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The National Association of Human Rights Workers

# Stick Figure Against a Background of Color: Racial Profiling and the Case of Amadou Diallo

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BETH ROY<sup>1</sup>

Shooting him is murder. Shooting him 41 times is discrimination.  
(Saikou Diallo, quoted in Hays, 2000)

"There was no sense of race in my thinking in the case," John Patten, a white defense attorney, said to me. I was interviewing John in connection with a book I am writing about the case of Amadou Diallo. John defended one of the four police officers who, together, fired forty-one shots at Diallo, a young immigrant from West Africa, killing him as he returned home late at night to his Bronx apartment.

I knew John Patten had also defended a sergeant who was indicted and acquitted in the case of Abner Louima, another black man brutalized by New York officers. "Which case?," I asked, "Diallo or Louima."

"Both," John replied, and then elaborated:

*In Louima you had a police officer who went berserk, went out of control. It was really sad in one way, because for a few minutes, or a few seconds of craziness he will now do thirty years in jail. And also Louima's scarred for life, the trauma of having whatever happened to him happen. Okay? But Nickerson, the judge, said to the jury panel that was seated in the room, and it was amazing how once he said it, it seemed to end, he said, "This is not a case about race. This is a case about what happened in the bathroom. This is an assault case. It's not a case about race." That was Louima.*

*In Albany, Judge Teresi treated the case as a straight homicide murder case. And while there were certain questions in the voir dire - you know, you didn't want absolute haters on either side to take the jury box - the case was also treated as not about race. So although Diallo was an African, a black man, to my mind it was just; Was the shooting justified? That's how I approached it. The*

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*only time it became an issue in my mind about race was when you turned about, you looked back and the courtroom was divided in half . . . It was not a good scene. I mean, one half of the courtroom was black American, supporters of the Diallo family. Except for a few politicians who were Hispanic out of the Bronx. And the attorneys were white. They were sitting with Mr. and Mrs. Diallo throughout. But that side of the courtroom was black, and this side of the courtroom were supporters of the police department and the families, and they were white.*

Judge Teresi could try to rule race out of his courtroom, but in the world beyond, race nonetheless stood at the very center of the clamor raised by Amadou Diallo's death. Forty-one bullets reverberated shockingly against the background of Diallo's innocence to spark passionate outcries against the practices of racial profiling that, to many people, seemed to lay at the heart of the tragedy. Yet even as many voices demanded an end to those practices, the very drama of the tragedy also served to overwhelm attention to more quiet strands of racism, the day-to-day context within which discriminatory police practices take place. Racial profiling happens against a background that is intangible, subtle, persistent, and it is that on-going context we need to describe if we are to change the circumstances that give rise to unacceptable tragedies like Diallo's.

#### The Specifics of Diallo's Case

Twenty-two years old when he died in the Bronx, Diallo had lived in the United States barely three years. He came from a place called Hollande Bouru, a village in the West African country of Guinea. Today, he is buried there, under a fig tree.

The child of educated and well-respected parents, Amadou had followed a well-trodden path of emigration to the U.S. in pursuit of the good life. He landed in a part of the Bronx called the Soundview section because that is where his uncle and cousins lived. Like many an immigrant before him, Amadou discovered that life in America had its hardships. He supported himself by selling cheap goods on a street in Manhattan, often working twelve-hour days and arriving home in the Bronx at midnight. It was on one such night that Amadou Diallo died in a hail of bullets from the guns of four white police officers. Amadou's killing was the end result of a thickly tangled sequence of racially-biased forces extending well beyond the men who pulled the triggers.

Ed McMellon was one of four white policemen who killed Amadou Diallo on February 4th, 1999. Late in 1998, three months before Diallo died, McMellon joined an elite unit of the New York Police Department called the Street Crime Unit. Formed in 1971 at the height of a law enforcement build-up nationwide, this elite group was charged with the task of spearheading New York authorities' battle against crime. Accused by police critics of con-

centrating their aggressive efforts in communities-of-color, the SCU was, at the time of Diallo's killing, 90% white. Their motto was "We own the night," and they had tee-shirts printed with a quote from Ernest Hemingway: "Certainly there is no hunting like the hunting of man and those who have hunted armed men long enough and like it, never really care for anything else thereafter."

