

**15th Anniversary Conference of the OSCE High Commissioner on National Minorities'  
Recommendations on Policing in Multi-Ethnic Societies**  
Hofburg, Vienna - November 5, 2021

2nd Panel: “Recruitment and representation of national minorities in police services in order to improve operational practices, trust and accountability when preventing and managing conflict”

**“Lessons Learned for National Policing from BLM and January 6th Insurrection: United States Passed the Stress Test”**

By Ravi Batra ©

Chair, National Advisory Council South Asian Affairs, USA

---

Dear Moderator Denise Mazzolani,

Thank you for your warm welcome.

I attended the Permanent Council yesterday, and heard the comprehensive report of the HCNM. I am honored to support the **High Commissioner on National Minorities' Recommendations on Policing in Multi-Ethnic Societies**. Indeed, it is clear that there is an undeniable nexus between the 17 SDGs the UN General Assembly adopted in 2015, during the tenure of SG Ban Ki-moon, and the Recommendations of 2006 we celebrate today. Indeed, today’s topic isn’t about Human Rights, but how to have better peace & security. We cannot have a better and more sustainable future if we don't give due deference to: Mother Nature, to resolve Climate Crisis; the power of the silent Cultural tsunami - created by a mixture of place, language, ethnicity, gender, religion and history - on the efficacy of laws we enact; and the co-dependency between Law & Order and Justice, so our societies can have both public safety and public peace.

Permit me a moment to show how police officers are needed for the public to be safe: for over twenty years, I have served as *pro bono* legal counsel to the **National NYC Police Department 10-13 Organizations**, to better serve the needs of retired NYPD officers. After the Crown Heights race riot of 1991 in Brooklyn, which brought pain and tragedy to the African-American and Jewish-American communities, a Jewish judge and an African-American judge

formed an organization, **Blacks & Jews in Conversation**, to bring school children of both communities to the Courts and interact with judges and bar leaders. After a few years of my involvement, I was invited to be a Co-Chair, and the name was changed to **Not Just Blacks & Jews in Conversation**. The power of conversation well exceeds the power of ignorance. Finally, permit me to add the indispensable need of Law & Order for society to exist. The Greeks said: Order is beauty, and Beauty is order. The killing of **Brian Watkins**, a 22-year-old Mormon tourist, senselessly killed in NYC in 1990 proves the importance of police officers and public safety. Then NYC Mayor Dave Dinkins and Council Speaker Peter Vallone created a " Safe Streets, Safe City" program to hire more police officers, and I was delighted to play a small role in its passage as a New York state law.

The 2006 Policing Recommendations, which time and events since, have only made them tougher to achieve, and yet, more essential to accomplish if we are to keep our nation-state civil, merit-based, with equality and justice for all.

### **Exceptionalism: United States, Built Better in 1787 to Build Back Better in 2021.**

I come from the United States of America, a nation unique in human history as it has exceptionalism rooted in our **Declaration**, and then, concretized in our separated-powers regime embedded in our **Constitution** in 1787. I wish only to share our experiences, not to lecture, and in fact, hope to learn from my distinguished co-panelists and in the Q & A session, how today's Gordian Knot - aka Policing in Multi-Ethnic Societies - can be solved, as we in the United States have just witnessed the birth of a movement, **Black Lives Matter**, in 2020 after the pent up - actual or perceived - systemic injustice was lit on fire by the breathless death of **George Floyd**, a predicate to **President Joe Biden's Build Back Better**. And, then, we had an **Insurrection** on **January 6th** of this year, but we passed the stress test and Joe Biden was lawfully and peacefully inaugurated POTUS. We

have not had such an event since our war of 1812 with our British cousins, when the White House was burned down. That the shrinking majority may feel threatened by Equality, worries me, and causes me to reach-out with compassion to all: white and black, yellow and brown, straight or not. **Equality is a utopian goal, but is no easy panacea.** We need to be sensitive to the needs of each community, be they majority or minority.

