

The Emerging Paradigm for Policing Multiethnic Societies: Glimpses From the American Experience

William F. McDonald*

Georgetown University, U.S.A.

(Received February 2001; in final June 2001)

A new paradigm for policing multiethnic societies is emerging in which the balance between enforcing law and maintaining racial/ ethnic harmony is being reset in favor of the latter. This reflects a cultural shift towards greater tolerance of diversity. Its timing is opportune as massive international migration is reshaping the composition of formerly homogeneous populations. Community policing is a most suitable strategy for achieving race/ethnic harmony; but, the strategy alone is no guarantee. It must be knit to specific situations by politically sensitive officials.

Key Words: Multiethnic society; community policing; racial profiling; terrorism; September 11th; immigration; demographic change; tolerance; race relations; race riots

* The author wishes to thank Daniel E. Price for presenting this paper at the International Conference on Policing Multiethnic Societies, Israel; the three reviewers for their constructive comments; and Edna Erez for her special leadership in organizing the conference. The points of view and opinions expressed in this paper are solely my own. They do not necessarily represent those of the National Institute of Justice, Georgetown University, or any of the sponsors or hosts of this conference.

September 11: A Prologue

On September 11, 2001, long after this paper was written but during final editing, the United States was hit by the most horrific terrorist attack in its history. Four planes were hijacked. Two were used to destroy the World Trade Center in New York City. One was crashed into the Pentagon. The fourth was crashed in Pennsylvania. All told, more than 3,000 people were killed.

That atrocity has caused a rapid and notable reordering in American culture, particularly with regard to matters addressed in this paper. With regard to the perennial problem of balancing security concerns against civil liberties and maintaining an open society, there has been a tilt in favor of security (Lancaster 2001).¹ With regard to the culture's movement toward greater acceptance of diversity and the condemnation of anything involving discrimination or xenophobia, there have been some reassessments, the full impact of which are not likely to be temporary.

Prior to September 11, a law enforcement practice loosely referred to as "racial profiling" had been developing a broad and almost unchallengeable public antipathy. Not just minority spokespersons (Edozien, 2001). But many others had come out against it, including the Governor of New Jersey (Diamond, 2000), both presidential candidates (Dickerson, 2000), and many others (Edozien, 2000; Mosk, 2000; A.P., 2000; A.P., 2001; Lueck, 2000).²

However, when early reports suggested that 28 of 28 suspects responsible for the September 11 attack on America were all Middle Eastern males, and when American passengers began insisting that airlines remove people who appeared to be of Middle Eastern descent from planes (Mayer, 2001),³ the discussion of the reasonableness of racial profiling began to be reassessed (Glaberson, 2001). The proposition that law enforcement should not be allowed to take race (or ethnicity) into account when it is associated with a higher risk of dangerous behavior began to lose the moral high ground it had been gaining (Weinstein, Finnegan and Watanabe, 2001).

During his confirmation hearings, FBI Director Robert Mueller had called racial profiling abhorrent to the Constitution and promised that the FBI would not do it (Holland, 2001).⁴ Yet, after the attack, FBI agents questioned and detained hundreds of people, many on the basis of little more than their race, ethnicity, or religious affiliation (Rosin, 2001). Even traditional liberals began to acknowledge and defend the legitimacy of using race/ethnicity as criteria for surveillance or inquiry by law enforcement under certain circumstances. The idea that race/ethnicity

should not be considered at all, a point of view that had been gathering support, suddenly seemed unrealistic, if not extremist.⁵

These developments do not alter the basic thesis of this paper. They do, however, put some parts of the presentation in a new light. Our argument that officially condoned bigotry is a thing of the past has been demonstrated by President Bush's handling of the war against terrorism with his clear efforts to show that the war is not against Islam, Arabs, Muslims, or the people of Afghanistan and by other actions he and others have taken to condemn hateful acts against Muslims and Middle Eastern people in the United States.

On the other hand, our review of the developments regarding racial profiling, accurate when written (see footnotes 37 through 41 and related text), is misleading today. Similarly, although it is unlikely that there will be a return to the levels of anti-immigrant xenophobia that once flourished, those in favor of tighter immigration controls and greater supervision of foreigners will no longer be as easily demonized as bigots, paranoids, and hatemongers as they had been previously. Consequently, their initiatives may be more likely to succeed in shaping policy.

Rather than rewrite this paper to integrate the changes mentioned above, I have decided to simply add this prologue and leave the rest untouched. Thus it can serve as its own unintended case study of changes in the trajectories of law enforcement developments in a free society before and after an atrocity of this nature and magnitude.

The New Paradigm of Policing

The challenge for police in multiethnic, liberal, democratic societies is to find the correct balance among the public goods at stake. They must enforce the law but also maintain racial and ethnic peace. These goals are incompatible to some extent. Enforcing the law may disrupt the peace. Keeping the peace may require forgoing opportunities to prevent crime or apprehend criminals.

The practice of racial profiling illustrates the tradeoff. The police defend the practice as an essential law enforcement tool needed to help identify potential drug couriers, terrorists, and other criminal types. More generally, they use race/ethnic appearance as one of several cues to suspect that something is amiss and that an investigation would be appropriate. A black male walking in an all-white neighborhood or in a deserted industrial park late at night, or driving an expensive new car, are common scenarios that traditionally have prompted police inquiries.

Such interventions undoubtedly prevent some crimes. But they also have high costs. They produce deep resentments and alienation among minorities who are repeatedly stopped and questioned by the police. They divide the community and undermine racial peace. Over time, they build up and explode in race riots or cheers from the black community for people like O.J. Simpson when they beat the system.

As the 21st century begins, the relative priority between enforcing law and maintaining racial/ethnic harmony is being reset. A new paradigm for policing multiethnic societies is emerging. The old paradigm was about maintaining order by keeping people in their place, both socially and geographically (Lane, 1971; Richardson, 1970; Calavita, 1984; Williams and Murphy, 1990).⁶

The new paradigm is about integration, not segregation; equal protection, not domination; mutual respect, not deference. In the old paradigm, enforcing the law was the highest value. In the new paradigm, enforcing the law is still important but increasingly is being placed second to maintaining racial and ethnic harmony.

