



Destination Justice

by Kary L. Moss and Daniel S. Korobkin

FAST FACTS

Racial profiling is a pervasive occurrence that most lawyers agree is wrong.

African Americans are no more likely to commit offenses than Caucasians.

Racial Profiling has a devastating affect on African Americans' trust in the legal system and is a misuse of law enforcement and the justice system.

Initiatives in federal, state, and local law enforcement agencies and in Michigan are moving us closer to our destination of justice.

For decades, people of color from all walks of life have been routinely stopped by police while walking down the street, driving on the road, or strolling through shopping malls, airports, and other public places. They are questioned and sometimes frisked and searched for no apparent reason other than the color of their skin. It has happened to Supreme Court Justice Thurgood Marshall; it has happened to prominent members of Congress; it has probably happened to many of you.

Most recently, the public's attention has focused on police encounters with citizens on the road, earning this type of treatment the nickname "Driving While Black." These "DWB" incidents often occur when police officers use a minor traffic offense—or none at all—as a pretext for stopping, searching, and sometimes arresting motorists because of their race.

According to the American Bar Association and the National Bar Association, most lawyers agree that it is wrong to use race as a factor in creating profiles of likely criminals. However, there is an interesting and important difference in the perception of the severity of the problem between Caucasian and African-American attorneys. About half of all Caucasian lawyers believe it is acceptable to create profiles of criminals, but 66 percent say race should not be used as a factor in profiles. Among African-American lawyers, however, only 18 percent favor profiles, and 91 percent say it is not acceptable to use race as a factor. Although this poll suggests that there is significant opposition among lawyers to the practice of racial profiling, the divergence in perception among different ethnic groups about its severity suggests that this is a topic that deserves more attention than it has received by the bar in the past.¹

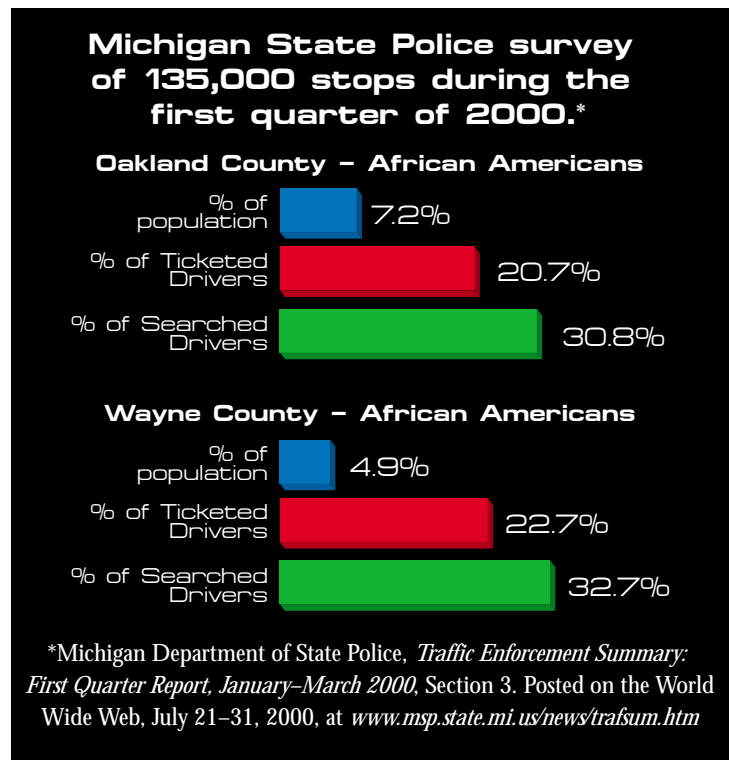
While Jim Crow laws may be a thing of the past, their legacy continues in the persistence of stereotypes about people of color. And this translates into a subtle form of discrimination that is difficult to prove. Simply looking at the demographics of our prison population should be enough to convince anyone that something is terribly wrong with our criminal justice system: more than 1.8 million people are behind bars, and the vast majority of them are people of color.² But, when it comes to traffic stops, which is an important point of entry for many into the prisons, most people want hard evidence of racial profiling before they are convinced that anything is wrong. Short of that, most allegations of racial profiling inevitably result in a lopsided credibility contest between a young African-American man, for example, and a police officer. Guess who wins? Because race-based police stops have gone on for so long and have been so widespread, many people of color are resigned to this treatment by the police, believing it nearly impossible to stop the practice, and futile to complain.

