

# Federal appeals court upholds racial profiling by upstate New York police

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On October 26 a federal appeals court panel upheld the constitutionality of a 1992 police sweep of hundreds of young black men in the upstate New York town of Oneonta, home of a branch of the State University of New York. Police targeted blacks after a 77-year-old woman reported being robbed by an intruder with a knife. Her limited account of the incident was that the assailant was black and that he cut himself on the hand. Police dogs supposedly traced a scent a few hundred feet in the general direction of the campus.

Police sought a list of all black students from university administrators, who turned over some 150 names, about 2 percent of the total student population. When nighttime interrogations of black students in their dormitories turned up no suspects with cut hands, police went back to town and over the next five days stopped every young black male (and one black woman) they could find, including pulling "suspects" off of public buses for questioning. The assailant, however, was never found.

The blatantly racist police tactics stirred outrage at the time, and a lawsuit was filed alleging violations of Constitutional protections against unreasonable searches and seizures, as well as equal protection requirements of the Fourteenth Amendment. In this town of 14,000 with only about 500 black residents, if the assailant had been described as white, clearly no dragnet of whites would have been carried out.

The appellate ruling upheld a lower court decision in favor of the police. The three-judge panel declared that the police actions did not discriminate against blacks because race was only one of the criteria for the sweep, along with age, gender, and the description of a cut hand. As a newspaper columnist pointed out, if any one of the people stopped had had the misfortune of cutting

his hand while slicing a tomato, they certainly would have been thrown in jail.

The ruling gives a green light for police to target minorities and, in the name of fighting crime, carry out mass searches and arrests on the flimsiest of grounds.

The *World Socialist Web Site* spoke with 25-year resident of the Oneonta area, Anne Siegel, who said, "The lady who was robbed, her description was not racist, and she was appalled afterwards when she found out what happened. Black men were pulled off buses under threat of force, and were made to show their hands, all with no warrant. Police came through the dorms like the Gestapo. They turned people out between 2:00 a.m. and 5:00 a.m. and demanded to see everything in their rooms.

"The judges' ruling is incomprehensible. I think they don't understand the nature of civil liberties. It is so contrary to protections against illegal searches and seizures. In each and every instance, there was no particular reason to think that any particular person had done anything wrong. This case really struck fear in my heart. It's hard for me to see the difference between what happened here and the Gestapo people singling out the Jews."

The plaintiffs' attorneys plan to appeal for all 12 judges of the 2nd Circuit Court of Appeals to hear the case. Whatever the final outcome, this ruling stands out as part of the trend of stepped-up attacks on democratic rights, including racial profiling by police departments throughout the country.



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