

The State of Black Asheville: Criminal Justice
Where We Are and Where Do We Go From Here?

Kati Ketz
Political Science 373
Dr. Dwight B. Mullen
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Martin Luther King Jr. in his last novel *Where Do We Go From Here*, which was written shortly before his assassination, puts forward that “White America has been backlashing on the fundamental God-given and human rights of Negro Americans for more than three hundred years. With all of her dazzling achievements and stupendous material strides, America has maintained its strange ambivalence on the question of racial justice”(King 82-83). Written over 40 years ago, these words still presently ring true for the African-American community in the United States. Gross disparities in the realm of housing, education, healthcare, employment, and other fundamental rights to life exist between White America and the oppressed nationalities in the United States – notably African-Americans. These national disparities manifest themselves on a local level, especially here in Asheville, North Carolina – where the population is comprised of 22% African-Americans, 40% of whom live in destitute public housing (Kemp), where the public university had only 2.5% African-American students enrolled as of Fall 2006 (Factbook 27), and where ^{How many?} numerous reports of African-Americans being murdered unarmed by white police officers have been circulating in the city for years.

The justifications for racism have varied yet have remained ever present across the centuries for the inequalities between African-Americans and whites. The degradation of Black men especially was not only sanctioned but practiced by “institutions of government, all for one purpose: to produce commodities for sale at a profit, which in turn would be privately appropriated”(King 72). Academia and the Church both lent their philosophies to ways of racism, proclaiming that the Black man was inferior to Anglo-Saxon/Germanic peoples. This was the norm in prestigious universities such as Harvard,

and after ... ?
 Cornell, Wisconsin, and Columbia during the time of slavery. "Scientific evidence" was provided to prove that the Black man was little above the status of an ape. It was the rich elite, not the poor backwards white elements of society, that disseminated this profound racist logic throughout the country. With both spirituality and academic aspects behind this logic, who was to argue with it? (King 74-75).

This justification of racism continued throughout the period of the conception and later abandonment of Reconstruction in the South, and up through Jim Crow segregation. The elite universities in America advanced racist theories relating physical differences to intelligence and a predisposition for criminal activity, based on "science", that furthered "the national hysteria about a growing black population and offered justification for criminalizing black men" (Smiley 49). Today, institutionalize racism is more nuanced, but still as present as ever. Blacks are criminally institutionalized at astronomical rates, after being racially profiled during traffic stops, and being arrested at higher rates than that of whites. The State of Black Asheville conference, and the research leading up to that conference, exposes these discrepancies between African-Americans and whites in both Asheville and Buncombe County in areas of law enforcement, and paints a picture of just how much institutionalize racism lives on to this day.

Racial Profiling

define
 Racial profiling is a highly disputed phenomenon across the United States. *maybe?* Cities have passed ordinances against racial profiling, protests have erupted demanding that police not pull over people for simply "driving while black", and yet others argue for racial profiling as a necessary evil for good policing. A July 2001 Gallup poll reported that 55 percent of whites and 83 percent of blacks believe racial profiling is widespread

(ACLU). Yet looking at specific statistics and studies, racial profiling becomes an undisputable point of fact. Over 10% of Black drivers stopped by police were likely to be searched, as opposed to 3.5% of white drivers stopped by police. A study on the New Jersey Parkway found that 73.2% of motorists stopped and arrested were Black – even though only 13.5% of the cars on the road had a Black driver. In Maryland, 72% of the people stopped and searched by police were Black, even though both Black and white drivers violate traffic laws equally (Smiley 80). This is no different on a local level. In Asheville, Blacks comprised 34.5% of all people searched after they were stopped, compared to being 13.9% of the population. In contrast, whites were 62.3% of those searched while being 83.1% of the population. Because of the difficulty in obtaining data from the City of Asheville, it is difficult to know the exact accuracy of these numbers since it is unknown whether this takes into account only citizens of Asheville stopped by the APD, or anybody stopped in the Asheville city limits. The numbers, however, do paint a general portrait – people are being searched based on racial profiling.