THE EVIDENCE

For many, the existence of racial profiling is a fact of everyday life. Many African-American colleagues tell us how they must advise their children on the day they get their driver's license how to avoid getting stopped by the police and what to do if they are stopped. This is not as true for members of the majority population for whom police stops are generally rare. It is such a fact of life that, on some level, it is offensive to suggest that anyone should have to conduct an expensive, statistical study to prove that the problem really exists.

That being said, such studies have been conducted, usually in the context of litigation or after blatant examples of racial profiling have caught the media's attention. For example, Dr. John Lamberth of Temple University demonstrated in a detailed and comprehensive study of traffic and police patterns on the southern end of the New Jersey Turnpike that although African Americans made up only 13.5 percent of the drivers and violated traffic laws at virtually the same rate as Caucasians, 46 percent of the drivers police stopped were African-American.³ That a problem exists was confirmed by Governor Christine Todd Whitman and her attorney general who conceded in April 1999 that some state troopers had singled out African-American and Hispanic drivers on the highway, and that once they were pulled over they were more than three times as likely as Caucasians to be subjected to searches.⁴

Dr. Lamberth found similarly shocking results when he conducted a study of I-95 in Maryland, and in an Ohio study conducted by Professor David Harris of the University of Toledo, African Americans were between two



*As detailed in the national ACLU's report, *Driving While Black: Racial Profiling on Our Nation's Highways* (1999), racial profiling occurs when traffic safety laws are used for non-traffic safety purposes in a (consciously or unconsciously) discriminatory manner—not only when there is an overt indication of bias on the part of the officer. The vast majority of the DWB complaints filed with the ACLU through its nationwide hotlines and Web-based reporting forms do not involve slurs or other explicit indicators of possible bias.*

Thousands of racial profiling complaints received by the ACLU fall into three distinct categories:

- 1. Drug interdiction efforts—using pretext stops to guess who may be carrying drugs on the highways—have been linked to selective practices shaped by unconscious racism.*
 - 2. "Out of place" stops in mainly white suburban or rural jurisdictions where merely being a non-white driver is viewed as suspicious.*
 - 3. "Urban control" stops where minor traffic offenses are used to crack down on serious crime but can have disastrous implications for police-community relations if law abiding people of color, especially young men, believe they are being treated like common criminals.*
-

and three times more likely than Caucasians to be ticketed in Akron, Toledo, and Dayton.⁵

In Michigan, EPIC/MRA conducted a statewide poll last year that asked motorists about their driving patterns and the number of tickets they received. The poll found African Americans were more likely to be stopped and ticketed than Caucasian drivers and less likely to understand the police officer's reason for pulling them over.⁶ In June, *The Detroit Free Press* released a study of driving and ticketing patterns in Harper Woods, Michigan, which found that African-American drivers received 42 percent of traffic tickets even though they made up only 32 percent of the drivers in Harper Woods. African Americans were even more likely to be cited for minor violations such as a broken taillight, and on roads leading to and from Detroit.⁷

Most recently, the Michigan State Police released data on the race of the drivers its officers pulled over, ticketed, and searched after beginning data collection last fall. Results from a survey of 135,000 stops during the first quarter of 2000 indicate that African-American motorists are treated more harshly than Caucasians by the state police, especially when it comes to

searches. Among African Americans and Caucasians that were pulled over, African-American drivers were nearly three times more likely to be searched than Caucasian drivers.⁸ In a part of Oakland County that is only 7.2 percent African-American, African-Americans were 20.7 percent of those ticketed and 30.8 percent of those searched. In a part of suburban Wayne County that is only 4.9 percent African-American, they made up 22.7 percent of ticketed drivers and 32.7 percent of those who were searched.⁹

COMPLAINT-RESISTANT

It is important to recognize that many, if not most, of these complaints involve real, but pretextual, minor traffic violations. This makes it difficult for those who believe that they are victims of racial profiling to prove it using official complaint systems. That there may be some legitimate, albeit pretextual, reason for the stop, of course, does not mean that the driver feels any less singled out or harassed, or that a pattern of race-based, pretextual traffic stops is any more acceptable. But most police complaint systems consider complaints individually; and in the absence of comprehensive data collection or other evidence of racial patterns, they are simply rendered blind to racial profiling and patterns of harassment. A complaint will be ruled "proper conduct" as long as there was some minor violation by the driver—filing a complaint is fruitless in these situations and the public knows it.