The new paradigm reflects the changing cultural norms regarding tolerance for diversity and demands for equality. The timing could not be better. Dramatic demographic changes are happening in the world. Societies that once were dominated by a single ethnic group are rapidly becoming more heterogeneous as a result of the dual process of less-than-replacement fertility and immigration. With the end of the cold war, international borders have become more porous than ever (Schmid, 1996).⁷

In the United States, the whole concept of race relations is being transformed (Hardin, 1998). Latinos have surpassed blacks as the largest minority in many major cities. Asians are majorities in some places. The white descendants of the Europeans who founded the country, and who have dominated it politically, economically, and demographically ever since, are projected to lose their majority status by the year 2050 (Booth, 1998; Holmes, 1998).

Today's immigration has made the challenges of policing a multiethnic society all the more complex. The police are having to find ways to bridge cultural divides; to communicate in foreign languages; to win the trust of people whose past experience led them to mistrust or despise the police (Bowles, 2000); to protect foreigners both from xenophobic attacks and their own ethnic gangs.

Many of the new immigrants are illegally in their host countries, confounding the problem even further. They are more vulnerable to victimization and less willing to cooperate (Davis and Erez, 1998). The problem is magnified by the fact that many

illegal immigrants live with friends and relatives who are consequently forced to keep a distance from the police. Others are linked to international networks of organized criminals who smuggle humans for profit, frequently holding them under slavelike conditions in sweat shops or forcing them into prostitution to pay off smuggling fees.

This paper provides some glimpses of the emerging new paradigm of policing multiethnic societies based on responses of the American police to today's mix of ethnic diversity. That record provides much to be hopeful about, but some cautions must be noted and much remains to be done. The portrait is at odds with one that might be imagined from reading the newspaper headlines. Although appalling racial incidents continue to occur, to focus on them is to miss the profound changes that are taking place.

Our argument is presented in three parts. First we document the cultural changes that have occurred and their impact on policing. Then we illustrate some methods that police agencies have employed to reach the new immigrant communities and bring them into the American community. In this discussion, we note the importance of community policing in inspiring many of these innovations. Finally, we conclude with a cautionary tale.

For those who believe that the complexity of the problems of policing multiethnic societies can be resolved by something as simple as adopting community policing or by having the police agency staffed and controlled by members of a formerly oppressed minority, we analyze a few experiences that would seem to prove them wrong. The Mount Pleasant riots in Washington, D.C., the riots in Miami, Florida, and the lawsuits in Chandler, Arizona, suggest that in the end racially and ethnically sensitive policing depends upon good judgment that is not guaranteed by either race or police strategy.

The New Cultural Context and Its Impact

Police dealings with racial and ethnic minorities today are constrained by cultural and legal norms that are palpably different from those of the past. In the United States and elsewhere, there is a new level of cultural support for tolerance and equal treatment under the law. For America, this is a matter of cultural realities catching up with national ideals.

The United States is a nation of immigrants. From the beginning, it espoused the ideals of pluralism and equality. George Washington and other leaders thought they were creating a new race of men into which all the tribes of the world would be

welcome to meld together, forming a new breed (Schlesinger, 1992). It has taken two centuries to approach those ideals: one century to abolish slavery and another to prohibit discrimination.

The civil rights movement of the 1960s had a profound effect. Bigotry and direct discrimination still occur. But they no longer enjoy the protected status and public tolerance they once had. They are acts of individuals, not public policies enacted with the intent to discriminate (Mann, 1988; Kleck, 1996; Peterson and Hagan, 1996).⁸ The police (and the government in general) can no longer choose sides. They must strive for impartiality or risk public denunciation and lawsuits (Kempster, 2000).⁹

For instance, the last time the United States faced the massive immigration it is experiencing today was at the end of the 19th century. Large numbers of immigrants from Southern and Eastern Europe streamed into the country. In the name of protecting the Anglo-Saxon race from mongrelization, political elites succeeded in passing immigration laws that completely prohibited the immigration of Asians and placed restrictive quotas on the immigration of Italians, Slavs, and Jews. Such patent discrimination is now unthinkable. Immigration restrictions were eliminated in the 1960s and 1970s as the norms against discrimination began permeating the culture. The impact of this change on policing can be seen in various examples.

In 1954, state and local police throughout the southwestern states joined with the federal government to conduct a massive deportation of Mexican workers who were in the country illegally. Over a few weeks, 100,000 Mexicans were rounded up and expelled in what was officially called Operation Wetback. Radio stations called upon people to turn in suspected illegal immigrants. No apology was made, either for the use of ethnic slur “wetback” or for the harassment of Mexican-American citizens who were caught up in the dragnet (U.S. Congressional Service, 1980; Craig, 1971).

In contrast, in 1997 the Chandler (Arizona) Police Department joined with the Federal Border Patrol to round up and deport 400 illegal Mexicans. In the process, they stopped several people who appeared to be Mexican and demanded to see their migration papers. The people were Americans and they objected (de la Cruz, 2000).

To use the cynically humorous phrase, they were arrested for the crime of DWL (“driving while Latino”). They filed a \$32 million lawsuit against the city and won. Moreover, the Arizona Attorney General issued a scathing criticism of the police. A human relations officer and a Hispanic police liaison officer were appointed. Police officers were required to attend 1,500 hours of classes on cultural awareness and

hate crimes, and there was a proposal to teach Spanish to all officers (A.P., 1997; A.P., 1998; Drake, 1998; Magruder, 1998a; Magruder, 1998b; Magruder, 1999; Khoury, 1999; Mattern, 1999).¹⁰

An even broader example is the dramatic step back of American police from a role they once embraced. Virtually none of the 17,000 independent state and local law enforcement agencies in the country (Maguire and Pastore, 1996) are willing to assist the Federal Immigration and Naturalization Service (INS) in enforcing immigration laws (McDonald, 1999).