The ^{old} prison industrial complex in this country is wholly dependent on racial profiling and both blatant and latent racism elsewhere in the criminal justice system in order to survive. The prison construction boom of the 1960's can be linked, among other things, to higher policing and longer prison sentences through the beginning of the 'War on Drugs' and efforts to destroy radical political movements in these communities. Today, at least one in thirty-six African-American^x is incarcerated (Smiley 73), with research showing that one in three Black males can expect to be incarcerated at least once in his lifetime. Black men were sent to prison on drug charges at rates ranging from 20-57 times that of white men in at least 15 different states, again showing the connection

between the War on ^WDrugs, institutionalized racism, and the prison industrial complex (Smiley 53). This prison industrial complex can be seen at the local level by looking at prison entry levels from Buncombe County. Blacks make up 7.5% of the Buncombe County population while whites make up 89%. However, Blacks make up 34.9% of the prison entries for 2005, in contrast with whites making up 61.6% of all prison entries for 2005. For the City of Asheville, arrest rates for 2006 only were available, showing that Blacks account for 37% of total arrests though only making up 13.9% of the population. *able source*

The availability of 'public' data in both Asheville and Buncombe County is very scarce – with four months of research and numerous calls to members of City Council, the APD Chief of Police, the Buncombe County Sheriff, and the Secretary of the Department of Corrections for NC, very little data was made available to researchers who had asked for statistics representing complete arrest and incarceration rates over a 20-year period broken down by race, class, gender, age, and employment status at time of arrest. This uncooperative stance on even basic data such as this is indicative of what that data might show that those in power want to cover up – racial profiling is an epidemic in Asheville and in Buncombe County, and that drastic measures need to be taken now in order to end it. *any other research questions?*

Community Oversight

One of the reasons why this kind of blatant racism in the criminal justice system is allowed to prevail is because of a lack of accountability for the police. Police departments all across the nation operate largely without any kind of check on them – only .5% of police departments are regularly monitored by the community through some sort of citizen oversight board – typically called a Citizen's Review Board (Smilley 80).

Bob Smith, ^{Adventure} director of the Asheville ^{Bernabe} Community Relations Board, said that "we have tried on a couple of occasions to get [a citizen's review board] here in Asheville, but the will doesn't exist to do it, either in the standpoint of the City Council or the County Commissioners or the citizens at large. . . I think that if a determined group of citizens would consistently go before the city council and the county commissioners you could have a citizen's review board, but there's not that energy". He went on to talk about the need for this kind of review board in Asheville, since there are so many complaints against APD from the community that are never processed or handled correctly. A large problem with the Internal Affairs department of the Asheville Police Department is the lack of transparency when dealing with complaints against an officer. These complaints go to Internal Affairs, and the people who file the complaint are not allowed to receive information about the case against that officer, and what if any disciplinary actions have been taken. Internal Affairs is pretty ineffective, according to Bob Smith, reporting the complaints only to the District Attorney, who is not accountable to the community or the person who filed the complaint at all. This fosters severe distrust between the community and the police department, especially when the police department is not taking action against rogue officers. One of Tavis ^P Smiley's suggestions to improve communication between police and the community and to ensure unbiased and transparent complaint processes is that "citizens need to be given simple forms with clear instructions and a telephone contact for follow-up purposes when they want to file a complaint against a police officer"(Smiley 90). Bob Smith says that a large problem with filing a complaint in Asheville right now in the African-American community is the fear of possible

retaliation for filing just such a complaint – not just against the individual but against the whole of their community.

Oversight is an important aspect to community policing. Oversight boards provide the community with the security, clarity, and accountability in filing complaints against the police department. It ensures that the police department isn't able to do whatever it wants, and in a certain sense an oversight board serves as a check against institutional racism in the police department. Smiley says that "Police accountability means that police officers will be held responsible for all their actions and treat all citizens in a respectful and lawful manner. In particular, police officers will not abuse their power and use more force than necessary; nor will they exhibit bias against any group of persons"(82). Better community policing involving a citizens' oversight board will be essential in the future in order to repair trust between the Asheville Police Department and the African-American community.

Any response from members of the board?

Criminal Justice Personnel

Another major aspect of building trust and alliances between law enforcement and Black communities both in Asheville and elsewhere is to have a law enforcement agency that accurately reflects the makeup of their community. However, in local police departments across the nation 11.7% of full-time sworn police personnel are African Americans, 77.4% being white. When law enforcement does not accurately represent the communities that they serve, there is a disconnect felt between the police and the citizens – the police do not understand the community that they are policing, and the citizens cannot connect with the police officers. A "critical mass" also needs to be reached in law enforcement agencies of African-American employees, because "when interested

applicants see officers that look like them, they are more likely to complete the application process”(Smiley 87). When people feel like they are accepted and belong more to an organization, they feel more comfortable in staying in their job longer – this relates directly to the retention of Black police officers. Promotion is also an issue that needs to be looked at and paid attention to in terms of retention. When people are not promoted in their jobs, they are far more likely to leave in search of another job that they can advance in the ranks of.

any support for these statements?
SEE comments given at the STATE of Black Asheville

