



THE TRUTH ABOUT RACIAL PROFILING: FIVE FACTS

AMNESTY INTERNATIONAL FACT SHEET

As Amnesty International documents in its 2001 report *Racism and the Administration of Justice*, racist law enforcement persists in many countries throughout the world. Countries including the U.S. that use race, color, ethnicity, religion or nationality as a proxy for criminal suspicion do so in violation of international standards against racial discrimination and multiple treaties to which the U.S. is a party. These include the UN Convention for the Elimination of All Forms of Racial Discrimination (CERD) and the International Convention on Civil and Political Rights (ICCPR). The clear alternative is for law enforcement to focus on actual criminal behavior rather than characteristics such as race, religion, ethnicity, or nationality. Senior international security experts have suggested, for example, that such an approach would have increased the chances that suspected “shoe-bomber” Richard Reid would have been stopped before he boarded the airplane.

THE FACTS

1) RACIAL PROFILING UNDERMINES ENFORCEMENT EFFORTS

Racial profiling has reportedly undermined important terrorist investigations in the U.S., including the Oklahoma City bombings in which the two white male assailants were able to flee while officers reportedly operated on the theory that the act had been committed by “Arab terrorists.” Similarly, during the Washington, DC-area sniper investigation, the African-American man and boy ultimately accused of the crime reportedly were able to pass through multiple road blocks with the alleged murder weapon in their possession, in part, because police profilers theorized the crime had been committed by a white male acting alone.

2) RACIAL PROFILING GIVES TERROR NETWORKS A FORMULA FOR GREATER SUCCESS

Racial profiling tips off criminal networks about who needs to be recruited in order to be more successful. This is illustrated by the U.S.’s experience in World War II when — despite the massive interments of Japanese Americans and visitors — none of the people convicted of spy-

ing for Japan were of Japanese or Asian ancestry. Moreover, the arrests of John Walker Lindh (white, middle-class male), Jose Padilla (Hispanic gang member), and Richard Reid (British citizen of West Indian ancestry) suggest that Al-Qaeda has already been successful in recruiting a diverse group of sympathizers who by their nature could not be identified through racial profiling. Similarly, over a period of months in 2003, a white male college student from Maryland smuggled box cutters, bleach, matches, and an item of the same consistency as plastic explosives onto six airplanes. He was able to pass through airport security because he did not “fit the profile”.

3) RACIAL PROFILING IS A PROVEN FAILURE IN THE ‘WAR ON DRUGS’

Statistics have proven that using racial profiling to interdict highway-bound drug couriers is not just wrong, but ineffective. A survey by the Department of Justice in 1999 revealed that while officers disproportionately focused on African-American and Latino drivers, they found drugs more often when they searched whites (17%) than when they searched African



Americans (8%). A similar survey in New Jersey found that although people of color were searched more frequently, state troopers found drugs in vehicles driven by whites 25% of the time, by African Americans 13%, and by Latinos 5%.

According to a study of the U.S. Customs Service's practices by Lamberth Consulting, when Customs agents stopped using racial profiling to target potential smugglers and began focusing on race-neutral factors such as behavior, they increased their rate of productive searches by more than 300%.

4) RACIAL PROFILING ENCOURAGES HATE AND UNDERMINES NATIONAL UNITY

According to a wide range of civil rights and human rights organizations, the expansion of racial profiling after the September 11th attacks appears to have contributed to a climate of discrimination that indirectly encourages hate crimes against certain minority groups and people who look like them by conveying the message that such discrimination is acceptable and helpful in fighting terrorism.

Simultaneously, Arab and Muslim-American community leaders claim that racial profiling tactics such as the Department of Justice and INS's Special Registration program have greatly diminished their community members' desire to assist with anti-terrorism efforts. Similar effects have been noted in African-American and Latino communities targeted by racial profiling police tactics.

5) THE ADMINISTRATION HAS NOT KEPT ITS PROMISE TO END RACIAL PROFILING

Both President Bush and Attorney General Ashcroft are on record as opposing racial profiling. Just after the September 11th attacks, the Attorney General repeated this commitment. However, since then the administration has allowed important anti-racial profiling legislation, such as the End Racial Profiling Act, to languish. At the same time, the administration has expanded the use of racial profiling by implementing immigration and law enforcement policies such as the National Security Entry/Exit Registration System, which called in male visitors over age 16 from 24 Arab and Muslim countries and North Korea for registration and interrogation.

Although a directive issued by President Bush in June 2003 does ban racial profiling by federal law enforcement agencies, it contains several major flaws. These include: an exception for the use of race in "national security" investigations; a lack of enforcement mechanisms; and no mandated data collection on law enforcement practices. Moreover, state and local law enforcement agencies are not bound by this measure.



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