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- ◆ Visit [www.aclu.org/racialprofiling](http://www.aclu.org/racialprofiling) to learn more.
- ◆ Get active at [www.aclu.org/action](http://www.aclu.org/action). Call, write or fax your members of Congress. Tell them you are concerned about racial profiling and want them to cosponsor and vote for the End Racial Profiling Act.
- ◆ Bring together a local coalition to lobby your members of Congress for the act.

To end racial profiling, Congress must pass the End Racial Profiling Act. Here's how you can help pass this landmark civil rights bill:

**YOU CAN HELP...**

# Racial Profiling: Un-American and Dangerous

Admit it. When you're driving along the highway and see a patrol car, you slow down—whether you're speeding or not. It's just instinct, you see the top of a police car in the rear view mirror and you're compelled to glance down at the speedometer for that compulsory moment of panic. Then you let out a huge sigh of relief when the officer moves past you.

For far too many people of color, such moments of panic are more frequent, and more intense, because they know that they don't have to be speeding to get pulled over. Rather, hundreds of thousands of minorities often become the victims of "racial profiling"—which involves the use of race, ethnicity, national origin or religion as the primary factor in deciding whom to subject to law enforcement investigations. And, since 9/11, the problem has only gotten worse as Arab and Muslims have become new targets.

Now is the time to eliminate this dangerous and counter-productive policing tactic. Please support the End Racial Profiling Act. You can make a difference.

**"Our lives begin to end the day we become silent about things that matter."**

—Dr. Martin Luther King Jr.



# Speak Up and Take Action

**In response to the growth in post-9/11 profiling and the continuation of more traditional racial profiling on the nation's highways, several members of Congress are fighting vigorously for passage of the End Racial Profiling Act. This legislation would:**

- Define racial profiling and make it illegal, providing victims of the practice with legal tools to hold federal, state or local police accountable.
- Institute data collection systems to identify and track racial profiling, which would help repair frayed relations between police and minority communities, monitor the effectiveness of anti-profiling training programs and provide police themselves with a defense against accusations of bias.
- Fund such preventive measures and permit the Attorney General to withhold funding from non-compliant police departments.

As the war on terrorism continues, our lawmakers and our President, in the interests of civil liberties *and* national security, must address racial profiling through legislation. Here's why:

## **1. Racial profiling is a dangerously ineffective policing tool.**

Recent data shows that, while minorities are stopped and searched far more than whites, they are as likely or less likely to have drugs or guns. As this highlights, racial profiling is actually a distraction from effective policing because police officers are focusing on the wrong suspect. When Timothy McVeigh, a white Gulf War veteran, exploded a bomb outside the Murrah Building in Oklahoma City, law enforcement immediately began to focus its investigation on Islamic suspects.

**2. Racial profiling is wrong in America.** The Equal Protection Clause of the 14th Amendment forbids the unequal treatment of Americans. In this instance, people are subject to investigations because of their race, ethnicity, national origin or religion. Racial profiling also violates Title VI of the Civil Rights Act of 1964, which prohibits intentional discrimination by agencies receiving federal funding.

**3. Racial profiling erodes trust in the police and alienates minority communities.** One of the most effective law enforcement strategies in the past two decades has been a renewed focus on community policing: getting officers out of patrol cars and involved in the neighborhood they are assigned to protect. Racial profiling is corrosive to the community trust required to prevent and solve crime. Focusing on African-Americans, Latinos, Asians, Muslims, Arabs and Native Americans as the primary perpetrators of crime permits people of other backgrounds to break the law with impunity.

## **4. Racial profiling results in the persecution of innocent people.**

Every year, police stop thousands of innocent African-Americans, Latinos, Asians, Arabs, Muslims and Native Americans because they fit a particular ethnic profile. For instance, in the aftermath of 9/11, hundreds of Arab and Muslim men were rounded up, denied access to counsel, held for weeks without charge or trial and subjected to verbal taunts and physical abuse. None were found to have any connection to the attacks.

**5. Internal guidelines are not enough.** Justice Department guidelines distributed earlier this year are insufficient to address racial profiling in this country. They do not apply on the state and local level, where the vast majority of profiling (using traffic and drug laws) occurs; they require no data collection, which is essential to identifying and stopping profiling, and they come with no enforcement mechanism. Such an approach is like telling people they can't steal, rather than having laws prohibiting theft. Unless the government makes racial profiling illegal, it will undoubtedly continue. Federal legislation is key to stopping racial profiling today.

## **How profiling works in practice**

- Late in 2003, local police raided Stratford High School in Goose Creek, SC. Reportedly, the Goose Creek Police Department conducted the SWAT-style raid on a tip that there was ongoing drug activity at the school, "activity" that happened to coincide with the daily arrival by bus of many of the school's African-American students. Police swooped in with guns drawn, used handcuffs or flexcuffs to immobilize dozens of students, and brought in canine units to search for drugs. None were found. A *New York Times* story about the raid noted that while black students make up less than a quarter of the 2,700 students at Stratford High School, two-thirds of the 107 students victimized in the sweep were African-American.
- In the summer of 1998, a 37-year-old African-American U.S. Army Sergeant and his young son were driving through Oklahoma on the way to a family reunion. State troopers stopped the sergeant—a career soldier and decorated veteran of the Persian Gulf War and the U.S. intervention in Somalia—for no apparent reason. He was handcuffed and his son was locked in another car with a barking police dog. The troopers dismantled his vehicle in their two-and-a-half hour search, turning off their dashboard video camera halfway through. They found nothing.
- Shortly after 9/11, the Justice Department began a concerted campaign to round up and imprison hundreds of men who it said were suspected of a connection to the attacks. The vast majority were of Middle Eastern descent and were held for weeks at a time under a quasi-official no-lawyer, no-release-on-bond policy. All were held on relatively minor immigration violations, and none were found to have any connection to 9/11 whatsoever.