

Kit Kat

November 20, 2001

"To protect and Serve"

Warren Tyler

That was a meal that Fussy Zeller could love...

Thank you.

After the events of September 11th I reflected on the subjects of this essay. The topic was selected before we experienced our great national sadness. As I continued to research the subject, the facts spoke for themselves - and I decided to stay the course.

This essay is, in part, about my good friend - Horace. Today, Horace is a 50-something, reasonably happy, middle class Negro who now lives in Columbus. To some he would be considered to be professionally able and personally successful. An asset to his/the community, as they say. But not to the police, they see things differently.

Horace is the product of a hard working Mom and a sure knuf no count father. When Horace was four years old his Mother and father divorced and he and his Mom moved in with his Mother's parents. Grandpop - Percy, a refugee of South Georgia - was a kind and gentle man who spoke softly. He was always, always - polite. He was particularly polite around and deferential to -- white people.

From 1940 to 1965 the greatest internal migration in American history took place. 4.4 million Negroes migrated from the south to the north.

In the seventy-five years before that, from 1865 to 1940, only 1 million Negroes - and 1 million whites moved from the south to the north. During that same 75-year period more than 27 million Europeans crossed the Atlantic Ocean to Ellis Island and America.

Percy was a part of the first wave of Negroes to move north. He, like the 27 million Europeans was in search of a better life. Some found it - others less so.

In the South there was a code of behavior, some called it tradition:

Colored people were expected to address white people as Mr., Master, or Miss. This was so even when the person was a child. The Negro was always addressed by his first name.

Negroes were not allowed to come into white people's houses through the front door, and

Whites never shook hands with the Negro. The traditions did not allow for this.

Crimes against Negroes were ignored in the south, and in the north for that matter. Crimes committed by whites against Blacks were not considered crimes. Crimes committed by Blacks against whites, however, were punished - sometimes the punishment was lynching.

A breach of tradition was punished. Emmett Till, a fourteen-year-old raised in Chicago "wolf whistled" at a white woman while visiting relatives in Mississippi in 1955. Later that day two white men murdered Emmett. An all white jury quickly acquitted both.

From 1930 to 1940 there were 10 recorded lynchings in the US. But in the 20 years prior to 1930 there were 104 recorded lynchings of Blacks, for the most part due to a breach of tradition. White folks were hung for stealing horses or robing banks in the west.

In 1937 the US Senate refused to consider the anti lynching bill passed by the House. My main man, President Franklin Roosevelt declined to support the bill and it failed in the Senate. Well, let me just say - - Roosevelt ain't my main man no more.

Percy knew that whites made up and maintained the rules. He also knew that they were enforced through force, violence, and terror. Percy was, therefore, polite, even though he was now in the North.

Migration north by Negroes before 1940 was inhibited by laws passed in the South in the 1880's. Laws that limited the "free movement of the

Negro worker." The police would arrest Negroes for vagrancy if they were found in the vicinity of a train station and even pull them off the train and put them in jail.

In 1920 - - 23 percent of southern Negroes were illiterate. In 1940 - - 1 in 9 was still illiterate. Those Negroes who were not illiterate had only spent five or fewer years in school - - about half the education of whites.

The second wave of the great internal migration, brought JT North in 1948. Like Percy, JT was from South Georgia. Unlike, Percy, J.T was confident, mentally and physically strong and self-assured. Some called him arrogant. Being self-assured is a trait that is sometimes, confused with arrogance.

JT came North armed with a fourth-grade education. Although he grew up in the South, he did not acquire a fear of men in authority - nor did he fear the men who wore a police uniform - as many Negroes did - - and still do.

JT married Horaces' Mom and over the years he taught Horace not to "fear" men or authority. He taught him how to avoid life's big problems, to play the game by the rules - if you were allowed to play; and how to avoid being bitter if you were not allowed in the game.

The ticket to the game - JT believed, was something more than a 4th grade education.

In the 1960's a lot of people were drafted. This was particularly true from 1964 to 1968. Blacks were disproportionately represented in the draft and assigned - to protect and to serve - in the infantry.

Horace, while a senior in college, was drafted. In the 1960's this was not supposed to happen until you finished. In Horace' hometown the majority of the Black males who were **actively** involved in the civil rights movement - and in college - were drafted in 1966 an 1967. Being enrolled in collage was irrelevant to those in authority if you were Black.

Issues of race and discrimination are seldom discussed in America unless in whispers. Issues of race are central in our everyday life yet we avoid the discussion. Issues of race, unaddressed, represent an enormous tax on American society.

Bexley Story: Horace and his son...

The US has more people in prison than any other country in the world. One out of 35 Americans is under the control of the US Criminal Justice System.

In 1970 16% of the federal prison population was in jail for drug related offences. As of March 2001 - 56% of the people in federal prison were there for drug related offences. There are 2,000,000 in US prisons.

The war on drugs has been waged disproportionately against Blacks. Blacks make up about 13% of the US population. Black men, however, are admitted to state prison on drug charges at a rate 13 times that of white men.

In the state of Illinois Black men are sent to prison on drug related charges at 57 times the rate of white men. Blacks comprise 90% of all prison admissions in Illinois.

Nationwide, Blacks make up 62% of the prisoners in prison on drug related charges. According to the Department of Justice white drug users outnumber Black drug users by 5 to 1.

If you are Black or Hispanic, the average sentence for a first time, non-violent, drug offence is longer than the average sentence for a white offender for rape, child molestation, bank robbery or manslaughter.

The total number of death row inmates in the US was 3,717 as of July of this year. There have been 722 executions since the reinstatement of the capital punishment in 1976. There were 1,124 victims. The state of Texas ranks first in executions with 248 or 35% of all executions.

