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OP-ED CONTRIBUTOR

## Obama, Gates and the American Black Man

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IN a [speech](#) delivered earlier this year, during Black History Month, Attorney General Eric Holder drew headlines by criticizing the tenor of public discourse on race. “Though this nation has proudly thought of itself as an ethnic melting pot,” Mr. Holder said, “in things racial we have always been and I believe continue to be, in too many ways, essentially a nation of cowards.” The nation’s leading law enforcement officer — who happens also to be an African-American man — was widely criticized for making this provocative comment.

Yet during this past week — as I have watched the controversy unfold over the arrest of a black Harvard professor, Henry Louis Gates Jr., by a white Cambridge, Mass., police officer, James Crowley — I have come to appreciate the prescience of Mr. Holder’s remark. It is as though we are determined to prove him right — as if our talk about race must be forced into a comfortable and familiar, if false, narrative where villains (“racists”) and heroes (“victims of racism”) are clear-cut, and where all one need do to stand on the right side of history is to engage in a bit of moral sanctimony.

This convenient story line is reflected in an all-too-familiar narrative: “Here we are, 45 years after the Civil Rights Act of 1964, with a black man in the White House. And yet, it is still the case that a distinguished Harvard professor, standing on his own front step, can be treated like a common criminal simply because he’s black. Obviously it is way too soon to declare that we have entered a post-racial era ... .”

As far as I am concerned, the ubiquity of this narrative shows that we are incapable of talking straight with one another about race. And this much-publicized incident is emblematic of precisely nothing at all. Rather, the Gates arrest is a made-for-cable-TV tempest in a teapot. It is the rough equivalent of a black man being thrown out of a restaurant after having berated an indifferent maître d’ for showing him to a table by the kitchen door, all the while declaring what everybody is supposed to know: this is what happens to a black man in America.

Certainly, the contretemps shed no relevant light on the plight of the millions of black men on society's margins who bear the brunt of police scrutiny and government-sanctioned coercion. I find laughable, and sad, Professor Gates's declaration that he now plans to make a documentary film about racial profiling. Is that as far as his scholarship on the intersection of race and policing in America extends? Where has this eminent scholar of African-American affairs been these last 30 years, during which a historically unprecedented, politically popular, extraordinarily punitive and hugely racially disparate mobilization of resources for the policing, imprisonment and post-release supervision of those caught up in the criminal justice system has unfolded?

Moreover, it is a shame that it takes an incident like this to induce a (black!) president to address these issues forthrightly. President Obama [spoke](#) to the N.A.A.C.P. this month, reaffirming the standard racial narrative while lecturing the black community on the need for better family values. But he barely uttered a word about the ways in which public policies — policies over which he might exert no small influence — have resulted in the hyper-incarceration of poor black men.

During his press conference on Wednesday, President Obama declared that the Cambridge police had acted "stupidly" by arresting his "friend" for disorderly conduct. I wouldn't necessarily disagree with this judgment, though I seriously doubt that calling the police stupid is something the president's pollsters encourage.

I recall that, during the height of last year's primary campaign, when Mr. Obama was asked to comment on the acquittal of New York City police officers in the fatal shooting of a young black man, Shawn Bell, who was celebrating with friends on the night before his wedding, the candidate was less condemnatory of the police or the courts. ("The most important thing for people who are concerned about that shooting is to figure out how do we come together and assure those kinds of tragedies don't happen again.")

It is depressing in the extreme that the president, when it came time for him to expend political capital on the issue of race and the police, did so on behalf of his "friend" rather than stressing policy reforms that might keep the poorly educated, infrequently employed, troubled but still human young black men in America out of prison. This is to say that, if Mr. Obama were going to lose some working-class white votes to the charge of "elitism," I'd much rather it have been on countering the proliferation of "three strikes" laws, or ratcheting down the federal penalties for low-level drug trafficking, or inveighing against the racial disproportion in the administration of the death penalty.

Readers should know that I have had my own run-ins with the law. Twenty-two years ago a former girlfriend accused me of assault. While the charges were dropped, I had to endure the indignity of being "processed" by the police and judged in the press. Later that year, I

was caught in possession of a controlled substance, spent the night in jail, and was required to enroll in a drug treatment program for my sins. My interest in the issues of race and law enforcement reflects more than academic curiosity.

Yet anyone who looks closely into the issue of crime and punishment in America cannot fail to notice that the institutions of domestic security — policing, surveillance, prisons, anti-drug policy, post-release parole supervision — have grown hugely over the past two generations. The number of Americans in prison and jail has risen nearly five-fold since 1980. Another inescapable fact is that most of those incarcerated are black and Hispanic men. (They constitute approximately two-thirds of those being held in state prisons and municipal jails.) Overrepresentation of blacks among lawbreakers is the result as much as it is the cause of our overrepresentation among the imprisoned — a fact about which the conventional racial narrative has too little to say. Nevertheless, this is a principal source of the tension in interactions between the police and black men like me.

So, while I have had my “problems” with the police, when I consider the realities of contemporary society I have to acknowledge that they have a tough and often thankless job to do. The institutions I am wont to denounce — the police, courts and prisons — are the principal means by which we as a nation have chosen, through our politics, to deal with the antisocial behaviors of our fellow citizens.

However, such behavioral problems reflect failures elsewhere in our society — racial and class segregation in our cities; inadequate education for the poor; and the collapse of the family as an institution in some communities. Because of these failures, we have large numbers of under-socialized, undereducated and virtually unemployable young men in our cities and towns. (They are not all black, to be sure, but they are disproportionately so.) Domestic violence is a serious problem in many of our communities; drug trafficking and gang activity are important parts of the social economy of the inner city.

Necessarily, such unlovely realities must be dealt with daily, and the police are at the front line in our society’s response to them. We should be slow to judge them, and slower still to embrace crude stereotypes about their motives — just as they should be slow to conclude that someone is a likely criminal suspect because he happens to be black and male.

The police are our agents, charged with the imperative to control the unruly behavior of people who don’t act within the norms of society. This does not excuse “racial profiling” by police officers. It is merely to acknowledge an essential aspect of the circumstances that fuel suspicion and antipathy between black men and the police.

I hope that something of lasting value might come from the uproar surrounding the Gates arrest. But my firm conviction is that change will not come about from the moral posturing

of politicians or from more intense “sensitivity training” for police officers. Nor will it come from the president having a beer with Professor Gates and Sergeant Crowley, as Mr. Obama suggested in his follow-up meeting with the press on Friday.

Rather, along with Senator James Webb, Democrat of Virginia, I believe we should be pursuing far-reaching reforms in our criminal justice system. We should invest more in helping the troubled people — our fellow citizens — caught in the law enforcement web to find a constructive role in society, and less in punishing them for punishment’s sake. We need to change the ways in which we deal with juvenile offenders, so that a foolish act in childhood doesn’t put them on the road to lifetimes in prison. We should seriously consider that many of our sentences are too long — “three strikes” laws may be good politics, but they are an irrational abomination as policy. We should definitely consider decriminalizing most drug use. We need to reinvent parole.

And, most important, we should weigh more heavily the negative and self-defeating effects that our policy of mass incarceration is having on the communities where large numbers of young black and Hispanic men live.

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