SECURITY IN A MULTICULTURAL SOCIETY:

Policy and Leadership Initiatives to Overcome Barriers to Social Inclusion

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ABSTRACT

The following article deals with issues of security, racial profiling, law-enforcement and the paucity of leadership in the context of Canada's overt commitment to social inclusion in the past three decades. The author wonders if Canadians are truly willing to set aside their fears and prejudices in order to create a truly inclusive society within their borders. Unfortunately, he concludes that the present evidence points to a society that doesn't quite live up to the inclusive image presented, and hence goes on to suggest policy, security and leadership initiatives that might address this shortcoming in our purportedly multicultural social order.

Benjamin Franklin, the noted American statesmen, said it best, "He who would give up essential liberty for a modicum of security deserves neither". Clearly, even in the 1700's, the world's first democracy was struggling with the issue of rights guaranteed under the constitution, versus the right of the state to secure the peace and good order of the nation. We still have yet to resolve this issue adequately. In fact, the matter is even more pressing today in the wake of 9/11, because the homogenous nature of Ben Franklin's America has given way to the heterogeneous and diversified North America of today.

Both Canada and the United States have enacted legislation, in the name of national security, that severely compromised the guarantees of rights and freedoms we have grown to expect in our modern day societies. In Canada, the severest threats are Security Certificates which have been available to the government since the 1970's. Since 2002, they have been used under the Citizenship Act, to detain suspected terrorists without benefit of trial, presentation of evidence, or the ability of the accused to refute the accusations against them. Fortunately, the Canadian Supreme Court has just denied the government request to continue to employ security certificates for national security purposes.

Unfortunately, that is not the only tool employed to detain citizens and residents they suspect of criminal activity or threats to national security. Local police forces and national security bodies routinely engage in racial profiling which is essentially the practice of using ethnicity as a predictor of criminal or terrorist activity. In other words, if you are not majority of the population of this country, you will be labelled as suspect and may be subjected to unwarranted investigation.

In its report entitled "Paying the Price: The Human Cost of Racial Profiling", the Ontario Human Rights Commission defined profiling as the following: "Any action undertaken for reasons of safety, security or public protection that relies on stereotypes… rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment".

In its report entitled "Racial Profiling: Context and Definition", La Commission des droits de la personne et des droits de la jeunesse du Québec stated that the origins of racial profiling stems from the 1970's in the US. At the time, various policies were based on the assumption that some types of crimes were more likely to be committed by individuals belonging to particular ethnic groups. In fact, it was a US federal policy employed by the Drug Enforcement Administration to identify potential drug traffickers at US Customs and on highways. The report went on to say that the technique was introduced to Canada in the 1990's, after RCMP officers received training in the United States.

There is no doubt you will be labelled and stereotyped if you come from a minority community. Minorities experience it everyday, on the street, in the airports, in the shopping malls or in the office. To prove it, I would ask the reader to test the premise. First, picture in your minds eye a person most likely to be a national security threat. Now picture a person most likely to be a drug dealer. Finally, picture a person most likely to be a law enforcement officer. Which one of those images was a member of the majority community and which of them were minorities? If you are like most people in this country, the law enforcement officer most likely looked like you.

Take for example an article written by Maleiha Malik, published last month in The Guardian, UK, Ms. Malik offered us this glimpse of profiling.

> "*Migrants fleeing persecution and poverty settled with their children in the East End of London. As believers in one God, they were devoted to their holy book, which contained strict religious laws, harsh penalties and gender inequality. Some of them established separate religious courts. The men wore dark clothes and had long beards; some women covered their hair. A royal commission warned of the grave dangers of self-segregation. Politicians said different religious dress was a sign of separation. Some migrants were members of extremist political groups. Others actively organized to overthrow the established western political order. Campaigners against the migrants carefully framed their arguments as objections to 'alien extremists' and not to a race or religion. A British cabinet minister said we were facing a clash about civilization: this was about values; a battle between progress and 'arrested development'.*
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> *We're talking about the Muslims, right? No. All this happened a hundred years ago to Jewish migrants seeking asylum in Britain*".

