

The Infallible Officer

By Matthew Bova (ACLU-WV racial justice intern)

Henry Louis Gates, an African American, Harvard professor and native of West Virginia, was recently arrested at his home for disorderly conduct. The facts are unclear at this point, but several things are uncontested.

Professor Gates' neighbor called the police when she observed two people trying to "jimmy" Mr. Gates' front door. As it turns out, Mr. Gates was trying to get into his jammed front door with the driver that had transported him from the airport. An officer responded to the call and approached Mr. Gates' home. Mr. Gates, a well-known authority on race relations in America, responded with anger and opposition when he realized that the officer suspected him of burglary. Mr. Gates produced identification proving that he lived in the home. Mr. Gates continued to challenge the officer and was charged with disorderly conduct. The charge has been dropped.

Many have been focusing on the racial implications of the encounter, arguing that Professor Gates was targeted because of his race. This may certainly be true, after all, throughout the country and here in West Virginia, minorities are substantially more likely to be stopped and searched by law enforcement.

In focusing on the race issue, however, many have ignored the more fundamental problem that Professor Gates' unfortunate ordeal reveals. That problem is the arrogance of power.

It was clear beyond all doubt that Professor Gates was not burglarizing the home as he had the identification to prove it (this is why he wasn't charged with burglary). Obviously, the officer did not have to write Professor Gates a disorderly conduct ticket and, in light of Massachusetts case law interpreting free speech rights, it is questionable whether he had a legal basis to do so. Instead, the officer could have simply admitted to himself that this was a misunderstanding, and walked away. Once he knew there was no burglary, he had no legitimate reason to remain on the property or to even continue listening to Mr. Gates.

Unfortunately, however, the officer was unwilling to admit that the whole encounter was a mistake. He was further angered by Professor Gates talking back to him. And so he retaliated by charging Professor Gates with disorderly conduct.

Law enforcement has developed a "can do no wrong" mentality. This mentality is further joined by an unwillingness to tolerate criticism. This is a natural result of what it means to have power. Power invites a sense of infallibility and it causes those who wield it to invest in their own perfection. Power thus despises those whom challenge it.

What Officer Crowley forgot during this entire encounter was that in a free society, law enforcement does not exist to bolster its power or to respond to threats to its authority, *it exists to serve the community by detecting and fighting crime*. If Officer Crowley had embraced this philosophy, he would not have cared one bit about Mr. Gates' allegedly angry reaction and would have walked away, concerned more with targeting the drug dealers, the corporate scam artists, and the murderers. Instead, he locked someone up for talking back. Pride, not crime, was his concern. Such is the definition of power.