The bulk of racial profiling occurs when officers, in fact, have found some picky, technical violation upon which to base the stop. That a legitimate reason for the stop may be found does not mean that assumptions based on faulty stereotypes are not being used. The point is that racial profiling occurs when officers use technical violations *selectively* against certain races to pursue vague, often unconsciously racist, suspicions about drivers of color. Racial profiling is not primarily a Fourth Amendment search-and-seizure



problem. It is not an issue of probable cause or consent. The problem is that probable cause is found and consent to search is requested in a racially selective manner.

A SELF-FULFILLING PROPHECY

Racial profiling is so pervasive in part because it operates as a self-fulfilling prophesy. As long as police officers stop and search minorities in disproportionate numbers, they will issue more tickets to those drivers and find more drugs in their cars, even if African Americans and Hispanics are statistically no more *likely* to violate the law than Caucasian motorists. Then, having associated drugs and illegal activity with African Americans and Hispanics, police officers will continue to profile them as criminally suspect and stop them in disproportionate numbers.

Studies on drug use have shown that African Americans are no more likely to use drugs than Caucasians, that drug use among African-American youths has long been lower than drug use among white youths, and that users are most likely to buy drugs from someone of their own race.¹⁰ Yet, searches by the U.S. Customs Service, for example, focus on African Americans or Hispanics 43 percent of the time. The “hit rates” for these searches are actually *lower* for African Americans and Hispanics than for Caucasians—6.3 percent for African Americans and 2.8 percent for Hispanics, while 6.7 percent for Caucasians—but since African Americans and Hispanics are searched in far greater numbers, the impression left by these searches is that the War on Drugs must be focused primarily on people of color.¹¹

The self-fulfilling prophesy problem is not limited to searches on the highways and at border crossings; it pervades and is magnified in the American criminal justice system at large. As long as these racial profiles prevail, arrest and conviction records are sure both to reflect and to exacerbate these harmful and inaccurate stereotypes. African Americans make up

“...eliminating racial profiling will do more than boost public confidence in law enforcement – it will actually lead to a substantive, measurable improvement in drug interdiction efforts.”

12 percent of the population and, experts believe, 13 percent of drug users. However, African Americans are 38 percent of those arrested for drug offenses, 59 percent of those convicted of drug offenses, and 63 percent of those convicted of drug trafficking. Thirty-three percent of Caucasians who are convicted of drug offenses are sent to prison, compared to 50 percent of African Americans. For drug offenders sentenced under state laws, the average maximum sentence length for Caucasians is 51 months, while for African Americans it is 60 months.¹²

The disparities are greater among young people. A comprehensive report entitled “Justice for Some,” released in April, 2000 by the Justice Department, the FBI, and the National Center for Juvenile Justice, reported that African-American and Hispanic juveniles face harsher treatment than Caucasian youths at “every step of the juvenile justice system.” African Americans under age 18 are 15 percent of the underage population, but they are 26 percent of those arrested, 31 percent of those sent to juvenile court, 32 percent of those found guilty, 40 percent of those sent to juvenile prison, 44 percent

of those held in juvenile jails, 46 percent of those tried as an adult, and 58 percent of those in adult prison.¹³

For youths charged with violent crimes, Caucasians are incarcerated for an average of 193 days after trial, African Americans for 254 days, and Hispanics for 305 days. Among youths not sent to prison before, African Americans are six times more likely than Caucasians to be jailed. For violent crimes, African-American youths are nine times more likely than Caucasians to be incarcerated. For drug crimes, they are 48 times more likely.¹⁴