Do we not hear similar references today? Does this not sound like echoes of Herouxville, Quebec, where its fine citizens have adopted a 'code' of standards warning newcomers their values are unwelcome in their town? Does this not sound like what Don Macpherson wrote February 24, 2007 in the *Montreal Gazette*, when commenting on one of Quebec's political leaders who declared, "*reasonable accommodations were 'crazy' and threatened not only Quebec's values, namely women's fundamental right to equality, but even its identity*"? Does this not resemble the multitude of stories we have seen on the news or read in our newspapers over the last five years? Are we not yet tired of hearing about them?

What are the impacts of racial profiling?

We have all certainly heard of a number of transgressions of individuals in the airports or on traffic stops on our streets and highways. They run the gamut from the serious where people's rights have been severely abused, to the ridiculous where an off-duty secret service agent, on his way to an assignment to protect President Bush, was prevented form boarding a plane because he was of Arab descent.

In a document entitled "No Exit: Racial Profiling And Canada's War Against Terrorism", Rheem Badhi clearly outlined what the agenda in a post 9/11 Canada:

> "*As in the United States, the central question in Canada's War against Terrorism was whether Arabs and Muslims should be treated as more likely to threaten Canada or indeed global security. Within weeks of 9/11, then Premier of Ontario, Mike Harris, announced the formation of a special police unit designed to track down and deport illegal immigrants. While Premier Harris did not explicitly indicate that Arabs or Muslims would be targeted, he did report that the unit's focus would be to prevent terrorism through deportation, thus leaving little doubt in anyone's mind as to the ethnic or religious identity of those who would receive special scrutiny. Around the same time, 48 per cent of Canadians reported that they approved of racial profiling. Interestingly, despite deep demographic, religious, and other differences between the two groups, both Arabs and Muslims have become the target of popular suspicion, resulting in the 'Arabification' of Muslims and the 'Muslimification' of Arabs*".

In 2000, the African Canadian Community Coalition on Racial Profiling cited the Toronto Youth Crime and Victimization Survey, which asked 3,400 high school students about their experiences with Police. It found that 34% of African Canadians who had not been involved in criminal activity reported that they had been stopped by Police on two or more occasions in the previous two years, compared to 4% of whites. Twenty-three per cent of African Canadians said they had been searched, compared to 5% of white students.

Finally, a study done by the Canadian Centre for Police-Race Relations found that, in the sample of African Canadians they studied, police drew their weapons against African Canadians more frequently than with other groups when responding to minor incidents (25% v.6.7% for whites and 6.7% for others). 42.7% of African Canadian males reported being stopped by police in the previous two years, compared to 22.1% of whites and Asians.

What should we do and who should do it?

What are we to do about this in our respective communities? It would be easy to call upon government to do something. In fact the Supreme Court has done that for us, for in overturning the use of security certificates, it has charged lawmakers anew with the challenge of adopting measures which are in concert with the basic tenets outlined in our Charter of Rights and Freedoms. The Court has stated clearly that the government has employed tactics which are not in accordance with the 'principals of fundamental justice' and must find new ways of approaching public security issues.

An important measure would be to encourage anti-racist auditing of national security and local police forces. Stephen Lewis, in his 1992 report to then Ontario Premier Bob Rae, called for annual audits, community based monitoring and refining audit methodology. In Leicestershire, U.K., they use the audit to compare their forces internal reviews with non-internal reviews. In Canada, the cities of Kingston and Ottawa have started to collect data based on race and a human rights case in Nova Scotia has required the City of Halifax to do the same.

Auditing and data collection remain an effective way for law enforcement to judge the effectiveness of police interventions. Dr. John Lambert, a consultant on a number of profiling cases in the U.S. stated that in his study and others on stop and searches, in airports or on the highway,

Blacks, Arabs and Whites were equally likely to have contraband when stopped by police. Since that time, nine more independent studies have shown the same results, and in some cases minorities were shown statistically to be significantly less likely to have contraband found following a search.

