

Orwellian Law Enforcement: Police “Stop and Frisk” Detentions in New York City

The Illegitimacy of Stop-and-Frisk and the System Behind It

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More than 1.6 million people live in Manhattan, New York. If every single one of these people were detained and harassed, had their pockets gone through and were humiliated.... if all these people had this done to them not only once, but *three times*... this would be the number of stop-and-frisks carried out by the NYPD since 2004: FIVE MILLION in the last nine years. And it's not just the sheer number that is such an outrage:

- In 88 percent of these encounters—4.4 million—the person detained was doing nothing wrong.
- Nearly 90 percent of those stopped were Black or Latino.
- Only 1.9 percent of those frisked in 2011 had a weapon.
- In 2002, there were less than 100,000 stop-and-frisk stops; in 2011 there were 685,724—a 600 percent increase.

Class Action Law Suit Exposes Illegality of Stop-and-Frisk

Headlines about stop-and-frisk have now hit the news with the trial of a lawsuit that charges the NYPD with “engaging in racial profiling and suspicionless stop-and-frisks of law-abiding New York City residents.” The Center for Constitutional Rights (CCR) filed the federal class action lawsuit *Floyd, et al. v. City of New York, et al.* in 2008. This trial, which started March 18, is expected to last for a month and a half, and include testimony by dozens of people exposing how stop-and-frisk violates people's civil and constitutional rights.

This high-profile case will contribute to many more people seeing how in fact stop-and-frisk is racist, illegitimate, and illegal. In just the first few days, some damning testimony has already come out. The lead plaintiff in the case, David Floyd, a Black medical student in the Bronx, testified how he has been subjected to stop-and-frisk twice: once as he was just walking down the sidewalk and a second time when he was helping a neighbor who had been locked out of their apartment. Floyd said, “I felt like I was being told I should not leave my home... First and foremost, I didn't do anything; I am not a criminal.” 16-year-old Devin Almonor also testified, recounting how he was stopped and frisked and then arrested when he was 13-years-old as he was walking home. A lawyer representing the City of New York suggested a cellphone in his front pocket might have “created a bulge,”— as if that was reason enough for a cop to stop him to look for a concealed weapon.

Bronx NYPD officer Pedro Serrano taped his supervisor telling him, “The problem was what? Male blacks. And I told you that at roll call, and I have no problem telling you this: male blacks 14 to 20.” That tape was played in court.

The very fact this case has come to court is in large part a response to growing anger and protest against stop-and-frisk. In the last few years, many different people have been speaking out against this official policy of the NYPD, organizing protests and marches, holding programs and writing articles of exposure. In 2011 Cornel West and Carl Dix put a call out for mass civil disobedience to “STOP Stop & Frisk.” Dozens of people—including well-known community leaders, people from the neighborhoods, activists from Occupy, students, and celebrities—put their bodies on the line, protesting at police precincts in Harlem, Queens and Brooklyn.

These actions led to mass arrests and trials and helped raise the whole level of struggle against stop-and-frisk. People who have been victims of stop-and-frisk have felt emboldened to speak out about the injustice they have faced and to fight against it. And all this has been driving the motion, protest, and awareness around stop-and-frisk.

According to CCR attorneys, the plaintiffs in this case (*Floyd, et al v. City of New York, et al*) represent the many thousands of other people in New York who have been stopped without any cause—on their way to work, in front of their house, or just walking down the street. The CCR and the plaintiffs say the NYPD unlawfully stopped these individuals, overwhelmingly, because they are men of color. Nearly 90 percent of those stopped are Black and Latino, even though these two groups make up only 52 percent of the city’s population. This, the suit argues, constitutes a violation of the Equal Protection Clause of the 14th Amendment. The suit also alleges that stop-and-frisk violates the 4th Amendment’s prohibition against unreasonable search and seizure.

Why Does This System Stop-and-Frisk the Youth?

Among the millions of people who have been targeted by stop-and-frisk there has been tremendous resentment and anger for years. More recently, other sections of society have been learning about this outrage and now with this lawsuit many more are hearing stories from victims of stop-and-frisk

Lots of people are talking about what’s wrong with stop-and-frisk. But what is the real problem with stop-and-frisk? And what is the real solution? In order to answer this question, we have to step back and look at WHY this system—with its armed enforcers—has conscious policies like stop-and-frisk, not just in New York City, but in cities all around the country.

