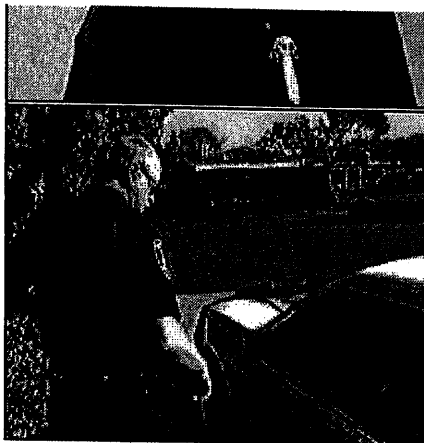
"The primary reason that police departments have been able to get away with racial profiling is because they refuse to collect the evidence that would prove that a problem exists," said Michelle Alexander with the American Civil Liberties Union's Racial Justice Project.

Figures gathered in Ohio seem to support Alexander's point. A study shows that blacks received traffic citations at a rate 1.5 times their portion of the population.

North Carolina already mandates that its police departments keep racial data on traffic stops. And the legislatures in several other states either already require it, or are considering laws mandating that their departments keep traffic stop statistics.

A bill was introduced in the U.S. House in April that would order the U.S. attorney general to conduct a nationwide study of traffic stops. The study would include information on the race and ethnicity of the drivers.

But not everyone thinks a federal law is a good idea.



Motorists Joanne Williams and Sam Williams say blacks are targeted by police officers

RELATED VIDEO

CNN's Greg Lefevre reports on what some call "racial profiling" -- police stopping motorists because of their race

Real	28K	80K
Windows Media	28K	80K

"I just don't think we need another federal law that really doesn't do anything other than gather statistics," said Chip Warren, with the International Brotherhood of Police Officers.

Recently the U.S. Supreme Court gave police wide discretion on who they stop, scolding critics for second-guessing police instincts.

"We teach that in our police academies, that if you see something or you see a building that just doesn't look quite right, stop what you are doing and check it out." Warren said.

Racial profiling has been spotlighted recently in a New Jersey case. Prosecutors filed a motion to dismiss charges against 21 people arrested by two state troopers accused of singling out minority drivers for traffic stops. The officers were indicted on charges that they falsified their records to hide their alleged practice of targeting minorities.

A House panel in May heard allegations of racial profiling by the U.S. Customs Service. Minorities testified they were unfairly targeted in the fight against drug trafficking. The Customs Service has appointed an independent commission to investigate

Correspondent Greg Lefevre contributed to this report

RELATED STORIES:

New York officials defend police at civil rights hearing

May 26, 1999

House panel looks into charges of 'racial profiling' by U.S. Customs

May 21, 1999

Reno meets with civil rights activists to discuss police brutality

March 22, 1999

RELATED SITES:

Citizens Opposing Profiled Police Stops

House: Traffic Stops Statistics Study Act of 1999

Senate: Traffic Stops Statistics Study Act of 1999

ACLU: American Civil Liberties Union

International Brotherhood of Police Officers

Note: Pages will open in a new browser window

External sites are not endorsed by CNN Interactive.

LATEST HEADLINES:**WORLD:**

S. Africa ballot count ushers in post-Mandela era

Tiananmen not all of modern-day China's legacy

Peace talks with Milosevic to resume Thursday

US:

Investigators probe scene of American Airlines crash
Prosecution concludes arguments in Louima case
Clinton increases U.S. troops for Kosovo force

SCI TECH:

Feds warn hackers will be prosecuted; pro-Mitnick protest planned
Hackers train sights on all federal Web sites

ENTERTAINMENT:

Joan Chen: From China to Hollywood

SPORTS:

Ewing done for playoffs with partially torn Achilles' tendon
Sosa socks game-winning HR in ninth for Cubs
Canseco meets Junior at 20-homer plateau

BUSINESS:

Texaco says no to Chevron merger
For most automakers, sales in overdrive
Wall Street still worried about rates

 Launch CNN's **Desktop Ticker** and get the latest news, delivered right on your desktop!

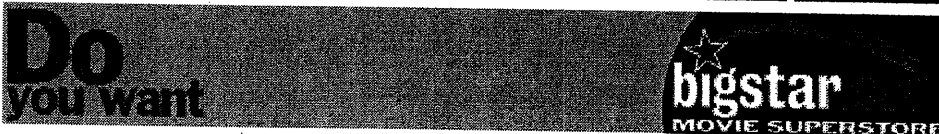
Today on CNN

SEARCH CNN.com

Enter keyword(s) **go**
help

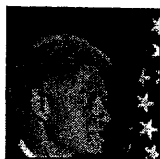
Back to the top

© 1999 Cable News Network. All Rights Reserved.
Terms under which this service is provided to you.
Read our privacy guidelines.



June 10, 1999

Clinton Orders Investigation on Possible Racial Profiling



By STEVEN A. HOLMES

WASHINGTON -- Declaring racial profiling "morally indefensible," President Clinton on Wednesday ordered federal law-enforcement agencies to compile data on the race and ethnicity of people they question, search or arrest to determine whether suspects are stopped because of the color of their skin.

"Racial profiling is in fact the opposite of good police work where actions are based on hard facts, not stereotypes," the president said. "It is wrong, it is destructive and it must stop."