This is in sharp contrast to the “old days,” when local police routinely enforced federal immigration law. In 1930, the New York City Police Department (NYPD) created a Criminal Aliens Bureau to round up and investigate all aliens with criminal records with an eye toward deportation. NYPD had been arresting about 1,200 aliens a year, but until then it did not have a special detail to check for possible immigration law violations (New York Times, 1930a). This was part of a national effort to rid the country of gangsters who were seen as the product of a particular ethnic group. The effort was spearheaded by the federal government (New York Times, 1930a). In 1972, San Diego County, California, Sheriff John Duffy issued an order to taxicab drivers to report suspected illegal aliens to the police. The order was intended to crack down on the smuggling of illegal aliens. Mexican-Americans and cab drivers protested, but the order was upheld by the State Attorney General (Anon, 1973).

By the 1970s, illegal immigration was out of control in southern California. Ethnic minorities were empowered by the success of the civil rights movement. Finally, playing the “race card” had political leverage. City governments could not ignore the charges of racism in their policies. In 1979, in Los Angeles after intense community pressure and a lawsuit for cooperating too closely with the INS, the Los Angeles City Council, at the behest of Police Chief Daryl Gates, issued a directive known as Special Order 40. It generally prevented any officer from questioning anyone about their immigration status, checking on it with the INS, or turning suspects accused of minor crimes over to the INS (McDonnell, 1996).

In 1983 in Santa Ana, California, just south of Los Angeles, Police Chief Ray Davis announced that his department would no longer cooperate with the INS in their sweeps of illegal aliens. “[I]n order for the illegal aliens to trust us and report crimes, we can’t be seen as an extension of the INS,” he said (Skolnick and Bayley, 1986). According to his community relations officer, “We never invited the undocumented alien population to settle in our city but now that they have, we are

going to work with them. You can't afford to have 25 percent of the population hostile toward the Police Department (New York Times, 1983)."

Chief Davis's move was not in reaction to a lawsuit. Rather, it flowed logically from the police philosophy he was pioneering, namely "community policing." The community's support was essential. Enforcing immigration law alienated much of the Latino community. The choice was not a hard one. Even though Californians were upset about illegal immigration, Chief Davis regarded the federal immigration control efforts as pointless. Illegal immigrants who were deported one day were back the next.

During the 1980s, protesters unhappy with American refugee policy lobbied local and state governments to protect immigrants seeking refuge from deportation. As a result of this "sanctuary movement," many state and local governments ordered their police not to cooperate with the INS in certain ways (Skerry, 1995).

In 1996, immigration restrictionists in Congress tried to negate these provisions and reenlist the services of local police to control illegal immigration. The Immigration Act prohibited state and local governments from restricting any of their entities from informing the INS regarding the immigration status of aliens. It further provided that the Federal Attorney General could enter into agreements with state and local governments to enforce immigration law (Illegal Immigration Reform and Immigrant Responsibility Act, 1996; McDonnell, 1997).

Virtually no police departments have been authorized under the new policy. When Salt Lake City officials explored the possibility as a way of coping with the growing crime problem attributed to the expanding Mexican migrant population, they were persuaded not to do it. Mexican-Americans argued that it would be used primarily against them (Donaldson, 1998; Edwards, 1998; Tobar, 1999; McDonald, 1999).

Racial profiling is a traditional police practice that has alienated ethnic minorities for decades (Cole, 2000; Wilson, 1999). Until recently, their complaints were to no avail. Today, there is a crescendo of support for abolishing the practice. Both presidential candidates, Bush and Gore, condemned it. Five states have enacted legislation prohibiting it, and 25 more have pending legislation (Dickerson, 2000; Koh, 2000; Ross, 2000).¹¹

Law enforcement responses to this challenge have varied from deep denial (McAlpin, 2000), to defense of the practice (Lueck, 2000), to a constructive search for solutions (Mishra, 1999). On their own initiative or under threat of lawsuits, police have begun sensitivity training programs; started collecting data that will

allow for a check on the racial pattern in their stops; and installed video cameras on cruisers to record the race and the interactions (A.P., 1999; Gorman, 2000). In one department, the officers held group discussions that resulted in a written pledge to reject any tactics based on assumptions about race or ethnicity (Davis, 2000).

Police Responses to the New Immigrants

Immigration to the United States since the 1970s has confronted local police departments with the kind of diversity that has not been seen since the end of the 19th century. Immigrant communities that do not speak the language, are not familiar with American cultural norms, and are often deeply suspicious of any contact with officialdom have popped up overnight in various places. The sudden presence of these foreign communities has given the logic of community policing new relevance.

These communities had special needs from the rather mundane to the more serious. Transplanted refugees from Vietnam did not understand that they could not fish in the local lake without a license; immigrants from El Salvador thought nothing of urinating on the sidewalk; immigrants from the Middle East saw nothing wrong in marrying off their daughters at a young age; immigrants from various places could not read traffic signals, did not know how to report a crime, and, often, would not want to report a crime if they were the victims. Calling upon the police was a loss of face (McLaughlin and Jesilow, 1998).

Police responses have included an assortment of efforts to overcome the language and cultural barriers, including increased foreign language capability; cultural sensitivity training; educational programs for immigrants and host communities; and special police-community institutions, such as ministrations manned by and directed to serve particular ethnic communities, liaison officers, and special transnational law enforcement units (National Crime Prevention Council, 1994 & 1995; Davis and Erez, 1998; McDonald, 1999).

Many examples might be cited to illustrate the new paradigm of policing multiethnic societies, but two should suffice. One has already been mentioned, Chief Ray Davis's willingness to forgo the enforcement of immigration law to gain the trust of the Latino community in Santa Ana.

Another is the partnership established between the Portland (Oregon) Police Department and the local organization of H'mong refugees.¹² This agreement is particularly telling for the balance it strikes between respect for the norms of the refugee community and the requirement that American law be observed. The letter

of agreement signed by the Chief of Police and the President of the H'mong American Unity Association states:

WHEREAS the City of Portland has made it a concern of priority to empower the citizenry of the City to direct the Bureau of Public Safety to work collaboratively with the various and diverse communities . . .

