

# Overview of “Race, Class, and State Crime”

## Editors

**S**IDNEY L. HARRING’S “THE DIALLO VERDICT: ANOTHER ‘TRAGIC ACCIDENT’ IN NEW YORK’S WAR ON STREET CRIME?” challenges the premise that excessive police violence is the price we must pay to improve the quality of urban life. He argues that Amadou Diallo’s shooting death resulted from aggressive and racist police practices, deeply rooted in current New York police policy. Such practices led to the killing of four unarmed black men in 13 months. The article describes the brutal circumstances of the police shooting and the mishandling of the trial, which legally justified New York’s aggressive policing policy by concluding that the killing of Diallo was an “accident,” an unavoidable consequence of good police work. Harring examines how tactical squads, like the one that killed Diallo, routinely violate the Fourth Amendment and the civil rights of the victims of the searches. Such illegal searches (rousts) for guns or contraband drugs in “high-crime areas” generate the daily statistics that make both the squad and the precinct look good under the “comstat” computer-based police accountability programs that structure police management in New York and many other cities.

Most chilling to Harring is that although most New York political forces bemoan these deaths as tragic, they consider the violent practices leading to them to be acceptable policing. In contrast, these forces distanced themselves from the officers involved in the police torture of Abner Louima, and even most New York police officers abandoned their support for them. The Rampart scandal in Los Angeles, generally depicted as the worst police corruption scandal in city’s history and the work of rogue cops, also entails massive violations of citizens’ constitutional and civil rights. A Justice Department Civil Rights Division investigation, which began in 1996 but accelerated with the Rampart revelations, concerns itself with allegations that officers from the LAPD’s Rampart Division were involved in unjustified police shootings, beatings, evidence planting, false arrests, witness intimidation, and perjury. The probe seeks to determine whether incidents involving excessive force fell into a recognizable pattern and whether the department “discriminates on the basis of race or national origin in its law enforcement activities.” After the Rodney King beating, Congress in 1994 granted the Justice Department authority to examine broad patterns of misconduct by municipal police agencies and to seek court-ordered reforms if needed to force reforms. This

marks the first time federal officials have used the law in such a big city police department. The federal suit alleges that the LAPD is engaged in a pattern and practice of constitutional violations through excessive force, false arrests, conducting police stops not based on reasonable suspicion, and improper searches and seizures, and that management deficiencies (failure to supervise officers properly or identify and respond to patterns of at-risk officer behavior) have allowed this misconduct to occur. If enacted, a consent decree could strip final authority over many matters relating to the Police Department from the mayor, the Police Commission, and the City Council and place it under the jurisdiction of a federal judge.

In response to local initiatives, at least 31 officers, including three sergeants, have already been suspended or fired or have quit in the wake of the scandal. More than 70 officers are under investigation for committing crimes or misconduct or for knowing about such activities and helping to cover them up. According to Public Defender Michael Judge, cases dating to 1991 involve officers at six of the LAPD's 18 divisions. Of the 99 felony convictions identified as being tainted by alleged police misconduct, 73 have been thrown out of court; 71 misdemeanor cases may have to be overturned — many of them involving drug and gun arrests — because they involved officers caught up in the scandal. Beyond concocting scenarios that justified the shootings of civilians, the criminal subculture, or quasi-gang culture, alleged to exist within the Rampart Division anti-gang CRASH unit used their list of 10,000 purported gang members to systematically circumvent city policy by colluding with a unit of the Immigration and Naturalization Service to deport at least 160 Latino immigrants and deny others citizenship. “They were targeting a whole race of people,” said a senior INS agent. “That’s not a gang anymore, that’s a culture. They [LAPD] only wanted to do one thing: sweep the street and turn the bodies over to the INS.” The arrests resulted from random sweeps, lacked probable cause, and were akin to “an undeclared war on individuals purported to be associates of the 18th Street gang.” According to a senior officer with the INS Organized Crime Drug Enforcement Task Force, an agreement that the LAPD would never arrest people and turn them over to the INS was thrown out the window with CRASH. “They got loose, right on the fringes, on the edges of our system. They allowed the LAPD to become the INS by night.” Michael Zinzun of the Coalition Against Police Abuse (see his interview in *Social Justice* 24:4, 1997) said of the scandal, “What we’ve been seeing all along is now coming to the surface.” Ethnically, most residents covered by the Rampart Division are Latino, 79% as opposed to 48% in L.A. generally. Although the Justice Department believes that most LAPD officers are ethical and hard-working, a *Los Angeles Times* poll (April 9, 2000) reveals that 81% of blacks and 73% of Latinos believe it is common for LAPD officers to express racist sentiments; 83% of blacks and 72% of Latinos believe officers commonly commit acts of brutality; asked whether the Rampart allegations are symptomatic of a larger LAPD problem or are

