



Regulations, policing & race

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Valerie Castile, mother of Philando Castile, a black motorist who was killed by Officer Jeronimo Yanez, speaks about her reaction to a not-guilty verdict in June for Yanez at the Ramsey County Courthouse in St. Paul, Minn. (AP Photo | Star Tribune)

Updated 3 hours ago

In 1950, the Code of Federal Regulations was 10,000 pages long. Today, this compilation of rules by which the government directs our lives is over 180,000 pages.

Sometime during the past half-century, our government transformed from a tool for securing our rights into a machine for micromanaging our lives. Today, the government tries to codify our behavior in an apparently endless litany of regulations.

The thing that both the left and the right tend to forget is that at the core of every regulation, no matter how well-intentioned, lies the threat of physical harm. Consider the innocuous regulation, common to many cities, requiring that people separate trash from recyclables.

What happens when a person doesn't comply? Possibly the municipality will send a letter quoting the law and listing the fine for non-compliance. If the person ignores the letter, he will be fined. If he doesn't pay the fine, the municipality will threaten legal action. If he ignores that, the local court will issue a summons. If he ignores the summons, the police will arrest him. And if he resists arrest, the guns come out.

For every regulation, the chain of causality that arises from non-compliance always ends with physical violence. The only way to avoid the violence is to comply. And sometimes, if the person is black, complying is not enough.

Looking at 2010 data, which mostly predate state-level legalizations, a 2013 ACLU study found that, although black and white Americans used marijuana at the same rates, blacks were almost four times more likely than whites to be arrested for possession.

When police are more likely to enforce a regulation for black people, the threat of violence that underlies all regulations falls more heavily on these minorities. And where black men are concerned, the chain of causality can be short.

In 2016, a Minnesota police officer pulled Philando Castile over for a broken taillight. After Castile informed the officer that he had a legal, licensed firearm in his car, the officer shot and killed him.

In May, responding to a call about a loud party in a Dallas suburb, police shot and killed Jordan Edwards, a 15-year-old who ~~was~~ in a car trying to leave.

The list goes on. As a whole, black men are three times more likely than white men to be killed by police.

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The greater fault lies with the untenable situation in which our society has placed the police. When the government attempts to regulate so many things that everyone is always in violation of some law, it gives the police the ability to stop anyone at any time. So, people come to expect that they can be stopped anytime, regardless of what they are doing.

The predictable result is that people will fear and resent the police as a matter of course. Meanwhile, each new regulation is one more opportunity to classify otherwise law-abiding citizens as lawbreakers, one more reason for people to fear the police, and one more opportunity for police to rationalize homicide after the fact.

And when black Americans are targeted more than whites, regulation itself becomes a racially charged tool.

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