We... pledge the honor of our respective offices, and the resources of our respective organizations, toward the execution of a comprehensive partnership agreement of mutual policies and practices conforming to the aspirations of the Oregon Constitution, the expectations of Federal, State and local law, in deepest respect toward the ethno-cultural norms of the H'mong customary law (where such law is not inconsistent with... Oregon law)

(National Crime Prevention Council, 1994).

A Cautionary Tale

Community policing has been the rationale for many of these exemplary initiatives. It is a key part of the shift to the new paradigm for policing multiethnic societies. It builds upon the recognition that the law enforcement function of the police cannot succeed without the cooperation and input of the community (Skolnick and Bayley, 1986 and 1988; Wilson and Kelling, 1982; McDonald, 1992; Bayley, 1989; Greene and Taylor, 1988). In effect, it challenges the idea that the police must choose between enforcing law and maintaining racial/ethnic peace. On the contrary, it argues the trust and support of the racial and ethnic communities are essential to the success of the law enforcement function.

One might expect, then, that where community policing is practiced one would be less likely to find ethnic communities angry at the police (Cohen, 2001; Alpert and Dunham, 1988; Coventry and Johnson, 2001).¹³ But such was not the case in Chandler, Arizona. Ironically the disastrous police operation to remove illegal immigrants there sprang from the application of community policing ideas. The department had surveyed the community; had helped to remove the "signs of crime" from the neighborhood (Wilson and Kelling, 1982) and was acting on the complaint of some residents about the nuisance and potential danger of the immigrants who gathered there for day labor (McDonald, 1992).

The logic of community policing is no substitute for good judgment and management as well as sensitivity to race/ethnic concerns. Nor is the race of the police force or the political administration any guarantee of sensitivity to ethnic grievances, as the Mount Pleasant riot in Washington, D.C., revealed. In Washington, D.C., both the police department and the political administration at the time were predominantly African-American. Moreover, the police had a form of community policing in place. Neighborhood advisory councils existed, through

which the police were supposed to be able to obtain input from the local neighborhoods.

The incident began when three metropolitan police officers stopped a 30-year-old Salvadoran immigrant who had been drinking in a park. When he drew a knife on the Hispanic female officer who was handcuffing him, her black female partner shot him nonfatally. Word quickly spread and hundreds of Hispanic youths went on a two-day rampage, directing much of their rage at the police (James, 1991; Manning, 1997).¹⁴

The immediate reason for the riot was the perception among Hispanics of discrimination against them by black police and black leaders in general (Kerner Commission, 1988; Manning, 1996).¹⁵ Their complaints were the familiar ones of ethnic minorities. "It's just like in Guatemala, except that what happens back home during the day happens here at night," said one immigrant (James, 1991). "The same oppression that there is in my country, . . . is here too. The police are the same as in El Salvador. For the simple pleasure of it, they harass people. The rioting is the response to years of oppression," said another (James, 1991).

The response of the black leadership showed no sympathy for the disadvantages of being a minority. One black member of the City Council exploded, "If they don't appreciate our country, get out (James, 1991)." Mayor Dixon blamed the Hispanics for not trying hard enough to integrate themselves into the community (James, 1991).¹⁶

The irony was not lost on everyone. One African-American member of the City Council recognized this: "The Hispanics see the police department as an occupying force the same way black people saw the police department as an occupying force in '68 (James, 1991)."¹⁷

In Miami, Florida, the Latino community rose in political and economic power during the 1960s and 1970s. In May 1980, the black community exploded into a rampage when 125,000 Cubans landed after Castro allowed them to leave. Blacks had been losing jobs and economic opportunities to Latinos for two decades. Tensions continue to be high between the two groups.

According to Nathaniel J. Wilcox, a community activist there, race relations were better for blacks under the old regime when whites controlled the city.

The perception in the black community, the reality, is that Hispanics don't want some of the power. They want all the power. At least when we were going through this with the whites

during the Jim Crow era, at least they'd hire us. But Hispanics won't allow African Americans to even compete. They have this feeling that their community is the only community that counts (Booth, 1998).

Conclusion

The police are a reflection of the societies in which they exist. In the United States and other liberal democratic societies, the culture has moved toward a greater tolerance for diversity and demand for equality. Police practices and policies are moving with that change. There is a new balancing of priorities among the functions of the police. Fighting crime is not always the highest priority. Maintaining racial and ethnic peace is seen as outweighing the enforcement of law. Given the rapidly increasing diversity in societies, this reorientation is a timely shift. The old ideal of making one out of the many is that much closer to reality.

Notes

- ¹ For example, the new antiterrorism law rushed through by congress authorizes law enforcement and intelligence agencies to conduct broad domestic surveillance and to share information with each other, Lancaster John (2001), "Anti-Terrorism Bill is Approved Bush Cheers House's Quick Action, but Civil Liberties Advocates are Alarmed," **The Washington Post**, October 13, 2001, A1.
- ² Edozien Frankie (2000), "I Was Stopped Because I'm an Italian," **The New York Post**, Oct. 7, 2000, 10; Mosk Matthew (2000), "Weeding Out Officers Who Single Out Drivers: Md. Senate Debates Anti-Profilng Bill," **The Washington Post**, April 6, 2000, B01; The Associated Press (2000), "Panel Cites N.Y. Police for Profiling," **The Washington Post**, June 17, 2000, A6; The Associated Press (2001), "Migrant Council Singles Out Jerome (Idaho) Police as Racial Profilers," **The Associated Press**, July 31, 2001. Not everyone joined the chorus. New York City Mayor Rudolph W. Giuliani argued that law enforcement must be able to consider race among other factors in their decisions. Lueck Thomas J. (2000), "Giuliani Defends Police Against Federal Finding of Racial Profiling," **The New York Times**, Oct. 6, 2000, B1.
- ³ Several incidents occurred where individuals who appeared to be of Middle Eastern descent were ejected from airplanes. In one case, Utah Attorney General Mark Shurtlef tried to impose zero tolerance for the practice by enforcing the law against discrimination. He threatened to sue Northwest Airlines for refusing to let three Utah citizens of Middle Eastern descent board one of its planes. Much to his surprise, he got a flood of angry protests from all across the country denouncing his action. "I'm kind of depressed. I really thought we had moved beyond this in America," he said. Mayer Caroline E. (2001), "Passenger Fears, Bias Laws May Clash: Terrorism Raises Legal Concerns," **The Washington Post**, Sept 29, 2001, A12.
- ⁴ Director Mueller said his agency is targeting people "based on predications that the individual may have information" relating to the attacks. Holland Jesse J. (2001). "Mueller Close on FBI Confirmation," **Associated Press**, July 31, 2001.
- ⁵ Many people who disagree with the politically correct views on certain topics remain silent to avoid the hassle and costs of disagreeing.

