

Featured Article

BY SAGARIKA JAGANATHAN

RACIAL PROFILING GROWS IN A POST-9/11 AMERICA

The author paints a balanced view of the arguments for and against racial profiling in America. This phenomenon has started to affect Indians who live here in sometimes a subtle, sometimes a not-so-subtle manner. It is a constant reminder of how our world changed as a result of the changes being implemented by the authorities in the wake of September 11.

When President George W. Bush declared in a February 2001 speech: "Racial profiling is wrong, and we will end it in America," little did he expect to eat his own words shortly thereafter.

Now, more than thirty months after the Al Qaeda terrorist group brought down the twin towers of the World Trade Center, and the Bush administration authorized the arrest and indefinite detention of possible terrorists on American soil, racial profiling is very much the many-headed hydra of public controversy.

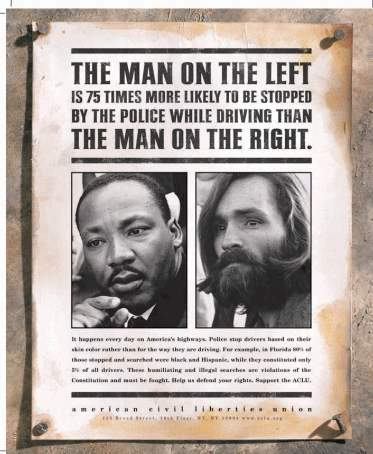
There are many high profile cases. The three Muslim medical students, who were detained by Florida authorities for 17 hours during a mid-September weekend of 2002. Arshad Chowdhary, an immigrant Indian from Pittsburgh, was booted out of his Northwest flight because the captain found his last name to phonetically resemble that of a terror suspect. In December 2001, Uday Menon was handcuffed and taken away because the ticketing agent informed her superiors that a foreign sounding person was making too many enquiries about the seating arrangements at a Broadway show.

These incidents, along with several others in the time frame, are proof enough that fear generated by the 9/11 attacks is pervasive and, coupled with ignorance, is a dangerous threat to individual freedom, particularly that of immigrants who often believe in America if you complied with the law, you would be all right.

Despite all the debate and speculation surrounding the issue in the current timeframe, it would be naïve to presume that racial profiling is a fall-out of the 9/11 aftermath. Its been around a very long time. Only it has

been confined to Hispanics and African Americans. Just recently, with racial profiling of Middle Easterners, have Indians begun to feel the brunt.

What then is racial profiling? According to Americans for Effective Law Enforcement (AELE), "Profiling" is the interdiction, detention, arrest or other nonconsensual treatment of an individual because of a characteristic or status based on race, national origin, citizenship, religion, ethnicity, age, gender, or sexual orientation.



Views among the common public, however, seem to run the gamut from informed observations to random ruminations.

Jim DeTar, a business news reporter from the Bay Area says "police in some U.S. communities statistically stop more black people and other people of color than they do white people." Another Bay Area veteran, Bob Schiffer from San Mateo has a different take: "It is a streamlined method to eliminate crime and terrorism from the American soil."

According to a 2001 Washington Post survey 52 percent of African-American males polled believe they have been victims of racial profiling. Approximately 60 percent of Americans polled believe racial profiling exists. Over the past couple years there has been intense national debate on whether racial profiling is a myth or a reality.

"There's no credible evidence that racial profiling exists, yet the crusade to abolish it threatens a decade's worth of crime-fighting success," wrote Heather MacDonald in 'The Myth of Racial Profiling,' "The anti-racial profiling crusade thrives on an ignorance of policing and a willful blindness to the demographics of crime," she argues.

Representative John Cooksey from Louisiana made it clear that if he saw "someone [sic] come in that's got a diaper on his head and a fan belt wrapped around the diaper on his head, that guy needs to be pulled over."

Among other things, it was the evidence of data collection, especially from studies conducted by the Post in New Jersey and Maryland, which transformed racial profiling from what many had labeled a minority-community perception, to what most people now accept as a national reality. Consequently, the focus of the debate seems to have shifted from whether or not racial profiling exists to whether or not it is essential.