LIVING ON DIFFERENT PLANETS

Not surprisingly, the experiences of African Americans and Hispanics on the road and in the criminal justice system have helped shape their opinions on equality, racial profiling, and the police. In July, 2000, *The New York Times* published a poll on race which found that although a majority of Americans believe that race relations in general are improving, “on many questions, particularly those related to whether blacks are treated equitably... blacks and whites seemed to be living on different planets.”¹⁵

According to the poll, “[b]lacks were roughly four times more likely than whites to say they thought blacks were treated less fairly in the workplace, in neighborhood shops, in shopping malls and in restaurants, theaters, bars, and other entertainment venues.”¹⁶

Equally disturbing gulfs exist between Caucasians and African Americans when it came to their perceptions of the police. When asked in the *Times*'s poll if African-American people were “treated less equitably by the police,” two-thirds of African Americans said yes, compared to only a quarter of Caucasians.¹⁷ In another poll, released by the Justice Department in 1999, only 16 percent of Caucasians said they were sometimes afraid that they would be arrested when they were completely innocent, while 43 percent of African Americans expressed such fear. Also, only 3 percent of Caucasians believe that police brutality in their community occurs “often,” while 27 percent of African Americans said so; 43 percent of Caucasians say that it “never” occurs, and only 17 percent of African Americans said that.¹⁸

CONSENSUS ON RACIAL PROFILING

Despite an apparent disconnect between African Americans and Caucasians on many important racial issues, there is general agreement that Driving While Black should not be a moving violation on America's roads. The ABA/NBA poll, for example, demonstrated that a majority of lawyers disapprove of racial profiling.¹⁹ In addition, the writers of a 1999 nationwide Gallup poll on the subject sought to define racial profiling in terms as neutral as possible, describing it as the practice by which “police officers stop motorists of certain racial or ethnic groups because the officers believe that these groups are more likely than others to commit certain types of crimes.” A full 81 percent of Americans said they disapproved. And the majority of people also seem to agree that the practice exists and is widespread: 56 percent of Caucasians said so, as did 77 percent of African Americans.²⁰

IN THE PUBLIC INTEREST

Many law enforcement officials and political figures most defensive about racial profiling claim that in the real world, catching criminals and

Is There Racial Bias in the Justice System?

African Americans and Caucasians who practice law have widely divergent beliefs when it comes to race.

Caucasian Lawyers



African-American Lawyers



Caucasian lawyers were also more likely than their African-American colleagues to say that racial bias is less severe in the justice system than in the rest of society, and that the justice system has the capacity to eliminate racial bias in the future.

— poll by the American Bar Association and the National Bar Association, Feb. 1999.

sending them to prison must be foremost on the minds of police officers, prosecutors, and judges—not social justice. But such claims are based on incorrect assumptions and faulty reasoning. Racial profiling is not, or should not be, a price African Americans and Hispanics must pay so that the general public may live in safer neighborhoods with lower crime. In fact, the opposite is true: it is in the best interest of everyone—police officers, prosecutors, judges, and the general public—to eradicate racial profiling.²¹

Effective law enforcement requires the cooperation, trust, and respect of the population being served by the criminal justice system, which in turn requires the credibility and good faith of those enforcing the law. Cynicism pervades communities of color that perceive that the criminal justice system and, in particular, the police complaint system, does not and will not hear their complaints. The legal profession must acknowledge this cynicism and address it by improving systems of legal redress. The failure to do so

perpetuates distrust and undermines the effective workings of our criminal justice system.

Community policing programs implemented by dozens of struggling American cities in recent years have had a notably positive impact on community-police relations. But if, as public opinion polls suggest, a sizable proportion of minorities feels mistreated by and even afraid of a system that is supposed to serve them, that system is bound to erode over time.

Reducing citizens' cynicism and mistrust of police and the criminal justice system at large is in the best interest of law enforcement for a number of reasons. Police officials providing testimony at trials will seem more credible, as will judges providing instructions to a jury. Prosecutors and detectives investigating a crime are more likely to have success in finding witnesses who can provide them with the information they need to do their jobs. Finally, drug offenders and other defendants who feel engaged by the system rather than victimized or mistreated by it are more likely to cooperate with probation officers and court-appointed attorneys, and less likely to repeat their crimes. That is law enforcement we can all be proud of.