-
- ⁶ Indeed, historically the proximate reason for establishing police departments was often to keep the peace among increasingly diverse urban populations prone to interethnic violence. The Boston Police Department, for example, was founded in 1837 in the wake of days of rioting during which Protestants stormed through the Irish Catholic section of the city burning houses and terrorizing Catholics. Lane Roger (1971), **Policing the City: Boston**, 1822B1885, New York: Atheneum. Over the following decades, virtually every state experienced anti-immigrant riots, often resulting in the establishment of police departments. Richardson James F. (1970), **The New York Police: Colonial Times to 1901**, New York: Oxford University Press; Calavita Kitty (1984), **U.S. Immigration Law and the Control of Labor**, 1820B1924, Orlando, FL: Academic Press. Southern states had special police to keep slaves in their place. Williams Hubert, Murphy Patrick V. (1990), **The Evolving Strategy of Police: A Minority View**, Perspectives on Policing: January, No. 13, Washington, D.C.: U.S. Department of Justice, National Institute of Justice.
- ⁷ An estimated 100 million people (2 percent of the world's population) live outside their homelands. Schmid Alex P. (ed.) (1996), **Migration and Crime**, Milan, IT: International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme.
- ⁸ Racial discrimination in the American criminal justice process is an old topic being subjected to hot new debate. Coramae Richey Mann sees systematic race discrimination throughout the system. In contrast, William Wilbanks says the idea that the system is "racist" is a myth. The controversy is driven in part by the fact that the kind of direct, blatant forms of discrimination that existed in the past (and to which we are referring in our analysis) are not as readily apparent as expected and have not been unequivocally established in studies. Also, some analysts want to include forms of discrimination that are not the result of individual acts of bigotry or of policies/practices set with the intent to discriminate. Known as "institutional racism" this refers to decision-making standards that in themselves may be legitimate but that result in less favorable outcomes for minorities. For example, community policing of the broken windows style with its zero tolerance for incivilities could be regarded as "racist." It endorses crackdowns on "disorderly" populations, which often means the poor, hence disproportionately people of color. Because of the open-ended and problematical use of this concept, other analysts reject it. For our purposes, the fact that this debate is happening supports our fundamental argument about the shift in Western culture away from intolerance. Today we are not only worried about individual acts of direct discrimination and policies with strong potential for discrimination (see discussions of the defeat of the proposal to link the INS and local police in Utah and the discussion of racial profiling at footnotes 35 and 37 and related text) but also about policies and practices that may have an unintended, indirect discriminatory impact. See generally, Kleck Gary (1996), "Racial Discrimination in Criminal Sentencing," In: Bridges George S., Weis Joseph G., Crutchfield Robert D. (ed.), Thousand Oaks, **Criminal Justice: Readings** CA: Pine Forge Press: 339B44; Peterson Ruth D., John Hagan (1996), "Changing Conceptions of Race: Toward an Account of Anomalous Findings of Sentencing Research," In: Bridges George S., Weis Joseph G., Crutchfield Robert D. (ed.), **Criminal Justice: Readings**, Thousand Oaks, CA: Pine Forge Press: 345B50; Miller Jerome G. (1997), **Search and Destroy: African-American Males in the Criminal Justice System**, Cambridge: Cambridge University Press; Walker Samuel, Spohn Cassia, DeLone Miriam (2000), **The Color of Justice: Race, Ethnicity and Crime in America** (2^d ed.), Belmont, CA: Wadsworth/Thompson; Wilbanks William (1987), **The Myth of a Racist Criminal Justice System**, Belmont, CA: Brooks/Cole; Mann Coramae Ritchie (1988), **Unequal Justice**, Bloomington, IN: University of Indiana.