The U.S. [government] says it is engaged in a war on terrorism. People of Middle-Eastern origin, or who look like they are, were initially singled-out for security checks because of heightened concern that Al Qaeda cells might be waiting to engage in more terror acts. The government did seem

to go the extra mile to assuage damage to sensitivities. President Bush visited mosques and authorized the arrest of hundreds of people for racially motivated attacks.

Now that racial profiling is accepted as a national reality, the focus of the debate has shifted to whether or not it is essential. Studies are underway to better understand racial profiling. Hot-button issues being revisited now to get a better understanding of racial profiling are traffic stops by the police and the legitimacy of data collection. An officer may stop a motor vehicle or pedestrian upon a reasonable suspicion that the pedestrian, driver or an occupant has committed a motor vehicle violation or other offense. Such stops conform to AELE policy and procedures.

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“Data collection may not be the solution to racial profiling, but proper data collection and analysis is a critical first step in developing solutions to end racial profiling,” says Oakland statistician, Shawna Williams.

“I believe that data collected at traffic stops is not credible unless the persons identify their race” says Captain Davis. But can an officer inquire about the race or ethnicity of a driver? Captain Davis adds that the percentage of stops police conducts on persons believed to be a certain race should be measured.

In response to public outrage over racial profiling, over 400 law enforcement agencies throughout the U.S. have implemented some form of traffic stop data collection. But what constitutes “proper” data collection and “credible benchmarks,” seems to be as yet undefined. Till we figure out credible ways to analyze the data and

draw accurate comparisons, the debate on traffic stops and data measurement are likely to continue.

In the litigious society that we live in, lawsuits are likely to mushroom too. In January 2003, the State of New Jersey agreed to pay \$775,000 to motorists who were victims of racial profiling. In June 2002, ACLU filed five lawsuits accusing three major airlines of blatant discrimination against five men who were ejected from flights solely based on prejudices of airline employees and passengers and for reasons wholly unrelated to security.

However, the law is increasingly on the side of the enforcers rather than the citizens. And it is only getting tougher. After the Oklahoma City bombing in 1995, the U.S. Congress passed an antiterrorism bill that allowed the government to use secret evidence to detain and deport immigrants suspected of terrorism. San Jose resident Fardeen Akhtar says the law that has since been used almost exclusively against Arab and Muslim immigrants. The ‘Patriot 2 Act’, entitled the Domestic Security Enhancement Act of 2003, is going to increase government powers substantially. Its ramifications in terms of compromising civil liberties of a certain segment of society in an irrevocable way are likely to stir a hornet’s nest.

Dr. David Cole, Georgetown University Law professor declared the Patriot 2 Act “radical”. “It authorizes secret arrests. It would give the Attorney General essentially unchecked authority to deport anyone he thought was a danger to our economic interests. It would strip citizenship from people for lawful political associations, and ... it has not been put on the table so there can be a discussion about it”.

Is America, the upholder of free speech and liberty, turning into a police state? asks Joseph Farah, writer for WorldNet Daily. I should hope not. Freedom of speech and action requires there to be forums for debate. Then why is the Patriot 2 Act not open to discussion?

I’ll give you one last example of racial profiling. Rohinton Mistry, the Indian-

born Canadian author cancelled a portion of his book tour for “Family Days” after overenthusiastic security agents at American airports targeted him every single time he boarded an aircraft. Feeling like a second class citizen, he has even contemplated shaving his beard to avoid being conspicuous. Rohinton Mistry, as many of you know, is Parsi.

He cancelled his tour, saying he was fed up with traveling within the US, and returned to Canada.

Rohinton Mistry went home. As I sit in my apartment in Mountain View, California, I feel totally at home. So do millions of other Indians, Pakistanis and people of Middle Eastern descent who’ve chosen to live in America. The next time I hear of someone being singled out at the airport for an extra layer of security checks, I may if the person was a victim of profiling, suffering in silence to enjoy the comforts of this home

I will also hope, as the initial fears subside, that civil liberties of citizens as well as residents will be given top priority and we will all--immigrants or not--be able to express our opinions freely, without fear of being questioned or threatened with deportation from the homes that we have now come to love.”!



Rohinton Mistry
Credit: The Globe & Mail