What's more, eliminating racial profiling will do more than boost public confidence in law enforcement—it will actually lead to a substantive, measurable improvement in drug interdiction efforts. Data already demonstrates that the “hit rates” in drug searches for African Americans and Hispanics are actually lower than the searches done on Caucasians, and drug use among African Americans is no higher than among Caucasians. This means that if African Americans and Hispanics are being searched at disproportionate rates, police officers could better spend their time searching motorists who are not being “profiled.” In other words, stopping racial profiling will actually make law enforcement *more* efficient and lead to *more* drug recoveries.

PROGRESS: NATIONAL TRENDS

In 1999, long-standing concerns over racial profiling in traffic stops produced significant and concrete action on three fronts: federally, in state legislatures, and in state and local law enforcement agencies. All three levels have emphasized the need for data on this issue to demonstrable effect.

One of the most important initiatives at the federal level has come from Michigan's own U.S. Rep. John Conyers, who has sponsored the Traffic Stop Statistics Act. This legislation would encourage police departments to keep detailed records of traffic stops, including the race and ethnicity of the person stopped. The House Judiciary Committee unanimously approved an identical bill on March 13. Under the proposed bill, the Justice Department would be charged with collecting the data kept by police departments and determining the full scope of this problem nationwide.²²

Significantly, Senator John Ashcroft, Republican of Missouri and chairman of the subcommittee that approved the Senate version of the Traffic Stop Statistics Act, recognized the crux of the racial profiling problem while still maintaining his tough-on-crime position on law enforcement. He said:

A necessary component of our system of government is public trust. No system of government, of the people, by the people, and for the people, can long endure if some of those people have no confidence in that government. So long as whole groups of our citizens believe that there is a two-tiered system of treatment by government officials arbitrarily divided by race, they will not have confidence in that system. They will understandably conclude that if government is improperly motivated by race in some circumstances, it might be improperly motivated by race in all circumstances. This is particularly true if that perception is held of law enforcement, the very government agents entrusted with protecting citizens from injustice. Such an erosion of trust would not only undermine the ability of law enforcement officers to do their jobs, it would undermine any efforts that we in government make to try to improve the lives of all Americans.²³



Also at the federal level, President Clinton ordered all federal law enforcement agencies to collect race data on their stop and search practices. He also specifically challenged state and local agencies to follow the federal example.²⁴

Many agencies have already answered President Clinton's challenge, including county sheriffs' departments and municipal police forces of all sizes. In California alone, at least 46 local agencies—including four of the five largest municipal police departments—are engaged in voluntary data collection. The U.S. Justice Department has recently funded a project aimed at creating a set of resource materials for agencies nationwide to use in establishing data collection systems.

In 1999, the legislatures of 20 states considered anti-racial profiling bills, nearly all of which included mandatory data collection. A few have already been enacted into law. In Connecticut, a Republican governor signed a measure requiring all law enforcement agencies in the state to collect such data. In North Carolina, a Democratic governor signed a bill requiring comprehensive data collection by the state police. This year, Washington, Missouri, Rhode Island, and Tennessee passed similar legislation. Given the enormous political momentum suddenly emerging on this issue over the last year, even more bills are expected to be introduced and enacted in the near future.²⁵

Opposition to race data collection is fading in many law enforcement organizations. The most significant indication of this shift was the two anti-profiling resolutions passed in November 1999 at the annual convention of the International Association of Chiefs of Police (IACP). IACP, the more conservative of the police management groups and an organization that not long ago was openly expressing skepticism about the need to even address this issue, is now officially on record supporting the need for data collection efforts. IACP now joins the minority police groups, like the National Black Police Association, who have long led the charge for comprehensive data collection.²⁶

At the start of 1999, there were virtually no law enforcement agencies (not under court orders because of prior discrimination) that were using data collection on traffic stop and search practices to measure for possible racial disparities. At the start of 2000, there were well over 100.

DEVELOPMENTS IN MICHIGAN

Law enforcement agencies in Michigan have been indicating a willingness to develop solutions. For example, in February 2000, the Prosecuting Attorneys Association of Michigan (representing 83 counties statewide) voted unanimously to insist that all traffic stops and consent searches be tracked as to relevant statistics on race and appropriateness of searches.