- ⁹ In its first-of-a-kind report to the United Nations Committee on the Elimination of Racial Discrimination required by the UN's antiracism convention, the United States asserted that it had the most stringent antibias laws in the world and that much progress against discrimination has been made. But it also presented a detailed catalogue of problems that remain. Kempster Norman (2000), "U.N. Hears Good, Bad on Racism in U.S.," **The Los Angeles Times**, Sept. 22, 2000, 14.
- ¹⁰ Associated Press (1997), "Arizona to Investigate Roundup of Immigrants," **San Diego Union-Tribune**, Aug. 10, 1997; Associated Press (1998), "City, Citizens Battle Over '97 Roundup: Chandler Incident to Be Settled in Court," July 21, 1998; Drake John (1998), "INS Targeted in Claim Over Roundup of Illegal Immigrants," **The Arizona Republic**, Aug. 7, 1998; Magruder Janie (1998), "Chandler's Tidal Wave of Illegals: Year After Roundup They're Still Coming," **The Arizona Republic**, July 26, 1998; Magruder Janie (1998), "Chief Reprimanded in 1997 Roundup," **The Arizona Republic**, Dec. 18, 1998; Magruder Janie (1999), "\$400K Settles Roundup Suit in Chandler: Roundup Deal Includes New Police Policy," **The Arizona Republic**, Feb. 11, 1999; Khoury Kathy (1999), "Arizona's Suburban Divide: Who Gets Swept in Immigration Sweep?" **The Christian Science Monitor**, Feb. 2, 1999; Mattern Hal (1999), "House Bill Responds to Chandler Roundup," **The Arizona Republic**, Feb. 5, 1999.
- ¹¹ Dickerson (2000), "Racial Profiling: Are We All Really Equal in the Eyes of the Law?" In its report on the Elimination of Racial Discrimination, the United States noted racial profiling as one of the remaining problems U.S. Department of State, "The Convention on the Elimination of All Forms of Racial Discrimination: Initial Report of the United States of America to the United Nations Committee on the Elimination of Racial Discrimination" http://www.state.gov/www/global/human_rights/cerd_report/cerd_toc.html, September 2000; Koh Harold Hongju (2000), "Remarks at a Public Release of the Initial Report of the United States of America to the United Nations Committee on the Elimination of All Forms of Racial Discrimination," In: U.S. Department of State http://www.state.gov/www/policy_remarks/2000/000921_koh_cerd.html, Sept. 21, 2000; Ross Sonya (2000), "U.S. Report admits Racism in America Is Still Stubborn Problem: Ethnic Shifts in Society Called Factor," **The Record (Bergen County, NJ)**, Sept. 22, 2000, A20.
- ¹² The H'mong are refugees from Cambodia who were resettled in the United States after the Vietnam war.
- ¹³ Research on community policing has focused upon particular problems, such as reducing residential burglary; or upon correlations between general characteristics, such as neighborhood context and police strategies; or upon public attitudes towards the police. Except for the studies reported by the National Crime Prevention Council (cited above) there is little literature on the impact of these police initiatives on the particular immigrant/ ethnic groups at which they were directed. See generally, Cohen Debra (2001), "Problem-Solving Partnerships: Including the Community For A Change," In: *Cops Innovations*: http://www.usdoj.gov/cops/pdf/cp_resources/pubs_ppse/e06011157.pdf, June; Alpert Geoffrey P., Dunham Roger G. (1988), **Policing Multi-Ethnic Neighborhoods**, New York: Greenwood Press; Coventry Garry, Johnson Kelly Dedel (2001), "Building Relationships Between Police and the Vietnamese Community in Roanoke, Virginia," **BJA Bureau of Justice Assistance Bulletin**, Jan..
- ¹⁴ Over two, days hundreds of youths threw rocks and bottles at the police; damaged 20 police cars and two dozen Metro transit vehicles; and attacked 30 businesses. James Daniel (1991), **Illegal Immigration-An Unfolding Crisis**, Lanham, MD: University Press of America; Manning Robert D. (1997), "Washington, D.C.: The Changing Social Landscape of the International Capital City," In:

Origins and Destinies: Immigration, Race and Ethnicity in America, Pedraza Silvia, Rumbaut Ruben C. (ed.), New York: Wadsworth: 373B89.

- ¹⁵ Although riots are often triggered by incidents involving police and citizens, they are typically rooted in underlying social inequalities. United States. Kerner Commission (1988), **The Kerner Report: The 1968 Report of the National Advisory Commission on Civil Disorders**, New York: Pantheon. For an analysis of the D.C. riot see: Manning Robert D. (1995), **Multicultural Washington, D.C.: The Changing 'Complexion' of Social Inequality**, Unpublished conference report. On file with the author; Manning Robert D. (1996), "Washington, D.C.: The Changing Social Landscape of the International Capital City," In: Pedraza Silvia, Rumbaut Ruben C. (ed.), **Origins and Destinies: Immigration, Race, and Ethnicity in America**, Belmont, CA: Wadsworth: 373B89.
- ¹⁶ She stated:
I do think that in order to become a part of the community here you have to make an effort. Hispanics are not involved in "NC [Advisory Neighborhood Councils] or town meetings. They say, 'When in Rome do as the Romans do.' ...It's to everyone's advantage to learn how to speak English... You cannot have people drinking in public, because that is an inappropriate and criminal activity... And you have to respond to that symbol of authority in whatever forms it takes in our culture... James, **Illegal Immigration-An Unfolding Crisis**, 82.
- ¹⁷ James, **Illegal Immigration-An Unfolding Crisis**, 80. The reference was to the 1968 race riot in Washington, DC, in the wake of the assassination of Martin Luther King. Blacks destroyed 10 city blocks and shook up the white establishment.

References

- Alpert Geoffrey P., Dunham Roger G. (1988), **Policing Multi-Ethnic Neighborhoods**, New York: Greenwood Press.
- Anon (1973), "Police Right to Hold Suspected Aliens Affirmed" **Los Angeles Times**, Aug. 29, 1, 4.
- Associated Press (1997), "Arizona to Investigate Roundup of Immigrants", **San Diego Union-Tribune**, Aug. 10.
- Associated Press (1998), **City, Citizens Battle Over '97 Roundup: Chandler Incident to Be Settled in Court**, July 21.
- Associated Press (1999), "N.J. Accepts Outside Monitor in U.S. Effort to End Police Racial Bias", **The Washington Post**, Dec. 24.
- Associated Press (2000), "Panel Cites N.Y. Police for Profiling", **The Washington Post**, June 17, A6.
- Associated Press (2001), "Migrant Council Singles Out Jerome (Idaho) Police as Racial Profilers", **The Associated Press**, July 31.