### **Individual rights v. the Public Good.**

It is no secret that from King John in 1215 at Runnymede, and thereafter, individuals have been seeking rights from their sovereigns. After our Declaration, we codified them into our **Bill of Rights** in 1787. I must pause at **Gettysburg** for **Abraham Lincoln**, for his stated recipe is necessary for all societies under law. If governments are to be legitimate and to survive, they must be “**of the people,**” “**by the people,**” and “**for the people.**” Lincoln’s Gettysburg recipe is a covenant, a promise, by government to the governed, which I submit, remains the only sure pathway to achieving the **HCNM’s Recommendations on Policing Multi-Ethnic Societies.**

### **Cultural Norms v Gender Equality: Immolation and Birth of Arab Spring.**

The problem remains, however, how to un-package and apply that to our social media-infused societies - each of which have different cultural norms, and are not a fictional Hollywood society created in a juicer-blender for every place on earth. **Tunisia** showed that gender equality - a lady officer’s instructions - to a male street-vendor was perceived by him, and most others, as a cultural insult, and he self-immolated: an act that caused the birth of the **Arab Spring**, a cultural bite-back to gender equality. We, in the United States, are experiencing a rebirth too - but with today’s mores imposed on history, and equality across a multi-ethnic society, with **BLM** - *its our* American Spring. Beyond seeking rule-of-law **Equality** across race, gender and sexual orientation, I submit to you to not ignore the **hubris of certainty** that social media (SM) provides even to those new to the burdens of power, rather than **cherish**

**humility**, born and die as we all shall, imperfect human beings, seeking God's benevolence and forgiveness.

### **Certainty-based Perception of Equality & Justice vs. Humility based-Didactic Discourse.**

Our societies are now a vortex of competing certainty - **misinformation is now a weapon**, used by enemies foreign and domestic to pierce our sovereignty and destroy the public peace - and traditional media has been beaten, and the salutary benefits of their editorial intermediation lost to the mob rule of any active *fractional* group with SM-certainty. Short of God, there is no perfection. Yet, people young and old, issue fiats of how society must be changed, and statues removed from public places. My revolutionary hero is **Thomas Jefferson** who penned the Declaration. My Hero was imperfect, as all of us *even* today are. Yet, Jefferson's statue is being removed from the NYC Council Chamber. This is wrong. We ought not burn our forebearers' pictures or remove statues, because they were not perfect like God. This is Hubris.

I will merely hat-tip to the issues caused by different ethnic members of society praying in different religions - each to be better and absolved of sin, be it only on Judgment Day as in **Judaism** and **Hinduism**, through a Confessional as in **Christianity**, or directly as in **Islam**. That God-fearing people would fight another group, who pray differently, has always puzzled me as the height of hubris. **Pope Francis**, beyond dispute, is correct when he says: treat all religions with respect.

### **Thomas Becket: God over King; Rule of Law Must Honor Nature.**

This, then, is the beginning of the core of our problem. You see, Freedom of Speech - our First Amendment and First in the Bill of Rights - is the right to be wrong, insult, and otherwise opine to expose one's ignorance. Lincoln famously said: "[i]t is better that people think of you as a fool, then to open your mouth and remove all doubts."

Today, SM gives no deliberative time, as there is a premium on being fast and furious. The Right to be wrong or insult, is believed to be

protected by the First Amendment, when there is no such right against our fellow citizens, as that right exists only against our Government. Let me be clear: there is no First Amendment right against your fellow citizen. Indeed, libel and defamation laws provide proof that there is no 1A immunity or inviolability. Indeed, I sued Dick Wolf, creator of Law & Order TV show, and NBC, in "*Batra v Wolf*" for "libel in fiction" and won a landmark decision confirming such a right. So, nations must educate about speech - and that insult, while at times a basis for great comic relief - can be unlawful if it leads to violence or breach of the public peace as **Hate-Speech** does. **Thomas Becket**, famously resigned as Lord Chancellor and stayed only as Archbishop of Canterbury, selecting God over King. There are still lessons to be learned from Becket's choice, as God teaches us to "walk humbly with thy fellow man" and follow the "Golden rule." We must make sure our rule of law honors God. **Pope Francis** just told president Joe Biden that he is a good Catholic. Exactly. God over King.