Ed McMellon and his partner, Sean Carroll, spotted Amadou Diallo after midnight the night of February 4th, 1999, as they slowly drove the streets in an unmarked car. Together with Kenneth Boss and Richard Murphy, McMellon and Carroll were in plainclothes and patrolling the Soundview section in search of a reported rapist and, more routinely, any other suspicious activity. According to the officers' testimony later, they spotted Diallo on the stoop of an apartment building which later turned out to be where he lived. At the time, of course, they had no way of knowing that. What they perceived was a man looking up and down the street. It was the middle of a winter night. As they approached, he turned back into the vestibule of the building. The officers later testified that they held their weapons at their sides and displayed their shields, or badges. They therefore interpreted Diallo's movement as suspicious, seeing it as evasive.

There ensued a scene of lethal confusion. The policemen called to Diallo to come out and speak to them. By now, they had climbed the few steps to the vestibule doorway, and from that position, they later testified, they observed Diallo, who had moved to the rear of the small enclosure, reach into his back pocket and, as he turned sharply toward them, extract a small black object.

Carroll yelled, "Gun! He's got a gun!" McMellon and Carroll simultaneously fired and retreated. As he backed down the steps, Carroll a few paces behind him, McMellon stumbled and fell backward, flinging his arms over his head. Seeing him fall, Officers Boss and Murphy joined the fray. The vestibule was by now a scene from hell. Light flashes reflected off the high-gloss walls, bullets ricocheted, Diallo fell or crouched against the rear wall.

It took only a few seconds – by some estimates no more than eight – for the four men to fire forty-one shots. Semiautomatic firearms require the user to pull the trigger for each bullet but allow that operation to happen very quickly. Nineteen bullets struck Diallo. After the lead storm was over, Carroll and Boss approached the bloodied, collapsed figure and discovered – to their intense dismay, they later reported – that he had no gun. He'd pulled a wallet from his pocket instead. McMellon, who by now had righted himself, "threw his hat to the ground and kicked it in frustration" (Grigg, 1999). Carroll, according to the same report, frantically administered CPR, weeping all the while.

News of the killing spread quickly, and protesters took to the streets. African-American community leaders were joined in acts of civil disobedience by celebrities and a mass of citizens of all races, demanding that justice be done. The four officers were indicted and tried on six counts each. On

February 25, 2000, they were acquitted of all charges. Protest gatherings, largely peaceful, continued outside Diallo's building for many days.

### Community Assumptions

Convent Baptist Church is a huge structure set in a charming, tree-lined section of Harlem. Through a friend who grew up in Harlem and whose sister is one of the first women deacons recently installed at Convent, I had been invited to meet with members of the Men's Fellowship to talk about their reactions to the Diallo killing. Unlike most born-and-bred New Yorkers, my friend is an enthusiastic driver. I'd followed her in my rental car to the church, and she'd led me a thrilling inadvertent tour through Harlem, twisting and turning along her favorite routes, backtracking now and then when a street was unexpectedly closed off by construction crews or other traffic devils. It was a sunny July day, and many, many people were out and about. Along the way, I saw only two white people, one a policeman sitting in a patrol car with a black partner, the other a young dad pushing his baby in a stroller. No one seemed to be taking much note of the former. The father, I suspected, reflected the neighborhood gentrification I'd been reading about. Harlem has become a popular place for affluent young families, of all races, to buy affordable housing, renovate, and settle. This dad had stopped for a friendly chat with an African-American man I presumed to be a neighbor. By the time we reached the church, the reality of segregation in today's America was sharp in my mind's eye, as well as some glimmerings of change in its configuration in New York.

The Men's Fellowship meeting was just ending, and while we waited in the corridor, people walked by carrying books and pans of food, hollering at kids and greeting each other. It was the prototypic scene of a Sunday-gathered community, busy and inviting, very much a safe environment. But the world outside is a harsher place, and that reality was to be quickly introduced into the conversation that now began with six members of the Men's Fellowship.