isolated instances, 79% of blacks saw the particular allegations as part of a larger problem, and just 14% believed they were aberrations. Among Latinos, 52% saw the problems as endemic and 24% viewed them as specific to the particular officers (for whites, the figures were 55% and 42%, respectively).<sup>1</sup>

In “The Political Awakening of Blacks and Latinos in New York City,” William W. Sales, Jr., and Rod Bush review the development of Black and Latino electoral power in New York City since World War II, assess its potential and limitations for meeting the needs of Blacks and Latinos, and document the development of social activism as an alternative to electoral strategies of empowerment. Faced with the double barriers of racism and classism, Blacks and Latinos in the U.S. have become the lowest status groups. The authors trace how the process of ethnicization/racialization of the U.S. working class has consigned Blacks to the lower working class, resting on a historical dialectic between white people as the marker of free labor and Blacks as the marker of slave labor, a dynamic that has complicated the development of class solidarity. Traditional social and labor movements have only weakly supported liberal measures toward minority rights and have balked at measures that attack institutional racism. More recent demographic changes and the emergence of minority cities have given Blacks and Latinos a chance to achieve significant electoral power. Economic restructuring has generally left Blacks and Latinos behind, compelling them to turn to the state to redress inequalities. The article traces three decades of coalition building, as well as the impact of citizenship on electoral participation. It is careful to disaggregate the Latino population in terms of ethnicity, class, race, nationality, culture, and immigration tendencies, while noting that the rigidity of anti-Black racism consigns Latino groups with a significant African heritage, such as Puerto Ricans and Dominicans, to a shared status with African Americans. Since the electoral arena and entrepreneurial minority candidates have failed to get municipal government to meet the pressing material needs of these communities, their struggle for justice and equality is better served through activism, protest, and civil disobedience. The authors closely examine struggles in the schools (Blacks and Latinos make up the largest single bloc among high-school-aged youth in New York City) and around the issue of police brutality. They conclude that Black-Latino collaboration is central to challenging social inequality and institutional racism because these groups constitute the bulk of the subproletarian strata in the United States.

In the United States, institutional racism is central to class formation since it produces and reproduces a racialized working class and a common sense among the dominant strata that justifies and explains inequality in cultural, racial, and ethnic terms. Steve Martinot’s article, “The Racialized Construction of Class in the United States,” is a historical exploration of the processes of racialization in the formation of the U.S. He examines how racism has served as a barrier to working-class organization, and by implication, to systemic transformations. For

Martinot, liberation in the United States presupposes deracializing, an issue that is unintelligible to most white people. The author's historical analysis of colonial Virginia thus attempts to show that in the colonies and the nation that emerged from them, domination took the form of whiteness (and from it, race). Within a structure of corporate social control, racism and white supremacy were invented to serve as the primary mode of organizing the structure of labor. The term "racism" thus describes the process that produced a class structure. This essay traces the development of the slave market and differential punishments, ever more severe for Africans than for the English, that transformed African bond-laborers first into commodified wealth and then into inheritable property. Sexuality was legislated as a cultural practice to guard the purity of white women, extending corporate structure and interests into all personal affairs. Social categories were created wherein "black" became a racializing term for African-Americans only in reference to the racialization of the English as "white," as opposed to the earlier signifier, "Christian." With abolition, black slave labor was excluded from the corporate state and unions; relegated to unskilled labor, they lost their former crafts in a process of exclusion that defined the working class as white. When, with the rise of industry, different forms of labor relations (wage labor, prison labor, etc.) emerged, they were integrated into this overarching white social machine under the aegis of the corporate state. To explain the double economy comprised of two qualitatively different systems of political economy that emerged, Martinot uses colonialism and the prison as analogies. This dual structure largely explains why the labor movement did not advocate labor solidarity across the border with Mexican workers in response to NAFTA, but took a protectionist stance instead, in solidarity with American business, and has always seen immigration as competition.