### **The Golden Rule - from Confucius, Judaism, Hinduism, Christianity, Buddhism and Islam.**

The Jewish Sage Hillel said: "That which is hateful to you, do not unto another: This is the whole Torah. The rest is commentary...".

Jesus in the Gospel of Matthew, answered a Question, "Teacher, which commandment in the law is the greatest?": "'You shall love the Lord your God with all your heart, and with all your soul, and with all your mind.' This is the greatest and first commandment. And a second is like it: 'You shall love your neighbor as yourself.' On these two commandments hang all the law and the prophets." Matthew 22:35-40.

Its worth stating the Islamic text on the Golden Rule: "Serve God, and join not any partners with Him; and do good to parents, kinsfolk, orphans, those in need, neighbors who are near, neighbors who are strangers, the companion by your side, the wayfarer (ye meet), and what your right hands possess: For God loveth not the arrogant, the vainglorious" (Q:4:36). In fact the Quran goes beyond the Golden Rule,

by stating in more than four places: “Return evil with Kindness” 13:22, 23:96, 41:34, 28:54, 42:40. In a multi-ethnic society, we really need to apply the Mandate: “return evil with kindness.”

### **Badge of Honor - Police Protecting Us vs Policing the Police; Qualified Immunity.**

No society can hire and retain any police officers, if we don't protect them from legal liability, when they risk their life to keep us safe, and have to make life and death decisions in the blink of an eye. They can legally shoot the innocent, while in error protect the guilty. See, for example: 16-year-old **Ma'Khia Bryant** was shot and killed on April 20th of this year by a Columbus Ohio police officer **Nicholas Reardon** answering a domestic dispute call - about 15 minutes before a judge announced that a jury found former Minneapolis police officer **Derek Chauvin** guilty of murdering **George Floyd**. That Bryant had called the police for help was of no moment. As, when Reardon arrived on the scene, he saw a woman wielding a knife and someone else at risk of being hurt or killed. Surely, Reardon ought not be charged with murder.

Sometimes, a Police Officer does wrong, and matters end up in court. And, there the legal doctrine of "Qualified Immunity" works to shield the defendant-police officer from being sued, and causes a dismissal of the lawsuit - unless a **clearly established right** was violated. To protect the majority of good police officers, the bad ones must be justly disciplined. I am happy to report, that whenever I have decided to act in case of police officer who dishonored his badge, I have defeated the government's claims of Qualified Immunity in federal courts, including, the lofty United States Second Circuit Court of Appeals, as in *Biswas v Kwait (City of New York)*, 576 F. App'x 58 (2d Cir. 2014). To help reduce Policing errors, the Police force must itself be multi-ethnic, matching the society it bravely protects. ***Our police force must be “of the people.”***

**Conclusion: Depoliticize Issues to Permit Merit-Based Resolution.**

I conclude by wishing OSCE and the HC on NM Kairat Abdradhmanov every success, thank Ambassador Andrei Dapkiunas and Amb. Alena Kupchyna for their valuable input, and note with pride the participation of U. S. Senator Ben Cardin, as well as mention that our dear friend, Congressman Greg W. Meeks is now the first African-American to become Chairman of the powerful House Foreign Affairs Committee. Chairman Meeks is a natural ally for more justice in an inclusive society, and a government that looks like all of us.

Build Back Better means to honor Mother Nature at Glasgow, and here, at OSCE HCNM: have a police force that is multi-ethnic, and “of the people,” “by the people” and “for the people.” Just as different flowers make a flower garden more beautiful, so does diversity make our society better. Policing is good law-enforcement, when it is free of politics, merit-based, delivering equal justice for all.

I thank you.