-
- Bayley David H. (1989), **A Model of Community Policing: The Singapore Story**, National Institute of Justice: Research Report, Washington, D.C.: U.S. Department of Justice, National Institute of Justice.
- Booth William (1998), "One Nation, Indivisible: Is It History? Soon, No Single Group Will Comprise Majority", **The Washington Post**, Feb. 22, A1.
- Bowles Scott (2000), "Are Police Seek Trust of Minority Communities", **The Washington Post**, April 14, B1, B5.
- Calavita Kitty (1984), **U.S. Immigration Law and the Control of Labor**, 1820B1924, Orlando, FL: Academic Press.
- Cohen Debra (2001), "Problem-Solving Partnerships: Including the Community For A Change", In: **Cops Innovations**, http://www.usdoj.gov/cops/pdf/cp_resources/pubs_ppse/e06011157.pdf, June;
- Cole David (2000), **Removing the Blindfold from Lady Justice: No Equal Justice: Race and Class in the American Criminal Justice System** (New York: The New Press).
- Coventry Garry, Johnson Kelly Dedel (2001), "Building Relationships Between Police and the Vietnamese Community in Roanoke, Virginia," **BJA Bureau of Justice Assistance Bulletin**, January.
- Craig Richard B. (1971), **The Bracero Program: Interest Groups and Foreign Policy**, Austin, TX: University of Texas Press.
- Davis Patricia (2000), "Chief Says Arlington Fights Racial Profiling", **The Washington Post**, Feb. 11, B09.
- Davis Robert C., Erez Edna (1998), **Immigrant Populations as Victims: Toward a Multicultural Criminal Justice System**, Research in Brief, Washington, D.C.: U.S. Department of Justice, National Institute of Justice.
- De La Cruz Donna (2000), "Giuliani Rips Allegations Of Profiling", **The Washington Post**, Oct. 6, A3.
- Diamond Randy (2000), "Whitman Promises End to Race-Based Stops by Police", **The Record**, Bergen County, NJ, Aug. 2, A9.
- Dickerson Debra (2000), "Racial Profiling: Are We All Really Equal in the Eyes of the Law?", **The Los Angeles Times**, July 16, M1.
- Donaldson Amy (1998), "Salt Lake Crime Declined Again In 1997", **Deseret News (Salt Lake City)**, May 18.
- Drake John (1998), "INS Targeted in Claim Over Roundup of Illegal Immigrants", **The Arizona Republic**, Aug. 7.
- Edozien Frankie (2000), "I Was Stopped Because I'm an Italian", **The New York Post**, Oct. 7, 10.

-
- Edozien Frankie (2001), "N.Y. Police Target of New Dream Speeches", **The New York Post**, Aug. 27, 6.
- Edwards Alan (1998), "S.L. Delays Plan to Link Police, INS: Strategy's Opponents Fear the Harassment of Utah Hispanics", **Deseret News (Salt Lake City)**, Aug. 14.
- Glaberson William (2001), "Racial Profiling May Get Wider Approval by Courts", **The New York Times**, Sept. 21.
- Gorman, Michael (2000), "Accurate Data on Racial Profiling", **New York Law Journal**, Oct. 12.
- Greene Jack R., Taylor Ralph B. (1988), "Community-Based Policing and Foot Patrol: Issues of Theory and Evaluation", In: Greene Jack R., Mastrofski Stephen D. (eds.), **Community Policing: Rhetoric or Reality**, New York: Praeger: 194B224.
- Harden Blaine (1998), "In: 'N.Y. Anger Is No Longer Defined in Black and White: '90s Immigrants Reshape Urban Political Landscapes'", **The Washington Post**, June 9, A3.
- Holland Jesse J. (2001), "Mueller Close on FBI Confirmation", **Associated Press**, July 31.
- Holmes Steven A. (1998), "Hispanic Population Moves Closer to Surpassing That of Blacks", **The New York Times**, Aug. 7.
- "Illegal Immigration Reform and Immigrant Responsibility Act", (1996), 108 **Statutes-at-Large 142**.
- James Daniel (1991), **Illegal Immigration-An Unfolding Crisis**, Lanham, MD: University Press of America.
- Kempster Norman (2000), "U.N. Hears Good, Bad on Racism in U.S.", **The Los Angeles Times**, Sept. 22, 14.
- Kerner Commission (1988), **The Kerner Report: The 1968 Report of the National Advisory Commission on Civil Disorders**, New York: Pantheon.
- Khoury Kathy (1999), "Arizona's Suburban Divide: Who Gets Swept in Immigration Sweep?", **The Christian Science Monitor**, Feb. 2.
- Kleck Gary (1996), "Racial Discrimination in Criminal Sentencing", In: Bridges George S., Weis Joseph G., Crutchfield Robert D. (eds.), **Criminal Justice: Readings**, , Thousand Oaks, CA: Pine Forge Press: 339B44.
- Koh Harold Hongju (2000), Remarks at a Public Release of the Initial Report of the United States of America to the United Nations Committee on the Elimination of All Forms of Racial Discrimination," in U.S. Department of State http://www.state.gov/www/policy_remarks/2000/000921_koh_cerd.html, Sept. 21.

Lancaster John (2001), "Anti-Terrorism Bill Is Approved Bush Cheers House's Quick Action, but Civil Liberties Advocates Are Alarmed", **The Washington Post**, Oct. 13, A1.

Lane Roger (1971), **Policing the City: Boston**, 1822B1885, New York: Atheneum.

Lueck Thomas J. (2000), "Giuliani Defends Police Against Federal Finding of Racial Profiling", **The New York Times**, Oct. 6, B1.

Magruder Janie (1998a), "Chandler's Tidal Wave of Illegals: Year After Roundup They're Still Coming", **The Arizona Republic**, July 26.

Magruder Janie (1998b), "Chief Reprimanded in 1997 Roundup", **The Arizona Republic**, Dec. 18.

Magruder Janie (1999), "\$400K Settles Roundup Suit in Chandler: Roundup Deal Includes New Police Policy", **The Arizona Republic**, Feb. 11.

Maguire Kathleen, Pastore Ann L. (1996), **Sourcebook of Criminal Justice Statistics 1995**, Washington, D.C.: Government Printing Office: T.1.26.

Mann Coramae Ritchie (1988), **Unequal Justice**, Bloomington, IN: University of Indiana.

Manning Robert D. (1995), **Multicultural Washington, D.C.: The Changing 'Complexion' of Social Inequality**, Unpublished conference report. On file with the author.

Manning Robert D. (1996), "Washington, D.C.: The Changing Social Landscape of the International Capital City", In: Pedraza Silvia, Rumbaut Ruben C. (eds.), **Origins and Destinies: Immigration, Race and Ethnicity in America**, Belmont, CA: Wadsworth, pp. 373-89.

