ACLU files lawsuit against Milwaukee over traffic stops, stop-and-frisk policy

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On February 22, the American Civil Liberties Union of Wisconsin (ACLU) filed a lawsuit against the City of Milwaukee, the Fire and Police Commission and Milwaukee Police Chief Edward Flynn over traffic stops, vehicle searches, and stop-and-frisks which disproportionately target the city's African-American and Latino population.

The lawsuit was filed on behalf of six African-American and Latino plaintiffs claiming they had been stopped by police with no clear reason since 2010.

The ACLU contends that Milwaukee police officers have been acting in violation of the Fourth Amendment, prohibiting unwarranted search and seizure of persons and their property without reasonable suspicion, and in violation of the 14th Amendment prohibiting discrimination based on race and ethnicity, contending that the disproportionate targeting of blacks and Latinos in traffic stops amounts to targeting particular sections of the population through racial profiling.

An analysis of the Milwaukee Police Department (MPD) database by the ACLU showed that of all the traffic stops conducted between 2010 and 2012, African-Americans made up 72 percent of those stops even though they make up only an estimated 34 percent of Milwaukee's population. Data also cited in the lawsuit shows that the total number of pedestrian and traffic stops by Milwaukee Police nearly tripled between 2007 and 2015, from 66,000 to 196,000.

Another recent study by the *Milwaukee Journal Sentinel* found that African-Americans were seven times more likely to be pulled over by Milwaukee police than whites, and Hispanics were five times more likely.

Milwaukee police chief Edward Flynn has flat-out denied that police actions are occurring on the basis of racial profiling or meeting a quota system, citing statistics that indicate that those who are disproportionately victims of crime and live and work in high crime areas, saying in a news conference addressing the suit, "What we've been doing is using lawful traffic enforcement in public spaces to affect the environment."

In a revealing 2011 interview, Flynn said, "Yes, of course, we are going to stop lots of innocent people, the point is, do folks understand what their role is as a cooperative citizen in having a safe environment?" casting blame on those residents who do not fully submit to totally unwarranted and invasive traffic stops and pat-downs on the street.

Nusrat Choudhury, an attorney for the Milwaukee ACLU, remarked at a February 22 news conference, "This lawsuit at its core seeks to advance evidence-based and bias-free policing as do other civil rights lawsuits challenging massive stop-and-frisk programs."

Choudhury noted that the ACLU is concerned that the MPD's racial profiling in traffic stops and stop-and-frisks is "damaging the trust between police and the public central to achieving public safety." In other words, the ACLU and other critics of racial profiling are primarily concerned that it is detrimental to legitimizing police and law enforcement and will contribute to the eruption of popular anger.

In Milwaukee, Democratic Mayor Tom Barrett's State of the City address on March 6 painted a rose colored picture of conditions in Milwaukee, declaring that, in fact, conditions are great. "The heart of Milwaukee is thriving," Barrett proclaimed, stating further that "It is clear our great city is a strong economic engine for the region and for the state."

Following Barrett's speech, Flynn acknowledged the ACLU's lawsuit in underhanded fashion, remarking,

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“We are the custodians of most of the state’s poor, and therefore most of its violent crime.” He subsequently called for increased policing to respond to the prevalence of violent crime.

Barrett and the Democratic Party are standing on a social powder keg, and the only remedy offered by the Democrats for the conditions of immense poverty and inequality in Milwaukee is more police and stepped-up repression.

Seething social anger erupted in August 2015 during protests in the Sherman Park neighborhood over the police killing of Sylville Smith. The protests were met with the imposition of a curfew and mobilization of the police by Barrett, and the activation of the National Guard by Republican Governor Scott Walker.

The research on the extent of poverty among African-Americans in Milwaukee and its social impact is nothing short of staggering. Forty percent of African-Americans in Milwaukee live below the poverty line, with one in three living in “extreme poverty,” with less than half the income deemed appropriate by the US government.

According to research of 2010 Census data by the University of Wisconsin-Milwaukee in 2013, Milwaukee has the highest incarceration rate of African-Americans in the United States, with nearly one in eight African American men of working age being incarcerated.

In the same study, it was found that more than 50 percent of African-American men had experienced incarceration by their 30s and 40s, with two thirds of those incarcerated residing in six of Milwaukee’s poorest zip codes, which includes the Sherman Park neighborhood.

The lawsuit detailing police harassment and terrorization of the city’s poorest and most vulnerable residents comes as Milwaukee County Sheriff David Clarke, a Democrat and fervent supporter of the Trump administration, has recently begun a program of deputizing Milwaukee police officers to act as immigration agents in order to carrying out Trump’s executive order for mass roundups of immigrants and refugees.

Clarke is a fascistic figure, who among a laundry list of law-and-order demagoguery has called for the deployment of the National Guard to suppress protests against Trump after his election and has advocated for mayors of so-called sanctuary cities to be arrested for contempt of the Trump administration’s executive orders attacking immigrants and refugees.

The targeting of minority workers and the poor for daily harassment through unwarranted traffic stops, stop-and-frisks and deportations is an attack on the entire working class and a warning for the measures that will be deployed against protests and growing social opposition to the policies pursued by the Democrats and the Republicans.

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