In "The Multiculturalist Problematic in the Age of Globalized Capitalism," E. San Juan, Jr., states that with the end of the Cold War and the rise of transnational, globalized capitalism, a new "cultural war" has erupted in the United States, an ideological-political conflict symptomatic of the interminable crisis of liberal democracy. The article summarizes a range of views on multiculturalism across the political spectrum. In academic and intellectual circles, he observes the confrontation of two irreconcilable positions: one that claims the priority of a "common culture," a liberal or civic nationalism, as the foundation for a democratic solidarity of citizens, and another that regards racism or a racializing logic as inherent in the sociopolitical constitution of the United States, a historical ground undercutting the universalist or cosmopolitan rhetoric of its proclaimed democratic ideals and principles. San Juan expresses reservations about the liberal, pragmatic species of multiculturalism that is color-blind and gender-blind, and omits from consideration the actual differences in systemic power relations immanent in the lived experiences of communities, peoples, and nations. That approach apologizes for the institutionalized racism, sexism, heterosexism, and

class exploitation that prevail, sanctioned by the instrumentalities of government and international agencies. Likewise, the politics of difference works with concepts of diversity rather than structures of dominance; as a result, race is a marginalized concept, replaced by ethnic pluralism. Multiculturalism thus legitimizes pluralist stratification, exploitation, and oppression in the process of capital accumulation in the U.S. and worldwide. The current controversy over multiculturalism as political doctrine or pedagogical stance now transcends national borders in line with the explosion of ethnic and racially motivated conflicts in Europe, Africa, and around the world. In the United States during the first decades of the 21st century, the population will be composed mainly of people of color: Latinos, African Americans, Asian/Pacific Islanders, American Indians, and other diasporic or refugee settlers. The author asks: If the former numerical minority becomes the majority in the U.S., will the currently existing power relations and social divisions be fundamentally changed? Thus far, the civil rights gains of the 1950s and 1960s — in particular, affirmative action, which benefited chiefly women — have been rolled back, slandered, gutted, and erased from memory.

“Is ‘Black Deprivation’ Crime? The British Context,” by Anita Kalunta-Crumpton, is a case study of drug offense trials in a London Crown Court. It sheds light on the intersection of race, class, and crime. Academic and public debates on crime overwhelmingly focus on lower-class criminality, and thus on the implications of socioeconomic deprivation. The evidence in this study suggests that race predominated over class in these prosecutions, with disparate handling of socioeconomic circumstances occurring in similar cases concerning black and white defendants. Since black people experience higher levels of deprivation, criminal justice officials indiscriminately categorize them as potential criminals, a practice that extends to middle-class blacks. Using deprivation as logical evidence of “black criminality” undermines a crucial fact: drug trafficking is a lucrative illicit business that attracts people from various groups and classes. Indeed, black people in the drug economy occupy the lower levels of the distribution chain while white people are located at the top end as suppliers and distributors, with access to the lucrative parts of the drug market. In effect, attention is diverted from influential categories that dominate the drug trafficking business, and official arrest and conviction statistics feed back into already biased academic discourses, ignoring white-collar crime and crimes of the powerful.