Kevin Davenport leads the group. He is a large man, soft and unassuming. At the beginning of the interview, he'd been relatively quiet as he'd listened to other people speak. A man from the Caribbean had been explaining how he avoided racism and managed to live his life as if it didn't exist. Now Kevin interjected wryly, "Racism to me happens even in the most inopportune moments in which I don't want it and don't need for it to happen." He went on to give an example:

*When I initially changed jobs, I think about four or five years ago, I got on the elevator and this lady, presumably white, I guess, she looked at me, first she looked me up and down, and she decided she won't get on the elevator. This is the first day. So, I don't see her the second day, but three or four days later she kept on seeing me, so she got comfortable getting on an elevator with me, and it was okay.*

*Now, there was another guy who came on the elevator. She was*

*going for it, she was like in the middle. She looked at him, she didn't want to get on the elevator. But when I got on the elevator, she came in behind me.*

*So that was to me just racism, because she doesn't know who that was, I mean he was black and she was white, I was black. At first, there are some people reacting to you just because of who you are. Maybe because I'm big, I don't know, big or black. Or maybe both. People will just react to me in a different way. I wasn't even paying any attention to her.*

*I'm getting better than I was in college. Your people to my people, it's like I have reason to be afraid of you, not for you to be afraid of me. But I didn't say anything, I just said, 'Okay, let me just go and do my job.'*

*So it's the little things. I can be quiet and be calm, but this kind of stuff will occur. It's not that you're looking for it or wanting it or whatever, it just happens. And that's just one example. That's not so bad.*

Later, Matt Meachem joined the conversation. A tidy middle-aged man wearing a tee-shirt that urged, "Save the whales, save the rainforest, save up to 75% on designer clothes," Matt spoke with quiet intensity as he brought us back to my reason for being there:

*But on the Amadou Diallo case, I mean, I think it was a true reflection of the paranoia that police officers have on the black community. And it's framed, like he's saying on the elevator, when that lady sees him, she has already framed you as big, black, whoever you are she'll see something else.*

*Diallo, he was a working man, he's a vendor, but making an honest living. And whether he was a recent immigrant, they didn't have knowledge of that information. All they saw was a young black male. It couldn't have been much of an intimidating situation. It's just their own paranoia and fear of the black image . . .*

*Matt Meachem, when I come in here, they don't see that I'm an accountant or all these other things in me. What they see you as is that first impression of what mold you fit.*

#### "Average Reasonable Person (?)"

At the end of the trial of the four officers, Judge Teresi created a very particular frame as he instructed the jury how they were to consider the evidence they had heard. "The basic issue you have to determine," he said, "the only issue for your determination, is whether the People have proved any defendant guilty beyond a reasonable doubt. No other issue, no other institution, no other persons are on trial here" (State of NY, 2000, p. 15). As he sifted through

the various charges and what they meant, he made very clear that the heart of the case was about justification, or self-defense. And that question rested on two points. First was the nature of Diallo's behavior:

*You should consider, for example, what Ahmed Diallo did before and during the encounter, any indicia of a robbery, such as any actions of Mr. Diallo that defendant may have observed, those observations, the circumstances of each defendant's observations and the conditions existing at the time of those observations, any prior experiences defendant may have had with robbery.*

Secondly, the jurors were charged to consider whether the officers' conclusions about those behaviors were reasonable:

*The second test requires you to consider and determine whether the average reasonable person confronted with the situation in which defendant found himself would also reasonably believe that deadly physical force was necessary to defend himself or a third person. (State of NY, 2000, pp. 42-44)*

When they applied these very strict interpretations, to their own surprise the jurors found the policemen legally innocent. "Everybody [on the jury] had reservations about whether the police acted properly," said Mrs. Helen Harder, a 72-year-old white juror, "but given the parameters, we decided they did" (Hu, 2000).

Kevin, Matt, and the other fellowship members apparently were not the judge's "average reasonable person[s]." For one thing, they were not constrained by the parameters of the law. So often had they experienced stereotyping that it was difficult for them to imagine that the cops could have seen Diallo as an innocent individual, no matter what his behavior. To them, racial profiling was not simply a matter of police injustice; it was a daily, detailed occurrence. In the midst of simple acts, getting on an elevator, entering a building, returning home late at night from work, they were accustomed to being "framed" as dangerous, lowly, criminal, not only by police but by the ordinary white person-in-the-street. The difference was that police carry guns, and so their split-second assessment of danger carried lethal consequences.

Most people of color with whom I talked found it hard to believe the Diallo killing was about anything but racial profiling, while many white people fell somewhere on a range from uncertain to sympathetic to the police. Their confusion nestled inside a dense set of beliefs about criminality. African Americans and Hispanics assumed bias in the very fact that a special police force roamed a largely black and immigrant neighborhood late at night on the look-out for suspicious behavior. However, many white interviewees, attuned

as they might be to the injustices contained in the Diallo story, nonetheless tended to accept the premise that the Bronx was a high-crime area and therefore the appropriate place for a police presence. Moreover, they leaned toward believing that the lethal mistakes made by the four NYPD officers who shot Diallo, while tragic, were nonetheless understandable, given the high risk nature of the work the men were doing. People of color, on the other hand, were sure that the policemen reacted out of a web of stereotypes and misapprehensions that were deeply racist in nature.

### Profiling as Police Tool

At the time I was interviewing people in New York, racial profiling was a hot topic, widely debated, highly charged. "One thing that's difficult to swallow," said John Patten, the defense attorney, after I mentioned racial profiling, "you have to have another word for it." He went on to elaborate his point:

*There's a reaction. That's a very charged thing in the law enforcement field, for both sides . . . The one statistic I think the cops would be very likely to advocate is, if we stopped a hundred people who were actually charged with possessing guns on the street, how many of those hundred would be minority, black, Hispanic, and how many would be white?*

*And I think the police argue there would be eighty percent or more black or Hispanic. So if you had eighty percent of those guns actually taken off blacks, then the cop thinks that this guy is going to be more dangerous to me than that guy.*

Going from Harlem, uptown, to John's officers near City Hall downtown was, for me, like plummeting through the rabbit hole into a wholly different reality. "Let it be clear," John wrote me at a later time, "that racial profiling is totally unacceptable and has never been condoned by me." Indeed, he has worked closely with police officers and is convinced that New York City officers do not practice racial profiling. The city's police personnel are recruited from street-savvy young people who are no more or less discriminatory than the average American citizen.

But to me the statistical story John cites is itself suggestive of the larger reality of racial profiling. By the time an officer, those involved in the Diallo shooting or any other anywhere in the country, comes to a confrontation with a man in the street who is possibly armed, that officer's sense of danger has already been shaped by a series of steps I believe to contain significant racial bias. We have ample evidence that men of color are stopped more often (a reasonable thing if indeed officers think them more likely to be armed and dangerous). We know that, once stopped, men of color are more often than white men to be searched. We know that once found armed, men of color (when compared to white men) are more likely to be charged and, once charged, convict-



ed. So the statistic the police advocate, even if actual (and I am not aware that the figure is in fact substantiated), would be seriously distorted by multiple levels of bias.

For the police themselves the issue is not a statistical one. It is about their own safety, and about the job they've been given to do as they understand it, and they couch their discussion in intuitive, not statistical, terms. Doug Muzzio is a professor at State University of New York. He is part of a team of academics (all white) who are creating new training tools on multiculturalism for the NY Police Department. He described a conversation among some of the department's advanced trainers as informatively nuanced, and I asked him what they'd said:

*Well, that there needs to be profiling, that profiling helps the police, that you need to know generalized stereotypes if you don't buy into it totally, but they give you cues and put you on alert, that they are very valuable. There was a consensus there.*

*But that it's not a matter of policy, certainly that, you know, a racial element comes into it. So you're looking at a black kid with his hat on backwards with baggy pants, he's a perp, and he may not be a high school kid who has to dress that way to survive to get to school. So there's an immediate stereotyping of people into certain classes, particularly to the detriment of black and Hispanic kids. And it happens all the time . . .*

*So you've got this knee jerk [snaps his fingers repeatedly] identification that happens all the time. And it's difficult not to do, the cops argued. But you got to get beyond that. But at the same time, there are cues that dress give you and, you know, other colors, and where they wear the key rings and where they wear their earrings and all that stuff that do make a difference. So the cops are saying it's a very fine line.*

*BR: What's the difference that it makes?*

*DM: Well, I mean, it makes a difference for the cops, number one, in terms of their physical safety to understand these cues. It also makes it better for the citizenry that, you know, if they're reading the cues correctly, then they're protecting the citizenry, and also they're not busting the chops of the people who ought not to be busted. That's if you're reading it right. If you're reading it incorrectly, it's the negative of all those things.*

*So, the more I listened to it, I mean, my knee jerk reaction is, lock all the cops up, and racial profiling is inherently a dangerous tool. But then you hear the nuances of it. Clearly, racial profiling is anathema. But profiling makes sense as a police tool.*

That such split-second assumptions are seen as cues necessary to the safety of the officers and to the proper execution of their duty, the justifications Doug recounted, is precisely the problem. Each officer comes to that moment of judgment in a context that goes well beyond policy, well beyond individual prejudice. The moment the Diallo officers fired forty-one times was over-determined.

There is a sense in which I share John Patten's reservations about the term "racial profiling." It is too simple, too obliterating of the complex of interactions that give the phenomenon dangerous life. A profile is a line on a two-dimensional surface. By definition, it is the point beyond which the eye cannot see. To profile is (according to the Merriam-Webster Dictionary) "to shape the outline of by passing a cutter around." Within the outline, detail disappears. Beyond the outline, reality is cut away. It is a flat and flattened description of a probable suspect, but just as it says little or nothing about the actual human being with whom a given police officer comes face to face, so also it obscures factors of importance invisibly surrounding that encounter.

### The Reality of Racial Profiling

While the police see racial profiling as a necessary tool, community perceptions of the practice are quite different. Descriptions of three specific individuals help to illustrate the explicit and implicit ways that experiences with racial profiling affect people of color. David Grant is retired now, but for years he worked as a quality-control inspector for an automobile manufacturer. David is distinguished looking, a solid burgher who owns the home in which he and his wife, one of the first women deacons of their church, raised three law-abiding children. He recalls:

*I remember going to work 5 o'clock in the morning, I leave the house at 4:30, and so many times I was stopped. In those days I had a new Cadillac, and they just assumed it was stolen. They wanted to see every piece of information I had, every piece of identification. They'd raise up the hood and check the number . . . They'd just assume I was a car thief. Coming from work, on my way to work, it was the same thing.*

Kevin Davenport, too, was stopped while driving and had an experience similar to David's, in that the officer was in the end convinced of his innocence. Kevin is a large African-American man in his late thirties, a college-graduate employed in a white-collar job in New York.

*I was on my way to church this past week. I had rushed in, I'd changed my clothes, I left my wallet, I left everything, and I got stopped. What I did, I got out of the car, I had to get out of the car because I couldn't get to my pocket. So I said, 'Officer, I have to get*

*out of the car.' So he said, 'Okay.' He let me out of the car. So I said, 'Well you know, I really left my wallet at home with my license and everything else.' And you know what he told me? 'I believe you.' I believe you.*

*Well, that's just me. You know what I'm saying? [Laughter] I mean, they won't let you get out of the car, you know what I'm saying! It struck me because, I'm not special. He should treat everybody like that, you know what I'm saying? When he said, "I believe you," he made it clear to me that it was only me that he was believing, not everybody. If it would have been somebody else, he would have said, "Stay in the car." I pulled out something which was a cell phone, just because he felt comfortable with me. And I think that's the way it should be. Officers have to feel comfortable with the next black person.*

A third example of racial profiling came out of my conversation with Lorraine Cortes-Vazquez, President of the Hispanic Federation. Started in 1990 by the United Way, her organization was created to coordinate the funding of organizations in Hispanic communities around the New York City area. At the time I interviewed her, Lorraine told me her roster included sixty-six organizations to which the Federation distributed close to a million dollars a year. In addition the Hispanic Federation advocated for issues affecting their membership. Among other activities, they surveyed Hispanic New Yorkers annually and published the results. One of their research areas was policing, and they reported that police were feared by people of all sorts, no matter what their class status or age. Lorraine, who is also a member of the Citizens Complaint Review Board which investigates complaints against the NYPD, illustrated the point with a story from her own recent experience:

*There is no difference in terms of class or color in the Latino community. There was one officer not too long ago, whom I felt the need to inform that I was a member of the Civilian Complaint Review Board, because of his derogatory smirks and facial expressions. I was double-parked and he requested that I move my car. I replied, 'Fine.' At the time, I was waiting for my husband who was in the bakery I was parked in front of. But then I obviously didn't move fast enough. I don't know what I was supposed to do; gun the motor? His tone was so abusive. I informed him, 'Sir, I heard you. I am moving. If you get out of my way, I could probably move faster. There's no reason for you to speak to me in that manner.' A small interaction like that, is totally discourteous and disrespectful. Here I am, good car, relatively clean looking person, it doesn't matter. There's just a tone and an abrasiveness that is uncalled for and really needs to be managed by the NYPD.*

What each of these people describes is not that he or she was suspected of carrying concealed weapons, of being a threat to life in the community. They speak quite simply of demeaning behavior on the part of police personnel who have no particular reason to suspect them of anything at all. So ingrained is their expectation of bad treatment that Kevin saw his own courteous interaction as being noteworthy because exceptional.

### "Racial Backgrounding"

We might think of these experiences as falling into a category of "racial backgrounding," that area of subtle, persistent, complex dynamics involving race which is vividly present to the consciousness of people of color but which vanishes into an invisible negative space for most white people. Think of that experiment in perception, the outline drawing of an hour glass which becomes the profiles of two faces when you squint in a particular way. Foreground becomes background, and the picture is a wholly different one.

So, too, the lived experience of race in America is the foreground, the profile if you will, for people who are not white. But police officers are trained and operate within a frame where the foreground is crime and in the intensity of its representation, the background of racism pales to invisibility.

Everyone I spoke with about racial profiling talked about it in terms of the individual cop's perceptions and decisions. But the officers seeing people that way, making those split second decisions, tend to be in neighborhoods that are predominantly "minority" (an increasingly-inexact nomenclature as urban America becomes all-minority terrain). This fact is based in policy, which in turn relates to political positioning, which in turn plays on popular fears of crime, which in turn are, at the very least, fanned, at the worst created by public commentary from politicians, as well as by other cultural expressions.

Crime is today, and has been often throughout the history of the U.S., a politically advantageous string to pluck. The electoral success of New York Mayor Rudy Giuliani rested on his determination to control crime in his dominion. Said Stuart Hanlon, a San Francisco defense attorney who has defended many a noted progressive prisoner:

*Giuliani got elected on the basis of the liberal vote, friends of mine, friends of yours, people who normally don't vote that way, who figured that a fascist society, a police society is better than what we had before, because it's safer. I've been appalled by friends of mine in New York who basically supported Guiliani. They'll say, 'We don't really like him, but . . .' And what they're really saying is, 'We're tired of all these black and Hispanic, all these criminals, and we've got to stop them, to make this a safe place to walk and raise our kids.' And I say to them, 'Well, Singapore's safe; would you want to go and live there?' And they look at me like I'm nuts.*

*So there's that aspect of it, that we've accepted the war on crime and the police are getting a mandate to go deal with that. And in New York it's gotten to the point where the mandate is to arrest juveniles and near adults who are jumping subway turnstiles and smoking pot on the street. And that's accepted these days by liberals, it's okay.*

Politics, however, both shape and are shaped by public perception. Stuart is a single father of two sons, whom he adores. Soon after making the highly critical statement above, Stuart amended it:

*You know, trusting cops is not so bad. I mean, I have two children, and when you're raising children and there's trouble, you call the police. That's what you do: if you have trouble you go to the cops. If I have trouble at home, I'm going to call a cop. The same cops I may try to tear apart in court, when I'm in trouble, I go to them.*

*So this whole black and white view that cops are bad is not fair, because you have to remember they're not all bad. We all go to them in times of trouble. It's a very complicated issue. They're just mediocre people, but they have the power of a badge and a gun, and we expect them to be close to perfect. We're hiring them to represent a society that's not perfect, and they're being trained by people who are not perfect, and we're not going to get close to perfect people in the job. And yet we're outraged when they do something terrible.*