For the past year, a coalition of law enforcement agencies and civil rights organizations in Michigan has been meeting on a regular basis to develop best practices recommendations for law enforcement agencies. It includes the Michigan Chiefs of Police, Dearborn Police, ACLU of Michigan, Detroit Chapter of the NAACP, National Conference for Community and

Justice (NCCJ), the Immigration and Naturalization Service (INS), and others.

Finally, several police agencies are now implementing voluntary data collection efforts: Michigan State Police, and the Ann Arbor, Dearborn, Trenton, Grand Rapids, and Lansing police departments.²⁷

CONCLUSION

The practice of racial profiling on our city streets and highways has consequences far beyond the immediately obvious. It contributes to the great sense of distrust between communities and law enforcement agencies, which will inevitably hamper legitimate law enforcement efforts. This is not in anyone's best interest. It is imperative that we dispel the myth that racially disparate treatment by the police is the price African Americans must pay for the vigilance and hard work of law enforcement officials. It is a price that need not be paid, and it is a price that is far too high—for all of us. ♦

Kary L. Moss is the executive director of the ACLU of Michigan. Prior to joining the ACLU, she was on the national staff of the ACLU in New York and clerked in the United States Court of Appeals for the Second Circuit. In addition to extensive civil rights litigation experience, she has published three books and a number of law review articles focusing on civil rights issues, with a particular focus on women's rights and race discrimination. In 1999, she was selected by Harvard Law School as a Wasserstein Public Interest Fellow. She is a graduate of James Madison College at MSU, Columbia University, where she received a Masters in International Affairs, and CUNY Law School at Queen's College, where she received her Juris Doctor in 1988.

Daniel S. Korobkin grew up in Ann Arbor and attended Greenhills School. He is currently a junior at Swarthmore College in Pennsylvania, where he will complete a public policy thesis on racial profiling. He has spent two summers as an intern with the American Civil Liberties Union of Michigan where he had the opportunity to develop substantial expertise in this area.

FOOTNOTES

1. Criminal Targets, ABA Journal, Feb. 1999, at 46.
2. Ira Glasser, ACLU Executive Director, Address at the Biennial Conference of the American Civil Liberties Union (June 1999).

Lawyers and Judges Alcoholics Anonymous and Narcotics Anonymous MEETING DIRECTORY

The following list of meetings reflects the latest information about lawyers and judges AA and NA meetings. Those meetings marked with "*" are meetings that have been designated for lawyers, judges, and law students only. All other meetings are attended primarily by lawyers, judges, and law students, but also are attended by others seeking recovery. In addition, we have listed "Suggested Meetings," which others in recovery have recommended as being good meetings for those in the legal profession.

Alcoholics Anonymous Meetings

***Monday 12:00 PM**
St. Joseph Hospital East
Bailey Room A
Parkview and North Streets
Mt. Clemens

***Monday 12:30 PM**
Detroit Metropolitan
Bar Association
645 Griswold
3550 Penobscot Bldg., Detroit

***Monday 7:00 PM**
Prince of Peace
Lutheran Church
19100 Ford Rd.
(Just west of Southfield Freeway)
Dearborn

(NA meeting also held concurrently)

***Wednesday 12:00 PM**
First Presbyterian Church
Conference Room—Lower Level
321 W. South St., Kalamazoo

Wednesday 12:00 PM
Peter White Library
Conference Room, Marquette

***Wednesday 6:30 PM**
Kirk In The Hills
Presbyterian Church
1340 W. Long Lake Rd.
(1/2 mile west of Telegraph)
Bloomfield Hills

***Wednesday 6:00 PM**
Unitarian Church
2474 S. Ballenger Rd.
Lower Level, Room 2C
(1 block south of Miller Rd.)
Flint

***Thursday 7:00 PM**
Central Methodist Church
2nd Floor
(Corner of Capitol and
Ottawa Streets)
Lansing

Narcotics Anonymous Meetings

***Monday 7:00 PM**
Prince of Peace Lutheran Church
19100 Ford Rd.
(Just west of Southfield Freeway)
Dearborn
(AA meeting also held concurrently)

