

New Jersey internal records document widespread racial profiling of black and Hispanic motorists

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The release of 91,000 pages of internal records by the state of New Jersey reveal that a systematic policy of searching cars driven by blacks or Hispanics has been carried out for at least a decade. The statistics show that minority drivers, making up 13 percent of state motorists, accounted for more than 80 percent of those stopped by state troopers.

The mountain of official records constitutes the most damning evidence of crude official racism, fostered or accepted by top state officials of both the Democratic and Republican parties. The state's chief law enforcement officials knew about racial profiling since at least 1989 but refused to admit it until a report was issued in April 1999.

The official records consist of everything from police training manuals to thousands of pages of individual traffic tickets issued by state troopers. They have been compiled in 185 binders as well as on 15 CD-ROMs, which are being distributed to interested parties at a cost of \$1,000.

The state police officially prohibited racial profiling, but according to a 1999 memo from Deputy Attorney General Debra Stone, "racial profiling exists as part of the culture." Stone reported that veteran troopers functioned as "coaches" in showing new troopers how to carry out racial profiling. "Trooper after trooper has testified that coaches taught them how to profile minorities," Stone wrote. "The coaches also teach this to minority troopers."

These practices stretched back more than a decade. A 1987 state police training memo listed the following descriptions to assist police in finding possible drug couriers: Colombian males, Hispanic males, a Hispanic male and a black male together, or a Hispanic male and female.

Among the documents released by the state attorney general's office were numerous bitter complaints from motorists who had been stopped and in many cases singled out for abuse and humiliation. State troopers themselves, if they were off duty and were black or Hispanic, were not immune from being pulled over for "DWB"—driving while black. One such officer, a state police sergeant, wrote that he

had been stopped 40 times by state troopers while off duty. "There were times when I was the fourth vehicle in a line of five exceeding the speed limit," he wrote. "I was the only one stopped. It doesn't take long to realize that you (the minority) are the choice of the day."

This same officer pointed out that troopers patrolling the New Jersey Turnpike at night often park perpendicular to the roadway with their high beams shining, so they can see the occupants of passing cars. These parking spots were known as "fishing holes," enabling the police to single out their victims on the basis of race.

Many letters to state authorities complained of illegal searches and abusive treatment. In one case a trooper stopped a motorist, ordered him out of his car, and apparently took \$200 from a wallet that the driver had left on the floor of the vehicle.

The massive number of documents were among those demanded by lawyers representing drivers who are suing the state on grounds of racial discrimination. One of these attorneys, William Buckman, said that much of this material was denied when he requested it five years ago. "There seems to be only one reason to withhold all of this: to conceal from the public how high up in the attorney general's office people were aware of the length and the breadth of the problem," said Buckman. "And the striking thing, even today," he continued, "is that when you read these documents, you get no sense of urgency, no sense of outrage that people were being harassed because of their race, and it must be stopped no matter what."

The documents released cover the administrations of three New Jersey governors and seven attorneys general. The current governor, Republican Christine Whitman, feigned outrage when the issue emerged prominently and the longstanding policy began to unravel in April 1998, after three unarmed men were shot by troopers on the highway. She fired the state police superintendent when he declared that racial profiling was understandable because minorities

were allegedly responsible for most of the cocaine and marijuana traffic.

Whitman's outrage, however, was hypocritical and false. In 1994, Republican operative Ed Rollins boasted that he had helped secure victory for Whitman in her first race for governor that year by paying off black ministers to depress the turnout of black voters. Just last year, a photo was released to the media of Whitman posing with a broad smile on her face as she carried out her own racial profiling, frisking a young black man while patrolling with cops in the city of Camden in 1996.

As for the Democrats, an August 1993 memo, during the administration of Governor James Florio, quotes then acting Attorney General Fred DeVesa rejecting any changes in the policy of racial profiling of motorists. "If it ain't broke, don't fix it," DeVesa wrote.

Attention is now also focused on Peter Verniero, who was state attorney general from 1996 to 1998 and was later appointed by Whitman to the State Supreme Court, where he sits today. During confirmation hearings in 1999, Verniero testified that he had not seen statistical evidence of racial profiling until that year. A memo to Verniero dated July 28, 1997, however, includes an audit of a state trooper barracks documenting the stopping of black and Hispanic drivers.

Verniero also swore that he had cooperated with the US Department of Justice in an investigation of the profiling charges. However another memo has now been released, from a meeting on May 20, 1997, which contradicts this claim. The memo contains handwritten notes declaring that before Verniero would sign a consent decree allowing a federal monitor to oversee the practices of the state police department, "they'd have to tie me to a train and drag me along the track."

Current Attorney General John J. Farmer apparently concluded that release of these documents was inevitable and voluntary disclosure would enable the authorities to engage in a form of damage control. Farmer said he was releasing the records in order to "pay a debt to the past." He argued that the police practices were effective but at the same time created a social disaster by stirring resentment of the police.

Farmer also stated that the policy stemmed from the war on drugs initiated in the 1980s under the federal Drug Enforcement Administration (DEA). He claimed as well that racial profiling might be legal, even if unwise, since the US Supreme Court and other courts had on some occasions ruled that race could properly be invoked in decisions on police searches.

The short-term consequences of the growing New Jersey scandal include the possible dismissal of 100 or more pending criminal cases arising from traffic stops by the state

police. Defendants who have been charged with drug or weapons possession are claiming, with justification, that the evidence was tainted by discriminatory police behavior.

As many as a dozen civil suits against the state police are also pending, filed by motorists who were stopped but not charged with any crime. A class action suit has been brought with the cooperation of the American Civil Liberties Union. A spokesman for the attorney general acknowledged that the state would be looking at the possibility of the dismissal of some criminal cases as well as the settlement of civil suits.

The scandal is part of a pervasive racism which has been encouraged by the law-and-order crackdown of the past two decades. "Operation Pipeline," initiated by the DEA, undoubtedly encouraged racial profiling as it was used to train more than 25,000 police officers in 48 states.

Continuous campaigns at the state and federal level for new prisons, an end to parole, and increased death sentences and executions have all contributed to an atmosphere in which racist harassment is considered permissible and racist cops are encouraged to vent their prejudices and hatred.

A report released by the Leadership Conference on Civil Rights about six months ago exposed the fallacy of the argument that racial profiling is rational because blacks commit crimes at a higher rate than whites. According to this report, the General Accounting Office of the federal government showed that minorities were far more likely than whites to be searched by customs officials, without any justification at all, even statistically. Black women were nine times more likely to be x-rayed after a frisk in 1997 and 1998, but "were less than half as likely to be found carrying contraband as white women."

A report from the New York State Attorney General's office found that blacks are twice as likely to be stopped and frisked as whites, even after "correcting" for the demographics of each police precinct and the crime rate by race. As an article earlier this year in the *Christian Science Monitor* pointed out, racial profiling acts as a "self-fulfilling prophesy," as blacks and Hispanics are singled out, and therefore arrested, convicted and jailed in larger numbers.



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