Nor are white citizens the only ones to invoke police presence. Communities of color, too, ask for protection, but with critically different consequences. Too often the latter live to regret their insistence. Cora Barnett-Simmons is an ex-probation officer and now a social worker dedicated to working on domestic violence. She described the dilemma of women of color who need protection from violent men folk but fear violence from the police as well. She told a story to underscore the concern:

*I remember there was a situation where there was a domestic violence incident. The woman called the police. Her husband is dead now. You know, he's dead. They killed him.*

*Well, he was beating her up. But she didn't want him to get killed. You know, they came in there, they used excessive force, blowing down . . . This was not what she wanted, you know.*

*So, in that particular area, when you work with families, the training [we give women] deals with how you can really use the system to work with you, and to help you, and to protect you. But in the meantime, don't kill your family members off. You know, that's not what she wanted. She didn't have a husband. I mean, she just want-*

*ed him to stop hitting her. But the [police] came him in and he was dead. They killed him. They killed him.*

### Untenable Choices

That some communities must choose between being terrorized by violence on the streets and being terrorized by police patrolling their neighborhoods is a very bad choice, indeed. But it is an equation people in communities of color address all the time. When Lorraine Cortes-Vasquez had told me the story of how she'd come to sit on the CCRB, I'd gotten the impression of a less-than-smooth relationship with Mayor Giuliani. He had approved her appointment with some reluctance, after she had been chosen by the political leadership of the Bronx, where she lived.

But when I asked her about how people in her community felt about Giuliani's crime-fighting policies, what she said was far more measured than I'd expected:

*You know, it's really funny because [speaking slowly] the way I try to balance, that is to say that this city has improved over the past nine years in major ways. When the Hispanic Federation issues its annual survey of the Latino community, Latinos say that their neighborhoods are safer. Also in our survey, Latinos say they're enjoying a better economy. We have more people employed. But Latinos are also saying that they're being terrorized by the police, and that they also know that police treat Latinos very differently from others.*

*We've seen crime go down, but the thing we can't have is a police department that's run amok. And one of the things that we have found is that during the late eighties, early nineties, we were having major crime epidemics, and there was a need for strong and aggressive street law enforcement. However, crime statistics have gone down since then. Yet some of those same police practices have not changed. So what is happening is because those tactics have not changed. And since they've not changed, more and more innocent people are being abused.*

The dilemma of policing from the perspective of the citizen is clearly articulated in Lorraine's statement. On one hand, people seek protection from crime. On the other, vulnerable communities find themselves fearing the very forces they have, sometimes, invoked. Like the ever-reproducing brooms magically created by the Sorcerer's Apprentice to do his dirty work, policing dynamics take on a life of their own. Law enforcement organizations created for a particular purpose fight for life after that purpose has been accomplished, casting nets ever more deeply into community life with greater and greater blurring of lines between guilt and innocence.

Just before the Diallo shooting, the Mayor Giuliani had demanded a

build-up of the Street Crime Unit to which the four officers belonged. A member of the police department described what happened next:

*Now what they did was they went around to precinct commanders. They said, 'I want two cops on patrol from every precinct.' Okay? So what my precinct commander does? I'm a police sergeant. He takes two of the guys from my squad who are the biggest screw-ups and goes, 'This is a great opportunity to get rid of these guys.'*

This officer quickly assured me that he knew little of the particular officers involved in the shooting, except that all but one was young and relatively new to the force. It is a matter of public record that three of the four had a history of brutality complaints against them.

### Unacceptable Wrongs

There is a reality to crime, although it, too, is complex and multi-determined. But at the same time crime becomes a potent source for manipulating power, causing politicians – mostly white politicians – to prosper by building armed forces that interact with the citizenry in brutal ways. The fact that this dynamic exists against a background of endemic racial disparity creates a context in which crime and race become identified. To see crime as a phenomenon of men of color is then self-fulfilling. We define actions by these men as criminal (think, for instance, of differential sentencing for crack and powder cocaine), expect that they will be armed (perhaps in self-defense?) and then examine them far more closely to see whether in fact they are, forgetting that no such epidemic scrutiny of white men is taking place.

