

Hounding the Innocent

by Bob Herbert

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1 An anti-loitering law that allowed the Chicago police to arrest more than 42,000 people from 1992 to 1995 was declared unconstitutional in June of 1999 by the Supreme Court.

2 [Supreme Court Justice] Antonin Scalia howled in dissent, which should tell you something. The law was an abomination, just like the practice in New York of stopping and frisking black and Hispanic people by the tens of thousands for no good reason and just like the practice of pulling over and harassing perfectly innocent black and Hispanic motorists on streets and highways in many parts of the country.

The Faces of Ethnic Profiling

3 Ethnic profiling by law-enforcement authorities in the United States comes in many forms, and all of them are disgusting.

4 In the summer of 1998, sadistic members of the State Police in Oklahoma spent more than two hours humiliating Rossano Gerald, a thirty-seven-year-old Army sergeant, and his twelve-year-old son, Greg.

5 Sergeant Gerald was pulled over and interrogated. He was ordered out of his car and handcuffed. The troopers asked if he had any guns. They asked permission to search the car, and when he refused they searched it anyway. They separated Greg from his father and locked him in a police vehicle. They interrogated him. They brought drug-sniffing dogs to the scene. They dismantled parts of the car. When they finally tired of the madness, they told Sergeant Gerald he was free to go. No arrest was made. Greg, of course, was petrified. When the ordeal ended, he wept uncontrollably.

6 Why did this happen? Greg and Sergeant Gerald were guilty of America's original sin. They were born black.

Profiling Targets the Innocent

7 In New York, profiling was not only perpetuated but elevated to astonishing new heights during the regime of [New York City Mayor] Rudolph Giuliani. Here, the targets are mostly pedestrians, not motorists. Young black and Hispanic males (and in some cases females) are stopped, frisked, and harassed in breathtaking numbers.

8 By the police department's own count, more than 45,000 people were stopped and frisked by members of the Street Crimes Unit in 1997 and 1998. But the total number of arrests made by the unit over those two years was less than 10,000. And it is widely believed that the number of people

stopped during that period was far higher than the 45,000 reported by the cops. The true number likely was in the hundreds of thousands.

9 Ira Glasser, executive director of the American Civil Liberties Union [ACLU], noted that two things characterize the New York City stops: "Virtually everybody is innocent, and virtually everybody is not white."

10 Mayor Giuliani, like most public officials, will not acknowledge that his police officers are targeting people by race. "The stops are driven by the descriptions of the person who committed the crime," Mr. Giuliani said.

11 Spare me. The vast majority of these stops are in no way connected to the commission of a specific crime, and the mayor knows it. They are arbitrary and unconscionable intrusions on the rights of New Yorkers who are supposed to be protected, not humiliated, by the police.

Profiling Is Extensive

12 Most Americans have no idea of the extent of the race-based profiling that is carried out by law-enforcement officials and the demoralizing effect it has on its victims. The ACLU, in a report called "Driving While Black: Racial Profiling on Our Nation's Highways," said, "No [people] of color [are] safe from this treatment anywhere, regardless of their obedience to the law, their age, the type of car they drive, or their station in life."

13 The Chicago law that resulted in more than 42,000 arrests over three years was aimed at curbing gang activity. It was clearly unconstitutional. It made it a crime for anyone in the presence of suspected gang members to "remain in any one place with no apparent purpose" after being told by the police to move on.

14 Why should one's purpose for being in a public place have to be apparent? As a reporter for *The New York Times*, I might be in the presence of a suspected gang member. What business is that of the police? And how could that possibly be a legitimate basis for an arrest?

15 The suit challenging the law was brought by the Chicago office of the ACLU. A spokesman for the group noted that the "vast majority" of the people arrested under the law were African-American or Hispanic. What a surprise.