

## 'Stop and Frisk': Unconstitutional racial profiling

Written by Benjamin Todd Jealous  
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"No one should live in fear of being stopped whenever he leaves his home to go about the activities of daily life."

Those words came from U.S. District Court Judge Shira Scheindlin in her fiery 195-page ruling on the NYPD's "stop-and-frisk" program. After a two-month trial featuring dozens of interviews and statistical analysis of nearly five million police stops, Judge Scheindlin concluded what so many already knew: New York City's stop-and-frisk is an unconstitutional racial profiling program.

Many of us celebrated her decision in *Floyd v. City of New York* this week, but this is just one victory in an ongoing fight against racial profiling. Within hours of the decision, New York City Mayor Michael Bloomberg announced that he would appeal the case.

However, there are a number of concrete steps that are being taken to help fight racial profiling in New York City, across the federal government, and on the state level.

First, a diverse coalition in New York City is supporting the Community Safety Act (CSA). The CSA is a set of two bills - one would effectively ban racial profiling by the NYPD, while the other would appoint an Inspector General to create greater oversight and allow victims of stop-and-frisk to hold police accountable for profiling. The New York City Council passed the CSA last month despite misinformation and fear tactics by the opposition, but Mayor Bloomberg made good on his promise to veto the bill. It is now up to the City Council members to stand by their principles and override the veto with a minimum of 34 votes.

Second, last month members of Congress re-introduced the End Racial Profiling Act of 2013 (ERPA). The bill comprehensively addresses racial profiling by law enforcement on a number of levels: by defining the problem, explicitly banning racial profiling, mandating data collection to

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better understand the problem, requiring law enforcement training on racial profiling, and holding federal officers accountable. The bill has 15 co-sponsors in the Senate and 39 in the House, and the national conversation around racial profiling has given it significant momentum.

Finally, a number of NAACP chapters and other grassroots groups have reenergized the fight to end racial profiling and other discriminatory laws on the state and local level. "Trayvon's Law" is a set of guidelines for organizers who want to end the flawed policies that led to Trayvon Martin's death and the inability of the system to hold anyone accountable. It provides a legislative basis for laws to ban racial profiling, repeal stand your ground-type laws, and create accountability for law enforcement and community watch groups.

A group of students called the Dream Defenders have taken Trayvon's Law to heart. For the last four weeks, they have camped out in front of Florida Governor Rick Scott's office demanding an end to Stand Your Ground and racial profiling. Many civil rights advocates from all walks of life have joined their fight. Earlier this week Talib Kweli was the most recent high-profile name to join them at the Florida State Capitol.

The Dream Defenders have exemplified Margaret Mead's quote: "Never doubt that a small group of thoughtful, concerned citizens can change the world. Indeed it is the only thing that ever has." Every challenge to stop-and-frisk, racial profiling, and other unjust policies has been the result of a groundswell of ground-level, grassroots activism and support. We can and must apply the same type of grassroots thinking to the larger battle to end racial profiling across America.

*Ben Jealous is president/CEO of the NAACP.*