



April 17, 2012

**Written Testimony for the hearing on “Ending Racial Profiling in America”  
U.S. Senate Committee on the Judiciary  
Subcommittee on the Constitution, Civil Rights, and Human Rights**

**Statement of the Hip Hop Caucus**

Mr. Chairman and Members of the Committee:

We are pleased to submit the following statement to U.S. Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Human Rights hearing on “Ending Racial Profiling in America”.

The Hip Hop Caucus is a civil and human rights organization for the 21<sup>st</sup> century. Our mission is to organize young people to be active in elections, policymaking and service projects. We mobilize, educate, and engage young people, ages 14 to 40, on the social, issues that directly impact their lives and communities. Our supporter base is nearly 700,000 young people across the nation, a majority of whom are young people of color. We have Leadership Committees in fourteen major cities from Miami FL, to Chicago IL, to Phoenix AZ.

Our testimony here speaks to the real experiences of young people of color in this country. We believe that ending racial profiling in America is integral to fulfilling the unalienable rights of all to life, liberty and the pursuit of happiness in the 21<sup>st</sup> century.

Currently our country is divisively debating some of the toughest issues we have faced as a nation, from health care, to climate change, to global peace and justice. These issues are no less than *life* and *death* issues for Americans and people around the globe.

The shocking and tragic case of Trayvon Martin’s death in Sanford, FL has revealed to the nation, and the world, what communities of color in the U.S. have known for a long time. Racial profiling is also a life and death issue.

Life and death is the weight of the topic that the Subcommittee on the Constitution, Civil Rights and Human Rights is discussing today. We commend Chairman Durbin and the members of the Subcommittee for holding this hearing, and we urge all members of the Subcommittee to look deeply at the set of issues that we call racial profiling from all perspectives; but, particularly from the perspective of young men and women who in this country feel endangered because of the color of their skin, in what should be perfectly safe settings.

There is no issue more urgent, more important, than ending racial profiling in America. For our children, and our children's children, and their children, we cannot leave a world where bias and fear outweigh what we all have in common, which is our humanity.

As a result of the national awareness and outrage towards delayed justice for Trayvon Martin and his family, a very dangerous set of messages is being told to our children, particularly children in our urban communities. These messages are essentially telling African American children to be careful about where they go and how they act so that they literally do not incite someone to kill them.

One of the Hip Hop Caucus' media partners, BET has been doing a tremendous job raising awareness of Trayvon Martin's case on 106 & Park, their most popular show with 14 – 20 year-old viewers. We commend them for their coverage and the dialogue they have spurred. As a part of their coverage they have encouraged their viewers to be careful about their surroundings and their actions, and promoted this discussion with a hashtag on Twitter. The Twitter hashtag is "#StayAlive".

The Hip Hop Caucus understands the reasoning behind framing the discussion and dialogue in this way. The reality is in today's society, young people of color who dress in common street clothes are often guilty until proven innocent in the eyes of others and the media. Therefore, in being deemed guilty based on appearance, one does have to be careful about how someone may perceive you should they then feel righteous in causing unjust harm to you.

The fact, however, that there is a need to raise awareness among young people of color about the reality that they are sometimes perceived as threats for simply being themselves is the problem that must be fixed.

Here is another brief example. Just recently, the President and CEO of the Hip Hop Caucus, Rev. Lennox Yearwood, Jr. was asked to speak to students at Ballou High School in Southeast, Washington, DC at a school-wide assembly on the Trayvon Martin case. Ballou High School is, candidly, in one of the roughest parts of Washington, DC, and the student body is almost all African American.

At this assembly, students were encouraged by their administrators and teachers to be careful about being loud and intimidating adults. Can you imagine the reality that a 14 or 15 year-old African American child is perceived as a threat to a 30 or 40 year-old adult? Furthermore, Ballou students were informed by their school administrators that the neighboring state of Virginia has a "Stand Your Ground" law. The students were encouraged to either not go to Virginia, or be very careful if going to Virginia, because in the words of one adult in the assembly, you "might not come back." The specific example was given that if you laugh loudly in a movie theatre, and someone does not like that, after the movie, that person could shoot you.