Once identified, arrested, and charged, men of color then undergo the dynamics of the courtroom that we saw in the trial of Diallo's killers. Race is ruled out of consideration and law that itself embodies racial disproportion is disproportionately applied. These multiplying factors escalate once in prison, producing a population of disaffected men with few prospects for "normalized" lives once released. On the margins of society, they in turn are cited to justify the tactics of law enforcement personnel alert to "cues" about potential wrongdoing.

Given the overwhelming nature of this bundle of interacting forces, what is perhaps more surprising than the number of men of color who do turn to crime is the fact that the great majority do not. As Kevin and Matt described, American men of color are viewed with suspicion and prejudice. Yet, they still seek (in vain?) the same comforts and securities as the rest of the population. Far more are managers and professionals than are prisoners (Statistical Abstract, 1994; Ziedenberg & Schiraldi, 2000). In the 1990's, while unemployment rates for black men were more than double those for white men, nonetheless 70% of black men were in the labor market, compared with 77%

of whites (O'Hare, Pollard, Mann & Kent, 1991). The stereotype on which police, judges, and politicians base their behavior applies even in the sketchiest sense to a minority of men of color while the behavior is visited on all. In the eye of the culture, the foreground of criminalized men of color is seen, not the background of a community like that I visited at Convent Avenue Baptist Church. The foreground of police action against young men of color is seen, not the background of courtrooms like Judge Teresi's nor campaigns like Mayor Giuliani's. Police departments enact the policies established by civilian leaders; they are part of a system of unjust racial profiling. For many of the people who implement that system the rules of the game may be subliminal, but they are very clear.

For better or for worse, when a killing like Diallo's takes place, we point fingers at the officers who pulled the trigger. But the very passion of our anger, our fervor to correct so egregious a wrong, draws us into demands for punishment when what we truly need is change. And the change we need is profound. It goes to the very heart of our society. Beyond the question of reforming police departments – credible and important as that issue is – we need to ask deeper questions: How have we entered the twenty-first century with a society that pits armed young men, white, black, Hispanic, clothed in uniform and clothed in baggy pants, against each other in streets steeped in fear? How have we come, in the effort to contain those who threaten violence, to define some of the best and gentlest among our citizens, people like Kevin and Matt, as dangerous and criminal? How have we come to form agencies of the state, organizations charged with serving and protecting the citizenry, that instead see themselves as war-like, and who take war into neighborhoods where so many people seek simply to live in peace and security?

And finally, the most important question of all, how do we change a reality of terror and rage and death, a reality on all sides of the blue line, into one of well-being for us all?

## References

- Grigg, W. N. (1999, May 10). NYPD Tragedy. The New American 15 (10). Retrieved August 17, 2001, from [http:// thenewamerican.com/tna/1999/05-10-99/nyc\\_police.htm](http://thenewamerican.com/tna/1999/05-10-99/nyc_police.htm).
- Hays, T. (2000, January 31). Jury selection begins in New York City shooting case. Associated Press. Retrieved September 20, 2000, from <http://www.argonauts.on.ca/CNEWSLaw/diallo.html>.
- Hu, W. (2000, February 28). The Diallo Case: The Deliberations. The New York Times. Retrieved March 4, 2000, from <http://nytimes.com>.
- O'Hare, W. P., Pollard, K. M., Mann, T. L., & Kent, M. M. (1991, July). African Americans in the 1990s. Population Bulletin 46 (1). 22



State of New York v Kenneth Boss, Sean Carroll, Edward McMellon and Richard Murphy. (2000, February 23). Transcript of Proceedings, morning session, 15.

Statistical Abstract of the United States (1994). Table 637. Washington, DC: U.S. Department of Commerce. 407-409.

Ziedenberg, J., & Schiraldi, V. (2000, December). *The Punishing Decade: Prison and Jail Estimates at the Millennium*. Justice Policy Institute. San Francisco: Center on Juvenile and Criminal Justice. Retrieved July 19, 2001, from <http://www.cjcj.org/punishingdecade/>.