Manning Robert D. (1997), "Washington, D.C.: The Changing Social Landscape of the International Capital City", In: (Pedraza Silvia, Rumbaut Ruben C. (eds.), **Origins and Destinies: Immigration, Race and Ethnicity in America**, New York: Wadsworth, pp. 373-89.

Mattern Hal (1999), "House Bill Responds to Chandler Roundup", **The Arizona Republic**, Feb. 5.

Mayer Caroline E. (2001), "Passenger Fears, Bias Laws May Clash: Terrorism Raises Legal Concerns", **The Washington Post**, Sept 29, p. A12.

McAlpin John P. (2000), "Memo Shows State Police Knew Racial Profiling Existed", **Associated Press News Service**, Oct. 12.

McDonald William F. (1992), "Police and Community: In Search of a New Relationship", **The World & I**, March: 455B69.

McDonald William F. (1999), **The Changing Boundaries of Law Enforcement: State and Local Law Enforcement, Illegal Immigration and Transnational Crime Control: Final Report**, Unpublished report, Washington, DC: U.S. Department of Justice, National Institute of Justice.

-
- McDonald William F. (1999), "Policing the New America: Immigration and Its Challenge", In: **Problem Oriented Policing**, Washington, DC: Police Executive Research Forum: 2:209B50.
- McDonnell Patrick J. (1996), "Law Could Alter Role of Police on Immigration" **Los Angeles Times**, Sept. 30.
- McDonnell Patrick J. (1997), "Judge Upholds Curbs on Police-INS Cooperation", **Los Angeles Times**, March 4.
- McLaughlin Collette Marie, Jesilow Paul (1998), "Conveying a Sense of Community Along Bolsa Avenue: Little Saigon as a Model of Ethnic Commercial Belts", **International Migration**, 36:1, pp. 49-64.
- Miller Jerome G. (1997), **Search and Destroy: African-American Males in the Criminal Justice System**, Cambridge: Cambridge University Press.
- Mishra Raja (1999), "Police Look At Ways to Avoid Racial Profiling", **The Washington Post**, Oct. 28, M01.
- Mosk Matthew (2000), "Weeding Out Officers Who Single Out Drivers: Md. Senate Debates Anti-Profiling Bill", **The Washington Post**, April 6, B01.
- National Crime Prevention Council (1994), **Building and Crossing Bridges: Refugees and Law Enforcement Working Together**, Washington, DC: Author.
- National Crime Prevention Council (1995), **Lengthening the Stride: Employing Peace Officers from Newly Arrived Ethnic Groups**, Washington, DC: Author.
- New York Times (1930b), "Police to Round Up Criminal Aliens Here; New Bureau to Get Evidence for Mulrooney", **The New York Times**, Dec. 20, p. 1.
- New York Times (1930a), "Doak Moves to Deport Alien Gang Leaders: 'All Resources' Put Into War on Underworld", **The New York Times**, Dec. 12, p. 1.
- New York Times (1983), "Coast City Spurns Action on Aliens", **The New York Times**, Sept. 11, p. 1.
- Peterson Ruth D., Hagan John (1996), "Changing Conceptions of Race: Toward an Account of Anomalous Findings of Sentencing Research", In: **Criminal Justice: Readings**, (eds.) Bridges George S., Weis Joseph G., Crutchfield Robert D., Thousand Oaks, CA: Pine Forge Press: 345B50.
- Richardson James F. (1970), **The New York Police: Colonial Times to 1901**, New York: Oxford University Press.
- Rosin Hanna (2001), "Some Cry Foul As Authorities Cast a Wide Net", **The Washington Post**, Sept. 28, p. A1.

Ross Sonya (2000), "U.S. Report Admits Racism in America Is Still Stubborn Problem: Ethnic Shifts in Society Called Factor", **The Record (Bergen County, NJ)**, Sept. 22, p. A20.

Schlesinger Jr., Arthur M. (1992), **The Disuniting of America**, New York: W.W. Norton.

Schmid Alex P. (ed.) (1996), **Migration and Crime**, Milan, IT: International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Program.

Skolnick Jerome H., Bayley David H. (1986), **The New Blue Line: Police Innovation in Six American Cities**, New York: The Free Press.

Skolnick Jerome H., Bayley David H. (1988), **Community Policing: Issues and Practices Around the World**, Washington, D.C.: Government Printing Office.

Skerry Peter (1995), "Many Borders to Cross: Is Immigration the Exclusive Responsibility of the Federal Government?", **Publius: The Journal of Federalism**, no. 3, Summer: 71B85.

Tobar Hector (1999), "Latino Police Chief's Drug War Tactics Stir Melting Pot Immigration: Campaign Confounds Utah's Growing Minority Community", **Los Angeles Times**, Feb. 16.

U.S. Congressional Research Service (1980), **History of Immigration and Naturalization Service**, A Report, 96th Cong. 2d Sess. Washington, D.C.: Government Printing Office.

Walker Samuel, Spohn, Cassia, DeLone Miriam (2000), **The Color of Justice: Race, Ethnicity and Crime in America**, 2^d ed., Belmont, CA: Wadsworth/Thompson.

Weinstein Henry, Finnegan Michael, Watanabe Teresa (2001), "Racial Profiling Gains Support as Search Tactic", **The Los Angeles Times**, http://www.latimes.com/news/printedition/la_000076510sep24.story.

Wilbanks William (1987), **The Myth of a Racist Criminal Justice System**, Belmont, CA: Brooks/Cole.

Williams Hubert, Murphy Patrick V. (1990), **The Evolving Strategy of Police: A Minority View**, Perspectives on Policing: January, No. 13, Washington, D.C.: U.S. Department of Justice, National Institute of Justice.

Wilson Scott (1999), "Montgomery Police Ticket Blacks at Higher Rate", **The Washington Post**, Dec. 3, p. A1.

Wilson James Q., Kelling, George L. (1982), "Broken Windows: The Police and Neighborhood Safety", **The Atlantic Monthly**, Feb.: 29B38.