In “State Crime, Human Rights, and the Limits of Criminology,” Penny J. Green and Tony Ward suggest how criminology can remedy its neglect of the important phenomenon of state crime, without adopting such a broad definition of “crime” as to destroy the coherence of criminology as a distinct field. Their approach employs as examples the Anglo-American and Turkish state traditions in an attempt to establish a continuum that incorporates authoritarian and democratic state formations. Turkey is a democratizing state with an authoritarian

historical backdrop, in which torture of detainees, extrajudicial killings and disappearances, violent public order policing, forced evacuations, the razing of whole villages, and the routine harassment of trade unionists, media workers, and human rights defenders form the human rights landscape. Although such violence is of a different order of magnitude than that employed in most liberal democracies, instances of violent crime by British and American state officials are not difficult to find. The recent Rampart revelations and allegations of brutality against officers at the Wormwood Scrubs and Wandsworth prisons in England are obvious examples, but the extent to which legally unjustifiable violence is routinely used by police to enforce social discipline in some working-class areas is less publicized. The article grapples with the difficulty of defining “state crime” using the state’s own legal criteria, as opposed to one that defines crime in terms of human rights. The latter approach is subdivided between the “torture paradigm,” which connects human rights with a shared perception of totally unacceptable evils that are never justified and undermine the claims to political legitimacy of any system of government, and the “health paradigm,” which emphasizes “second generation” human rights to well-being (health, education, meaningful work, etc.), as well as to freedom and bodily integrity. The authors propose that the term “state crime” (as applied to contemporary states) be restricted to the area of overlap between violations of human rights and state organizational deviance.

The next two articles are first-person accounts that exemplify states in transition from terror-based structures to more liberal-democratic ones in Southern Africa and Central America. Ben Carton, in “Unfinished Exorcism: The Legacy of Apartheid in Democratic Southern Africa,” notes that as Soviet influence was receding in Africa in 1989, Namibia, a country occupied by South Africa as a buffer against Marxist Angola, gained independence after the first all-race elections supervised by the United Nations. The transformation in Namibia foreshadowed the end of apartheid and Pretoria’s crusade to silence internal enemies. By 1994, multiparty negotiations in South Africa culminated in a democratically elected government led by Nelson Mandela and the African National Congress. Peaceful “liberation elections” appeared to signal a new era of reconciliation. Today, however, the people of Namibia and South Africa are stricken by fears of crime and AIDS. There is a popular outcry to reintroduce draconian measures, including bringing back the death penalty and placing HIV-positive people in quarantine. This article revisits the period immediately before Namibia’s historic vote to explore the font of today’s intolerance. In the spring of 1989, the author went to Southern Africa to observe the U.N. voter registration drive in Namibia for the Council of Churches. There, he took photographs, recorded incidents of civil violence, and kept a journal that shows that the specter of retribution from the old order offered scant opportunity for the masses to jettison one legacy of the repressive past: a deep anxiety that the “enemy” most to be feared lurks “within” and must be banished.

In 1994, Victoria Sanford, the author of “The Silencing of Maya Women from Mamá Maquín to Rigoberta Menchú,” began work on exhumations and the historical reconstruction of massacres in rural Maya villages in Guatemala and served as a research consultant to the Guatemalan Forensic Anthropology Foundation for its report to the Commission for Historical Clarification. For the author, to understand Guatemala’s current transition from authoritarian rule and its efforts to construct a democratic society based on the rule of law, we must comprehend how the majority rural Maya experienced genocidal state structures of terror and how they internalized these structures as part of their individual and collective identities. Violence against individuals and communities was selectively and massively enacted as an instrument of state terror nationwide. It was one of many instruments the state used to assert its domination. Despite an internationally brokered peace process, violence has yet to become an artifact of the past, either for the victims or the victimizers.