Again, the Hip Hop Caucus recognizes clearly why the school was telling students this – the school wanted to give the students information that they hoped would keep them alive. This school year already, the school has lost numerous students to homicide. This was also the high school attended by DeOnte Rawlings, who was killed at the age of fourteen by an off-duty police officer in 2007 because DeOnte had taken a bicycle that was not his. And despite no evidence of DeOnte having a gun (like the off-duty officer claimed), the off-duty officer was not charged.

To members of the Subcommittee, we ask you, how would you feel if at school your sons and daughters were told not to go to a state with a “Stand Your Ground” law because they might be killed? How would you feel if your children’s favorite TV and Radio shows were compelled to give advice on how to “StayAlive”? How would you feel if such advice was rooted in your children not being able to be themselves, and especially not being able to be themselves in states where there are Stand Your Ground laws?

How can we ask our children to dream an American dream, to dream their dreams, if we are telling them that who they are is in itself threat to America?

This is not right, and this must change, and policy must be at the forefront of this change. The Hip Hop Caucus has the following set of recommendations for some of the changes that must be made:

**1. Passage of the H.R. 3618, the End Racial Profiling Act of 2011**

Passage of this bill is needed to put an end to racial profiling by law enforcement officials and to ensure that individuals are not prejudicially stopped, investigated, arrested, or detained based on their race, ethnicity, national origin, or religion. Policies primarily designed to impact certain groups are ineffective and often result in the destruction of civil liberties for everyone.

**2. Repeal of states “Stand your ground” Laws**

Such laws go far beyond the “Castle Doctrine” which is people’s right to use reasonable force, sometimes including deadly force, to protect oneself *inside* one’s home. Outside of one’s home, one’s duty, as it is in numerous states, should be to retreat from an attacker or a perceived attacker. Meaning if it is possible to avoid a confrontation and you shoot someone anyway, you should be prosecuted.

**3. Ongoing Congressional focus on the impacts of stereotyping of people of color in society and in the media, and how the impacts particularly play out in our institutions, from the justice system, to the education system, to our economic and banking systems.**

Bias, stereotyping, structural racism in our institutions create the space for racial profiling to go unchecked and in some cases encouraged. Furthermore, we believe that racial profiling and bias, are a direct assault on the “opportunity rights” of people of color, meaning the rights to life, liberty, and the pursuit of happiness.

**4. A thorough and serious review of police misconduct, and increased mechanisms for citizen oversight and accountability of police misconduct.**

Communities most impacted by police misconduct have very few leverage points to hold police and the justice system accountable. We need more leverage points for citizen oversight and accountability from the very citizens who are most often victims of police misconduct.

Trayvon Martin is our generation’s Emmitt Till, in great part because of the tremendous courage of his parents and family. We have come a long way since the death of Emmitt Till, but the killing of Trayvon Martin is a chilling reminder that we have not come far enough.

The generation since the Civil Rights movement, the “Hip Hop Generation” as we call it, those born in the 1970s, 80s, and 90s, is the most diverse generation our country has ever seen. We come together across race, class, gender, sexual orientation. We have broken down barriers of past generations. But, if we do not change policy, and enforce existing policy, in much more serious ways, more children will die needlessly, and young people of color will bear the oppressive burden of being fearful of places, people and experiences that no one should have to fear.

The rapper Plies, a Florida native, wrote and released a song called “We Are Trayvon”. Plies is donating 100% of royalties from the song to the foundation set up in Trayvon’s memory by Trayvon’s family. In the second verse of the song, Plies says:

“My son supposed to burry me, but I ain posed to burry my son./ You can call me nigga all you want, but you ain't pose to treat me like one,/ Pose to be able to express myself, and be able to dress how I want./ Pose to be able to go where I please, and be able to leave when I'm done./ Should I think that you sell dope, just cause you drive a benz?/ Should I think that Zack in a gang, just cause he sag his pants?/ What's right is right, what's wrong is wrong,/ Trayvon Martin, you'll forever live on.”

Thank you, members of the Subcommittee on the Constitution, Civil Rights and Human Rights, for the opportunity to submit this statement on behalf of the Hip Hop Caucus.