The City of Asheville is especially secretive when it comes to statistics about the recruitment, retention, and promotion of Black police officers. There are less than ten Black police officers out of a total of 241 officers in the Asheville Police Department, known from counting the number of Black officers in staff photos in offices. This means that in a city with a 13.9% African-American population, the police department make-up is that of less than 4% Black officers. This is in no way representative of the community that they are serving, which contributes to the disconnect felt between the Black community in Asheville and the Asheville Police Department. The hiring process for the APD is done through the City Manager and the City Council in Asheville. In the same vein, the highest ranking an African-American officer has ever achieved within the department was that of a Lieutenant. This individual was promoted two months away from his retirement. No public positive steps have been made in the way of recruiting Black officers to the APD. This is discouraging because the “retention of good employees, especially women and people of color, is a significant challenge that requires conscious efforts. Police administration and high-level officers must frequently and publicly affirm the contribution of African-Americans, women, and other officers of

? ? there are 201 or officers?

color while also refusing to accept any harassment or discrimination in the workplace”(Smiley 89). The city of Asheville needs to not only accept African-Americans into its police department, but actively recruit them and create programs based around officer retention so that the gap between police and community comes closer to being closed.

Where do we go from here?

These are but a fraction of the ^{namely?} numerous problems of inequality facing the African-American community today. The question heard throughout different movements and institutions, after going through all this research and statistics, becomes: what can we do in order to rectify these inequalities? It is a daunting task, for institutionalized racism and inequalities between Blacks and White America has existed since the times of slavery. Progressive movements have been factionalized for decades now, arguing over which slogans to use, what approaches in organizing to take, and which ideology to adopt. King discusses at length the downfalls of the approach of the slogan “Black Power”, and how it was isolating to building unity on the basis of economics with poor white citizens. While some of his points ^{Colleg} hold water, he is ignoring the divisiveness he could potentially be creating by completely shooting down the slogan of “Black Power”. It was a popular slogan taken up by the Black masses, and as such King should have tried to find unity around certain points of the “Black Power” slogan. Progressive movements should remember that they have a common enemy – the racist institutions that are keeping them down – and unite as much as possible to bring those down.

Another main pitfall that holds back organizations is taking up a line of wanting to promote institutional programs and working within the institution in order to promote

social change. While this is not inherently bad in and of itself, it is when social activism limits itself to solely doing this that it becomes negative. Organizations become so engrossed in explanations of not having enough funding for such-and-such a program and working on the details of implementing these programs that they become part of the very institution that they were trying to change. "This argument, by explaining everything in terms of the presence or absence of programs, illuminates how the insistence on program can be used as a sophisticated device to evade action." (King 135). Focusing only on programs as activism negates the fact that most major political changes have occurred from citizens from the outside participating in activism such as sit-ins and marches demanding that these changes occur – not non-governmental organizations or advocacy groups recommending the adoption of programs to the government. Both are important, but in order for one or the other to work *both* must be put into practice.

King also talks at length of the tasks of the national liberation movement in the United States. He says that "the new task of the liberation movement...is not merely to increase the Negro registration and vote; equally imperative is the development of a strong voice that is heard in the smoke-filled rooms where party debating and bargaining proceed. A black face that is mute in party councils is not political representation; the ability to be independence, assertive, and respected when the final decisions are made is indispensable for an authentic expression of power" (King 148). These tasks are just as important today as they were then. We are no closer to having real political representation for African-Americans in this country than we were 40 years ago. Political representation is a vital step in ensuring that the voice of African-Americans is not going completely unheard by those who control government spending and programs. Creating

important

African-American leaders who embody the race politic and ethic of the African-American community is essential in bringing African-American politics to the mainstream.

In this same vein, King talks about building political alliances between African-Americans and working-class and urban poor whites in America. These political alliances would be "based upon some self-interest of each component group and a common interest into which they merge"(King 151). He talks about building alliances with progressive labor unions – those who do not engage in discriminatory policies. This is important especially remembering the past of union politics and African-Americans being used as strikebreakers in the north in the 1930's. Political unity among oppressed nationality groups and progressive elements of the labor movement is essential if the institutions that support racism and class exploitation are going to be brought down.

All of these things that King talks about – building programs, activism separate from programs, political power, and building political alliances – are the building blocks of a progressive movement. They all need to be taken in tandem with one another, working from different angles in order to provide both short-term reliefs from racism and long-term changes to the fabric of our society that is woven with racism and class exploitation. Only by looking at these problems as institutional, not individual, problems will we be able to formulate a plan for change and move forward with eliminating racism and class exploitation in this country.

*More comparison
Contrast
w/
Smiley, Covenant*

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Context
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