56% of those executed were white and 81% of the victims were white. The good news is that many of you can be less concerned about Horace. The bad news is that you should be more concerned about the guy sitting next to you.

The Gahanna Story

The Federal Emergency Management Agency (FEMA) has enormous delegated power. It has the power to suspend laws, relocate people, arrest and detain citizens without a warrant and hold them without trial. It can seize property, food supplies, and transportation systems and can suspend the Constitution. The power of FEMA makes one wonder why you need an Office of Homeland Security.

FEMA spends about 6% of its budget on national emergencies. The bulk of their funding is used for the construction of facilities to assure continuity of the government in the event of a national emergency - foreign or domestic.

Hurricane(s) Hugo and Andrew and the great Mississippi River flood focused attention on FEMA for the first time because the Agency did such a poor job of providing disaster relief after the storms.

In Florida Black and Hispanic citizens filed complaints with the Justice Department against FEMA for discrimination in processing emergency aid applications. Following a Justice Department investigation it was determined that FEMA had systematically failed to process emergency aid for low income and minority citizens throughout the United States after natural disasters.

Horace's brother - until his retirement four years ago - was senior investigator assigned to the Justice Department Hate Crimes investigative unit based in Philadelphia. He reports that more than 83% of his caseload was investigating allegations of discrimination against minorities by units of the federal government, including FEMA, and abuse of the use deadly force by local police departments.

In 1997 the White House Commission on Aviation Safety and Security was established to examine the state of aviation security. Among the 53 recommendations made there was a proposal to introduce automated passenger profiling technology. By 1998 Computer Assisted Passenger Screening (CAPS) was introduced in airports around the country.

The way it works is passenger information is entered into a database and the computer determines whether the passenger poses a potential security risk. Different profiles are employed depending upon whether the travel is domestic or international. More detail on how it works is hard to come by.

The FAA denies that it is profiling passengers and claims that it's procedures are not discriminatory. They claim that the system does not profile any person or group based on race, color, national or ethnic origin, religion, gender, name, or mode of dress...stay tuned.

Upper Arlington Story:

US Customs officers believed that Janneral Denson, a Black woman, seven-months pregnant and returning to the US from a vacation in Jamaica was transporting drugs. She was accused of swallowing packets of drugs and smuggling the drugs into the US. Ignoring a doctor's opinion that Ms. Denson was pregnant Customs Officials took her to a hospital, handcuffed her to a bed and forced her to take laxatives. No drugs were found in her system and she was released the next day.

A week later, after severe bleeding and diarrhea, she had emergency C-section and delivered a premature son weighing 3 pounds four ounces. Customs officials defended their policies as necessary and appropriate in their war on drugs.

Black women returning to the US from the Caribbean, Central and South America experienced 78% of the strip searches and body cavity searches by US Customs officials.

One might wish to tell the women in your life to pass on the dread locks, sandals and the Rasta man hat the next time they're traveling from the Caribbean.

Highway Story:

The truth is - Not FEMA, US Customs, the FAA, the FBI, the IRS, the CIA or the Department of Justice combined - pose less of a treat to Black, Hispanic and Gay Males than the treat posed by local police.

Race, ethnicity and sexual orientation play a central role in police brutality in America. Civil rights violations against Blacks, Hispanic and gay men are at epidemic proportions and the worse offenders are those who are "sworn to protect and to serve."

Civil lawsuits filed against cities and their police departments cost taxpayers tens of millions of dollars a year. Judgements and pre-trial settlements as a result of police abuse cost the public more then \$379.8 million in the 1990's. And that's the cost for only 10 US cities.

New York paid \$70 million in settlements and jury awards for excessive use of deadly force between 1994 and 1996. For the 6-year period ending in 1996 police misconduct cost New Yorkers \$162 million dollars. A whopping \$2.25 million a month.

New York City pays \$75.00 per year into a police union civil legal defense fund. The public, therefore, pays for police misconduct three times - for legal defense, their salaries and benefits and for civil settlements and jury awards.

Philadelphia has paid \$41 million settlements. A \$1 million was settlement was paid in 1999 to the estates of two Black activists killed in 1985 when police firebombed their homes in West Philadelphia.

Horace's good friend and college fraternity brother and immediate past Chancellor of the Philadelphia Bar brought the case - - pro bono - - and won the million dollar jury verdict against the City.

The cause of these civil actions is the systematic abuse power, unnecessary use of force, misconduct, unwarranted search and seizure and killing citizens. Some in our society fear no one more than the police officers on the street.

There are very few criminal prosecutions of police officers in the US. Even in those instances when the use of deadly force is questionable, prosecutors rarely file charges. If charges are filed officers often waive the right to a jury trial because the officer knows some judges will side with the police version of the story. I won't comment on the importance of the FOP endorsement in any political contest.

Police do engage in unjustified shootings, severe beatings, and fatal choking of citizens. While the proportion of abusive officers on any police force is small, with the possible exception of LA, New York and Detroit, authorities agree - - local, state and federal leaders fail to act decisively to restrain and penalize bad cops.

In 1995 there were 561 civil claims for damages as a result of alleged police misconduct in New York City alone. None of the 561 claims were sustained. In a 12 month period ending in June 1997 New York settled 503 police misconduct cases.

Even in high-profile cases like Rodney King in Los Angeles, Amadou Diallo in New York or the 16 Black males killed by Cincinnati police in the last 7 years there has been only one conviction of the police officers involved.

This is particularly frustrating to minority populations who are usually the targets of police violence. 81% of the complaints filed for police misconduct is filed by minority citizens.

Night of the 7th Game of the World Series

In the history of the Republic few people have accepted unrelenting brutal treatment from those in authority.

Horace and men like him wonder what it will take for things to change, and how they will be able to avoid being a victim of those sworn to protect and to serve - until things do change.

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