If you talk to the victims of stop-and-frisk, especially Black and Latino youth, they will tell you how they’re stopped all the time, for no reason at all. They will recount how this started when they were 11-years-old, even younger, how they’re humiliated and threatened and this just becomes “part of daily life.”

But also, as they talk about their lives, their families, and the communities they live in, you will begin to see how stop-and-frisk is part of a bigger picture of police brutality and murder, and how it serves as a pipeline for mass incarceration, where nearly 2.4 million people are behind bars. One thing can lead to something else: You get stopped, for nothing. You’re now in the data base, labeled a “gang member.” Maybe you get charged for something small. Then it all adds up. Pretty soon you find yourself facing time and you’re one of the millions who end up in prison. And if you ever get out, you’re marked for life, denied a job, housing, benefits, the right to vote and more.

This is a system that has no future for millions of Black and Latino youth. As one Black youth

from Harlem, who attended the New York premiere of *REVOLUTION—NOTHING LESS!* said, “A lot of people do say this is the land of the free. But people like me, it’s just totally the opposite because I’m the definition of America’s enemy. I’m a young Black youth in the inner city. They wrote us off before we was born. We was convicted at birth.”

Prison wardens who oversee the hellholes of solitary confinement where some 40,000 people are kept in torture-like conditions call these prisoners the “worst of the worst.” And this whole way of treating a whole section of people as less than human permeates the whole system—from the police on the streets, to the courts, government officials and politicians.

This system cannot provide a decent education and jobs for millions of Black and Latino youth. Major changes and jolts in the U.S. economy have meant that the job market for working-age African-American males has essentially collapsed in cities across the country. This system of capitalism runs according to the laws of profit-above-all, expand-or-die, and exploit-to-the-maximum. And so over the last 40 years many, if not most, of the industrial jobs that Black people had in the past have been lost as factory production moved from the inner cities to the suburbs or overseas where profits are higher. By the year 2000, nearly half of working-age Black males were unemployed in many inner city neighborhoods. In 2003, nearly half of Black men between 16 and 64 in New York City were unemployed.

The fact that many millions of Black and Latino youth have no future under this system presents the ruling class with a huge problem in terms of maintaining social and political stability. The powers-that-be remember the revolutionary upsurges of the 1960s and 70s, in particular the Black liberation struggle—and fear the potential of those they oppress today. To prevent this from happening again, the deep roots of the oppression of Black people and other minority peoples have been reinforced, even as some of the forms of this have changed. This is what many now call the “new Jim Crow.” And *this* is what stop-and-frisk, as a pipeline for mass incarceration, is all a part of.

A Problem of Legitimacy

Millions of people now recognize that stop-and-frisk is illegal and unconstitutional. People, not just in New York City, but around the country and internationally, now know that in the USA—which calls itself the “leader of the free world”—the NYPD routinely and as a matter of policy, viciously violates the civil and human rights of people, especially Black and Latino youth. And it is a big problem for the powers-that-be when lots of people begin to question the very legitimacy of the way they rule and enforce “law and order.”

Black and Latino lawmakers and officials have made statements against stop-and-frisk—some speaking about how they themselves have experienced being stopped by the police, solely because they “fit the profile.” And stop-and-frisk has become a major issue in the 2013 mayoral race with a number of candidates talking about the need to “reform” the policy.

Those who maintain the oppressive status quo in society rely on violent repression, but they also rely on people going along with and accepting the way things are. And it is also a fact that by and large, middle class forces in society aren’t even aware of the oppressive and repressive conditions that the masses of people on the bottom of society have to put up with on a daily basis. But when broader forces in society do become aware of something like stop-and-frisk, begin to see the illegitimacy of it, and speak out against this, this can give

the masses of people more freedom to lift their heads and fight against their oppression.

In the face of such widespread exposure of stop-and-frisk, the problem of legitimacy for the NYPD is reflected in the fact that figures within the NYPD are calling for the policy to be “reformed” and some current and former police officers are scheduled to testify as plaintiffs in the *Floyd* lawsuit. But to be clear, the concern on the part of the ruling class is NOT for the victims who are brutalized every day, the concern is NOT for the millions of human rights violations. The concern is for the legitimacy and stability of the system and its ability to rule.