Clinton said he was issuing a presidential directive requiring all federal law-enforcement agencies, like the Federal Bureau of Investigation, the Drug Enforcement Administration, the National Park Service, the Customs Service and the Immigration and Naturalization Service, to gather detailed demographic data on their activities.

"The Justice Department will then analyze this data to assess whether and where law enforcement engage in racial profiling, and what concrete steps we need to take at the national level to eliminate it anywhere it exists," he said.

Clinton acknowledged that because the vast bulk of police work was carried out by state and local agencies, and not the federal government, his directive would have limited impact on the practice of racial profiling. But he challenged state and local police forces to follow his lead in determining the extent of the practice.



Search

FIN

Ch

All Indu

Bankin

- ABA Ba
- CPA Jo
- Interna Bulletin
- Journa
- Tax Ad

A

The president Wednesday also threw his support behind a bill requiring the attorney general to analyze data from a sample of jurisdictions on stops for traffic violations by state and local law-enforcement agencies. The study would look at the race, ethnicity and sex of the driver, what prompted the stop, whether the vehicle was searched, and if so, what contraband was found and whether an arrest was made.

The measure, sponsored by Rep. John Conyers Jr., D-Mich., is identical to one that passed the House last year, but stalled in the Senate.

The president's remarks Wednesday, at a Justice Department Conference on Strengthening Police-Community Relations, came in response to months of lobbying by civil rights and civil liberties groups in the wake of the killing by New York City police officers of Amadou Diallo, an unarmed West African immigrant.

Those groups have urged Clinton to make a forceful statement against racial profiling, using race or ethnicity as a criterion for stopping someone to question or search them.

The issue has also been particularly controversial in New Jersey, where a recent analysis of stops by state troopers on the New Jersey Turnpike appeared to support the contention that vehicles driven by black and Hispanic motorists were being stopped and searched disproportionately.

Clinton was seated on stage Wednesday with a number of civil rights leaders including Al Sharpton, the black minister and political activist from Brooklyn who led protests after the Diallo killing that brought some changes in police practices.

"Some say that police misconduct is an inevitable byproduct of the crackdown on crime," Clinton said at Wednesday's gathering. "I don't believe that's so. As a society we don't have to choose between keeping safe and treating people right, between enforcing the law and upholding civil rights. We can do both."

Though the leaders praised Clinton's actions, some civil libertarians grumbled that they did not go far enough.

"This is just a mandate to gather statistics, not a mandate to solve the problem," said Laura Murphy, director of the Washington office of the American Civil Liberties Union. "But I don't want to be too negative. This is an important first step."

It is unclear how much Clinton's directive will affect the activities of federal law-enforcement agencies. The two federal agencies whose officers have to make the most decisions on whether to home in on a particular individual out of a large mass of people are the Immigration and Naturalization Service and the Customs Service, both of which have to look over people entering the country.

Maria Cardona, a spokeswoman for the immigration service, said the agency did not use racial profiling to determine which of the millions of people entering the country through legal ports of entry it would question.

"We don't believe it's a legitimate enforcement tool," Ms. Cardona said. "What the INS uses is a list of factors, one of which is the appearance of an individual. But that in no way means that an INS enforcement official is to look at the race of an individual alone."

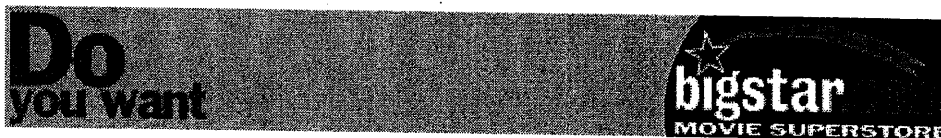
In 1990, in response to delays at ports of entry, the Customs Service switched from closely questioning nearly everyone, to inspecting a select group of people, and in recent years it has been accused of racial bias.

In response to lawsuits, Customs began compiling demographic data on those who had their luggage searched, or were frisked, X-rayed or strip-searched at selected locations. Last month the agency began collecting such data at all ports of entry.

Last year Customs conducted 2,500 "intrusive" searches on the more than 70 million people who arrived in the United States at legal ports of entry.

"It's absolutely necessary for us to do this to have a handle on these allegations of bias," said Raymond W. Kelly, the commissioner of the Customs Service and a former New York City Police commissioner.

Concerns over racial profiling have intensified as questions of police abuse against minorities have risen. This week a federal jury in New York City convicted a city police officer in connection with the beating and torture of Abner Louima, a black Haitian immigrant in a Brooklyn police station. Two weeks ago another officer, Justin Volpe, pleaded guilty to charges of violating Louima's civil rights.



[Home](#) | [Site Index](#) | [Site Search](#) | [Forums](#) | [Archives](#) | [Marketplace](#)

[Quick News](#) | [Page One Plus](#) | [International](#) | [National/N.Y.](#) | [Business](#) | [Technology](#) | [Science](#) | [Sports](#) | [Weather](#) | [Editorial](#) | [Op-Ed](#) | [Arts](#) | [Automobiles](#) | [Books](#) | [Diversions](#)
| [Job Market](#) | [Real Estate](#) | [Travel](#)

[Help/Feedback](#) | [Classifieds](#) | [Services](#) | [New York Today](#)

[Copyright 1999 The New York Times Company](#)