The period of terror sought to silence protest over inequitable land distribution. The book *I Rigoberta Menchú* by the Nobel Laureate sought to break that silence. Recent neoconservative attacks on the “veracity” of Menchú’s story in effect silence her voice and the voices of other survivors. In the U.S., the attack on a multicultural curriculum was restructured around her book and its inclusion on college reading lists. It is part of a larger struggle over multiculturalism and affirmative action, and over who will authentically represent experience: those who lived it, or “objective,” privileged, well-funded North American researchers intent on maintaining ownership of the historical record. Attempts to silence and marginalize critical voices through diversionary tactics were timed to distract international attention from the content of state violence to its representation: the Guatemalan Historical Clarification Commission was about to release its findings on human rights violations in Guatemala and the political violence committed by the Guatemalan military with the support and knowledge of the U.S. government.

In “Two National Liberation Movements Compared: Oromia and Southern Sudan,” Asafa Jalata addresses anticolonial struggles in the postindependent peripheral nation-states of Ethiopia and Sudan. In each authoritarian state, national movements have emerged to oppose colonial domination, economic exploitation, cultural destruction and repression, and the denial of individual and national rights. Political disfranchisement and exclusion, repression and war, and massive human rights violations in Oromia and southern Sudan foster the development of Oromo and southern Sudanese nationalisms. The “ethnocratic” nature of the Ethiopian and Sudanese nation-states and their racist ideologies have prevented them from transforming themselves into multinational civic states that can protect the interests of all peoples regardless of their ethnic or racial origins. Cultural arrogance and racist beliefs in Sudan rest on the ruling group’s linkage to the Middle East rather than to Africa and a legacy of southerners as a one-time source of slaves sold in the north and the Middle East. Oromos in Ethiopia are also

derogatorily referred to using a term that characterizes them as slaves. Successive Ethiopian regimes have used the ideologies of Christianity, “socialism,” and “democracy” to legitimate colonial domination and exploitation, while in Sudan ideologies ranging from “democracy” and “socialism” to Islam have justified domination of the southern Sudanese. The author believes that only a democratic settlement leading to national self-determination can achieve a durable peace in this part of Africa, or indeed, avoid a human tragedy on the scale of Rwanda, Burundi, or the former Yugoslavia.

The final article, “Can Restorative Justice Reduce Battering? Some Preliminary Considerations,” by Lois Presser and Emily Gaarder, discusses the seemingly intractable problem of domestic violence in the U.S. The article details how two dominant strategies used to address domestic violence against women, the legal model and the mediation model, may undermine the victim’s power to act. They fail to target the social isolation of the battering victim and offender and leave intact the social norms that support the battering of women. In recent years, however, the restorative justice movement has introduced new variations on mediation. These interventions promise social justice through healing encounters between victims and offenders, sponsored by community members. The authors believe that community interventions may be preferable to formal justice in addressing race, class, and cultural concerns. Moreover, this approach is strikingly similar to one described by Sanford as truth-telling with respect to the violence experienced by Maya women in Guatemala: healing for the victim involves the opportunity for story-telling in a forum that encourages the telling and validates the story. Public acknowledgment is essential for the ultimate resolution of the trauma; victims need to hear that they have been hurt unjustifiably.

We close with two book reviews. “A Star Spangled Quandary” is William Preston’s insightful commentary on Cecilia Elizabeth O’Leary’s *To Die For: The Paradox of American Patriotism*. In O’Leary’s analysis, a racially exclusive, culturally conformist, militaristic patriotism triumphed over the more progressive, egalitarian visions of the nation. R. Stanley Oden’s review of Rod Bush’s *We Are Not What We Seem: Black Nationalism and Class Struggle in the American Century* speaks to the prospects for an egalitarian social transformation in the U.S. and the world. Oden recommends Bush’s social history of the Black Power movement in the U.S. since its analytic framework skillfully integrates race and class as dimensions of a larger global analysis.

G.S.

## NOTE

1. This summary of the Rampart scandal is culled from the extensive archive maintained on-line by the *Los Angeles Times*. See <http://www.latimes.com/news/state/reports/rampart/>, in particular, “U.S. Blames Lax Management for Abuses by LAPD” (May 9, 2000), “INS Memo Calls Gang Allegations False” (March 31, 2000), and “Times Poll: Rampart Revelations Upset City Residents, Undercut Confidence” (April 9, 2000).