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Is this now a post-racial society?

By Nat Hentoff

<http://www.JewishWorldReview.com> | I continue to hear from an ever-growing chorus of fellow journalists and friends that we have become a post-racial society. We have a black president and an increasing number of black members of Congress, mayors and school superintendents. I wish this were so, but there are -- as many black Americans can tell you -- many real facts contradicting this optimistic view.



Over the years, I've heard from African-American friends about their fears of being stopped by police for the "crime" of "driving while black." On June 7, the Chicago Tribune ("ACLU: Racial disparities in state police searches") reported that while driving, "Hispanics and African-Americans were two to three times more likely to be searched for contraband even though white motorists were more likely to be found in possession of drugs, alcohol or weapons."

The Illinois affiliate of the ACLU has asked the Department of Justice to investigate the Illinois State Police for racial bias. Is Attorney General Eric Holder interested?

I have been reporting for years in The Village Voice in New York City that the city's police department (commanded by Commissioner Raymond Kelly), has, since 2003, "stopped and interrogated people nearly 3 million times, with blacks and Latinos (mostly just walking on the street) experiencing over 80 percent of the stops.

"According to (a) NYCLU lawsuit, 'Even though nearly 90 percent of people stopped have done absolutely nothing unlawful -- as evidenced by the fact that they are neither arrested or given a summons -- the NYPD is entering the personal information of every person stopped into a Department database.'"

It is degrading for blacks, including youth, to be stopped and frisked -- an event so common it can happen anywhere. On one occasion, I was coming out of The New School university on the street where I live. There were two black students, one of them holding an impressive, apparently new, briefcase. I overheard his friend saying to him: "I hope you've got a receipt for that. The cops, you know, will figure you stole it."

Michael R. Bloomberg, New York City's self-proclaimed education mayor, has color-coded police stops and frisks, nor has he criticized Kelly, who was recent New York Sen. Chuck Schumer to succeed Robert Mueller as FBI director wh



Former New York Times columnist Bob Herbert often reminded white New Yorkers: "People going about their daily business, bothering no one, are menaced out of the blue by the police, forced to spread themselves face down in the street, or plaster themselves against a wall, or bend over the hood of a car, to be searched.

"People who object to the harassment are often threatened with arrest for disorderly conduct" ("Jim Crow Policing" The New York Times, Feb. 1, 2010).

This is New York City, not Birmingham, Ala., in the 1950s.

Michelle Alexander, a civil rights advocate and associate professor of law at Ohio State University,

writes in her book "The New Jim Crow" (The New Press, 2010), that with nearly 2.4 million Americans in prison:

"The War on Drugs is the vehicle through which extraordinary numbers of black men are forced into the cage. ... Vast numbers of people are swept into the criminal justice system by police, who conduct drug operations primarily in poor communities of color."

Like the current FBI, she writes, these police are "unconstrained by constitutional rules of procedure that once were considered inviolate (when we had a Fourth Amendment). In fact, police are allowed to rely on race as a factor (in this war on drugs) in selecting whom to stop and search ... effectively guaranteeing that those who are swept into the system are primarily black and brown."

So overcrowded are California's prisons, the Supreme Court, in a 5-to-4 vote on May 23, commanded that state to release thousands of prisoners because their conditions of confinement are causing "needless suffering and death."

Zeroing in on the source of those teeming numbers behind bars was Liliana Segura, associate editor of The Nation (thenation.com, May 26): "Parole violations represent more than half of all new prison admissions, and three of four prisoners are non-white. It's an extreme example of what has happened across the country."

Segura quotes Michelle Alexander, who reminds us that though the Supreme Court did rebuke California, our highest court is itself responsible nationally for making it "nearly impossible to prove racial discrimination in the criminal justice system" as a whole. She explains:

"The U.S. Supreme Court has eviscerated Fourth Amendment protections against unreasonable searches and seizures, giving the police license to sweep communities to conduct 'stop and frisk' operations" in addition to other suspensions of civil liberties that evoked not a word of criticism from presidents George W. Bush and Barack Obama.

Our next president, Republican or Democrat, is very likely to have openings to fill on the Supreme Court. Of all the leading presidential candidates, I am not at all confident that the disappearing Fourth Amendment is a primary, or even marginal, concern to any of them.

Obviously, the deeply fractured economy and health care will spur most of the voting next year. But when so fundamental a personal protection as the right to be free of utterly random searches by the government is on life support, many Americans (not just those of color) may eventually experience a range of cruel and unusual punishments -- from their government.

How often will the Constitution even be mentioned during the presidential and congressional campaigns?