Suggested Meetings

Tuesday 6:00 PM
St. Aloysius Community Ctr.
1209 Washington Blvd., Detroit

Wednesday 12:00 PM
Cooley Law School
Rutledge Room (1st Floor)
217 S. Capitol, Lansing

Wednesday 6:00 PM
Detroit City County Bldg.
2 Woodward Ave.
3rd Floor, Rm. 301
Detroit

Thursday 5:30 PM
Brighton Hospital Rm. 35
12851 E. Grand River, Brighton
*Professional Women's Group

**Thursday 8:00 PM
(also Sunday 8:00 PM)**
Manresa Stag
1390 Quarton Rd.
Bloomfield Hills

Friday 8:00 PM
Rochester Presbyterian Church
1385 S. Adams (South of Avon Rd.)
Rochester

For other AA or NA meetings,
see listings in your local
phone book or call:

**Lawyers and Judges
Assistance Program
1-800-996-5522**

3. William H. Buckman and John Lamberth, *Challenging Racial Profiles: Attacking Jim Crow on the Interstate 20-21* (1999).
4. Iver Peterson, *Whitman Says Troopers Used Racial Profiling*, *The New York Times*, April 20, 1999, at A1, B8.
5. David A. Harris, *The Stories, the Statistics, and the Law: Measuring "Driving While Black"* 21, 31 (1999).
6. Amber Arellano, *Blacks are ticketed more often, poll says*, *The Detroit Free Press*, Feb. 7, 2000, at 1A.
7. Amber Arellano, *When race adds up in traffic*, *The Detroit Free Press*, June 1, 2000.
8. David Shepardson and Oralandar Brand-Williams, *Cops search whites less*, *The Detroit News*, July 21, 2000, at 1A.
9. Michigan Department of State Police, *Traffic Enforcement Summary: First Quarter Report, January-March 2000*, Section 3. Posted on the World Wide Web, July 21-31, 2000, at www.msp.state.mi.us/news/trafsum.htm
10. *Data Collection: The First Step in Coming to Grips with Racial Profiling: Hearing on Racial Profiling Within Law Enforcement Agencies Before the Subcomm. On the Constitution, Federalism, and Property Rights of the Senate Comm. on the Judiciary*, 106th Cong. 2nd Sess. 6-8 (March 30, 2000) (statement of David A. Harris, Balk Professor of Law and Values, University of Toledo College of Law).
11. *Id.* at 7.
12. *Id.* at 8-9.
13. Fox Butterfield, *Racial Disparities Seen As Pervasive in Juvenile Justice*, *The New York Times*, April 26, 2000, at A1, A18.
14. *Id.* at A1.
15. Kevin Sack and Janet Elder, *Poll Finds Optimistic Outlook But Enduring Racial Division*, *The New York Times*, July 11, 2000, at A1.
16. *Id.*
17. *Id.* at A23.
18. Michelle Gotthelf, *Poll: Minorities Fear Police More*, *APB News*, April 6, 1999.
19. *Criminal Targets*, *ABA Journal*, Feb. 1999, at 46.
20. Frank Newport, *Racial Profiling is Seen as Widespread, Particularly Among Young Black Men*, *Gallup News Service*, Dec. 9, 1999.
21. See *Data Collection: The First Step in Coming to Grips with Racial Profiling* at 5-10, 14-16.
22. H.R. 1443, 106th Cong., 1st Sess. (1999).
23. Press release by the American Civil Liberties Union, U.S. Senators of Both Parties Condemn Racial Profiling (Mar. 31, 2000).
24. Memorandum from President Clinton to the Sec. of the Treasury, the Atty. General and the Sec. of the Interior Re: Fairness in Law Enforcement: Collection of Data (June 9, 1999).
25. Press releases by the American Civil Liberties Union, ACLU Praises Lawmakers as Missouri Becomes Fourth State in Nation to Pass Racial Profiling Legislation (May 12, 2000), Rhode Island Governor Says He Will Sign Strong Racial Profiling Bill (June 21, 2000).
26. Resolutions of the 106th Annual Conference of the Int'l Ass'n of the Chiefs of Police, Oct. 29-Nov. 3, 1999, at www.theiacp.org/leg_policy/resolutions.htm#contacts
27. Shepardson at 7A.