

JUDGE LYTLE'S COMMENTS ON POST COURSE OUTLINE/FILM – DISTRIBUTED TO FULL RIPA BOARD AT SEPTEMBER 27, 2017 MEETING

The film tries to send a message that the reality of the young Black man and the White police officer are the same. It fails to note that there is systemic inequality in this country that makes it impossible to posit such a reality. By any measure of wellbeing there are profound, and often, insurmountable differences between the two races, including rates of morbidity, mortality, incarceration, employment, unemployment, educational achievement and any other indices one can name. With particular attention to the specific fictional fact situation of the film it ends with the solemn pronouncement of the officer that on confronting a civilian he too, is “nervous”. This sets up a particularly egregious false equivalency. Unlike the young man of color the officer, while in any given situation, may be exposed to danger, has a weapon, access to back-up assistance, the power and authority of the fictional jurisdiction in which he is located and the benefit of any doubt arising out of any harm that may come to the citizen through the actions of the officer. That is, there is a presumption that the officer’s actions were justifiable.

The course outline states that “[r]acism is hate-motivated”. Racism can be “hate-motivated” however, it is extremely important to note that historical and cultural complexity and nuance of racist attitudes. One does not have to be a member of the KKK or other like organization to harbor racial stereotypes. The little old White lady who crosses the street to avoid a group of young Black men would be unlikely to consciously do anything to harm a Black person. The same police officer who racially profiles Black teens may very well rush into a burning building to save a Black child. The multinational corporation that gives hundreds of thousands of dollars to a Black nonprofit may strenuously lobby against legislation designed to address racial inequality. The quality of this course will suffer from the failure to research such an important set of attitudes.

In discussing “terrorism” it is important to define it and place it in a suitably wider context. Within American history there has been a vein of terrorism practiced by the KKK, Quantrell’s raiders, John Brown and many others. In noting that “racial profiling does occur” the outline cites a 1999 study about public perceptions. There are more current studies by academics and investigative journalists finding that there is a reality of profiling, not just a perception. A number of these studies discuss the role of unconscious racism. This should be discussed.

In the “History of Civil Rights” it would be helpful to acknowledge the complexity, intransigence and brutality of racial incidents. You cannot do justice to racial history without beginning with slavery, peonage, Jim Crow, lynching along with the attacks mentioned in the outline. This history should include the activism of other racial and ethnic groups, e.g., Latinos, Filipinos, Native Americans, etc. The statement that “...we dismantled the major practice of discrimination” should be reexamined. The signs came off the water foundations, but discrimination and segregation are alive and well. More research needs to be done here.

On separate occasions phrases used such as “[l]aw enforcement was put in the position of enforcing State laws, which supported segregation”, or “[l]aw enforcement has had to enforce unjust laws in the past” seem designed to absolve law enforcement of any moral burden regarding injustice. This part of the outline appears to state that the state troopers who brutalized civil rights marchers on the Edmund Pettus Bridge with whips and clubs were, like the Nazi SS troopers, just doing their duty. Moreover, it

seems unfair to single out law enforcement alone as cooperating with unjust laws. Businesses, politicians, members of the clergy, teachers, private citizens and a host of others helped prop up an unjust system and continue to do so.

Any discussion of race relations must acknowledge the wider cultural, political, economic, and historical context in which all racial activities take place. A daily view of young Black men just standing around in the middle of the day may easily provoke racist views of laziness, low intelligence and other negative thoughts unless leavened with an appreciation of the flaws within our economy and political system. This outline needs to present a more comprehensive picture.