John A. Eterno, a retired New York City police captain, voiced this concern: “Interactions like stop-and-frisk bring serious problems, weakening trust and cooperation with the police... This approach alienates minority communities and youth who could be helping to fight crime. If they see something, they will not say something to officers abusing their authority and not working with communities. This is a key principle of community policing.”

Perhaps an analogy could be made here. U.S. generals occupying and carrying out murderous wars for empire always emphasize the need to “win the hearts and minds” of the people they are conquering. General Stanley McChrystal, top commander of the murderous U.S. war in Afghanistan said in an interview, “If the people are against us, we cannot be successful. If the people view us as occupiers and the enemy, we can’t be successful and our casualties will go up dramatically.”

This is the logic of brutal armed enforcers of this system and as BA has said about the police:

“The role of the police is not to serve and protect the people. It is to serve and protect the system that rules over the people. To enforce the relations of exploitation and oppression, the conditions of poverty, misery and degradation into which the system has cast people and is determined to keep people in. The law and order the police are about, with all of their brutality and murder, is the law and the order that enforces all this oppression and madness.” [BASics 1:24]

So-Called “Solutions”—and the REAL Solution

Mayor Bloomberg and Police Chief Ray Kelly have staunchly defended and are standing firm behind stop-and-frisk. They say it is necessary to “prevent crime”—hoping to appeal to the prejudices of the middle class, as well as others, who fear the basic masses, especially the youth.

Other figures in the ruling class have stepped forward with proposals for how to maintain police state repression while channeling people’s anger into reformist “solutions” that will accomplish two things: restore people’s faith in the system and keep people from looking for/working for radical and revolutionary solutions that really get to the heart of the problem.

The ruling class needs to find a way to put a lid on and channel people’s anger, as well as resolve the differences within the ruling class over how to deal with this. But whatever differences there are, the “solutions” being offered all amount to keeping the system—and its oppressive rule over the people, and in particular the brutal role of the police—solidly intact.

Lawmakers are proposing things like requiring officers to “explain why they are stopping

people,” or “telling people when they have a right to refuse a search” or “handing out business cards identifying themselves.” Such “solutions” do not solve the problem. Not only are they ridiculous, they could be used to put a lid on people’s anger. Just ask the youth who have been slammed up against the wall and had their faces shoved into the sidewalk—what difference it will make to require a cop to “explain why he’s stopping you” or that he “hands you a business card” while he’s violating your civil rights.

And there are similar “solutions” being put forth by many others, who may be well-intentioned. The class action lawsuit, for example, is asking the court to create “a process for obtaining community input” to change the stop-and-frisk practices, and to appoint a monitor to ensure that the department’s policies comply with the Constitution. The *New York Times*, in reporting on the lawsuit said, “The authority of the police to use stop-and-frisk tactics is not at issue, but how the Police Department conducts these street interactions...” (March 22, 2013)

As Carl Dix has said in response to these efforts to “reform” stop-and-frisk: “This injustice can’t be reformed away. Stop-and-frisk must be ended. When slaves on the plantations rose in rebellion or escaped, they weren’t trying to get a half day off on Saturday. They wanted an end to slavery. When the Freedom Riders put their lives on the line in the 1960s, they weren’t trying to get more seats on the back of the bus. They were fighting to end Jim Crow segregation.”

The government, the courts, police, prisons, etc. are not “neutral things” that can be “reformed” in any fundamental way to serve the interests of the people. And it does real harm when this wrong idea is not only spread, but people are roped into chasing after such an illusion. Such instruments of the state—both the tools of violent suppression like the police, as well as the “democratic procedures,” are structured to serve the interests of whole oppressive setup and the capitalist class that rules over the people.

We need to wage a fierce and determined struggle to force them to STOP stop-and-frisk altogether. We must change the way society thinks about these things. We need to fight to put the ruling class back on its heels politically, and we need to wage struggle against all the ways the system brutalizes the people. We need to do this as part of exposing that things do not need to be this way. We can change all this and countless other crimes of this system through revolution. We have to fight the power, and transform the people, for revolution.

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