What does this tell us? Essentially, that profiling doesn't do what security forces intended. In fact, the US Customs service instituted a study in 1998 to look at the efficacy of their policies. In 2000, their completed report showed that they were wasting public funds as the man-hours invested did not produce the intended returns. As a result, they reduced their searches by 75% but their successful hit rate went up by nearly 300% for all population groups. Suggesting the employment of proper policing techniques will produce the more effective results. The Customs Service actually adopted reforms designed to eliminate, racial, ethnic and gender bias from their procedures and instituted stronger supervisory oversight for their stops and searches.

We need to engage in organizational change in all our public institutions, but particularly those charged with protecting the public. More commitment needs to be made to anti-racism and diversity policies and a greater respect for minority community experience. Better training for all public institution personnel and more accountability for performance and service delivery. More partnerships need to be developed with minority communities, particularly around issues of community-based policing, civilian oversight committees and complaints mechanisms.

Lack of Leadership

Although there has been a plethora of studies by government, the private sector and community coalitions, that continually point to the destructive nature of racial profiling and the dangers inherent therein, there has been very little leadership from our political leadership on this issue. In fact, the public waffling we continually see and hear from public officials undermines the basic tenets of what we say we believe in about inclusion, multiculturalism, interculturalism and plain old Canadianism.

Our public officials at all levels need to engage in dialogue with ethnic, minority and native communities and groups. They must actively and sincerely seek their advice on how to bridge the gaps which exist between the majority and minority communities. Minority communities must also begin to influence the public agenda. Minority communities must not let a few people within or without their communities define who and what they are. Minority communities need to engage all levels of our society and demonstrate their contributions, past and present, to Canadian life. Don't get me wrong, I am not for an instant inferring that any community has to justify its existence. I mean don't let anyone minimize any community's contribution nor marginalize them through vilification.

Our national, provincial and territorial leaders must stand up and clearly identify the victims of these processes as Canadians who deserve to be treated as Canadians. They must hold themselves, our institutions and their policies accountable in a public and demonstrative manner which leaves no doubt as to what we stand for. To that end, positive recruitment of minority community members for political and civil service leadership would help redefine the public face of the country. Without public accountability, Mr. and Ms J. Public will feel it is alright to exclude on the basis of ethnicity, culture, language or country of origin. Without that institutional accountability, everyone could be subject to some type of arbitrary discrimination and abuse of their rights.

Finally, I wish to leave you with a popular reference from a movie from the 70's called 'A Man for All Seasons'. The two main protagonists are King Henry VIII and his Chancellor Sir Thomas More. The King wishes to divorce his first wife Katherine of Arragon and marry Anne Bolin. He wants the Chancellor's blessing as he is the Pope's representative in England and is reputed to be an honest man. The Chancellor refuses to grant the divorce, since according to the Church and his God, divorce is prohibited. Sir Thomas is under great pressure to reconsider both from the King and those loyal to the King. Ironically or fittingly, for the purposes of this discussion we must remember Henry VIII was the creator of the Star Chamber, a body of men along with the King which outside the law decided the fate of many of those deemed an enemy of the state.

In the following scene, Sir Thomas is discussing the situation with his son-in-law Roper. At one point in explaining his position, he states that he would assure that even the Devil, were he to appear on the Earth, should also as any other being, be protected by law. Here's what transpired;

> **MORE:** And go he should, if he was the Devil himself, until he broke the law!
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> **ROPER:** So now you'd give the Devil benefit of law!
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> **MORE:** Yes. What would you do? Cut a great road through the law to get after the Devil?
>
> **ROPER;** I'd cut down every law in England to do that!
>
> **MORE:** Oh? And when the last law was down, and the Devil turned round on you-where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast. Man's laws, not God's, and if you cut them down, and you're just the man to do it, do you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake.