

LIVING HISTORIES OF WHITE SUPREMACIST POLICING

Towards Transformative Justice

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Abstract

Prominent U.S. police officials have advocated greater acknowledgement of the role of law enforcement in historical racial injustice, including violence, in hopes of transforming police community relations. While an encouraging development, these calls for transformative justice understate the scope of this historical and contemporary problem, neglecting the often extralegal nature of police involved violence and injustice, its array of spectacular and more subtle forms, and the layered roles of state and non-state actors in perpetrating and sanctioning White supremacist violence. Drawing on historical records of racist violence implicating police, this paper analyzes overlapping aspects of White supremacy in policing, including racist ideologies and political acts of law enforcement officers and officials, and more routine underpolicing of White supremacy by legal authorities. This backdrop of normative racist violence - physical, cultural, and structural – must inform a contemporary transformative justice agenda, including demands for explicit and robust protection from White supremacy in policing.

Keywords: Race, Police Violence, White Supremacy, Reconciliation, Transformative Justice

...if he had a white face, he was a police officer.

—William Chafe et al., *Remembering Jim Crow* (2011, p. 244).

INTRODUCTION

Recent U.S. police killings of Black and Brown civilians, and subsequent denials of any recourse, invoke a long history of racist police violence, and broader involvement of legal authorities in denying human and civil rights. Yet, it is easy to disconnect recent cases from the pattern of which they are part. It is likely that the vast majority of past events are missing from the annals of history, owing to their limited visibility, in part

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due to the press, police, courts and others who, in their time as in ours, fail to hold police accountable. For example, in 1958, 37-year-old Black deliveryman Woodrow Wilson Daniels was arrested on charges of reckless driving and possession of whiskey, and later died from a jailhouse beating. Multiple witnesses testified that Daniels was beaten to death by Yalobusha County, Mississippi Sheriff J.G. Treloar. The accused Sheriff was freed after brief deliberation by an all-White jury, allegedly boasting as he left the court with his legal authority intact, “By God, now I can get back to rounding up bootleggers and damn niggers” (Southern Poverty Law Center 2014, p. 2). There is no official record of the murder implicating this legal actor and others like him, to say nothing of less spectacular incidents. And yet, even if often forgotten, these events are not absent in a social ecological sense. Rather, they remain relevant to present patterns and social relations. Fortunately, thousands of incidents of racist violence have been documented by commemorative movements contesting White supremacy in policing. Such documentation has been vital in historical struggles to advance human and civil rights protections, and must inform contemporary reconciliation efforts.

Prominent U.S. law enforcement authorities (Comey 2015; Cunningham 2016) have recently advocated coming to terms with histories of racist police violence. In 2016, at the quiet urging of President Barack Obama, the outgoing President of the International Association of Chiefs of Police (IACP) made what was for U.S. police leadership an historic admission—that law enforcement must acknowledge its role in racial injustice, including histories of racist violence and the denial of civil rights. In his speech at the association conference, then IACP President Terrence Cunningham (2016) acknowledged:

There have been times when law enforcement officers, because of the laws enacted by federal, state, and local governments, have been the face of oppression for far too many of our fellow citizens. In the past, the laws adopted by our society have required police officers to perform many unpalatable tasks, such as ensuring legalized discrimination or even denying the basic rights of citizenship to many of our fellow Americans. While this is no longer the case, this dark side of our shared history has created a multigenerational—almost inherited—mistrust between many communities of color and their law enforcement agencies.

Amid this attention to the need for reckoning and active pursuit of redress in several U.S. cities (Tsuruoka 2016), it is vital that these efforts grapple with the realities of this history and its legacy. Doing so is necessary if we are to achieve tangible measures of transformative justice. Although similar to restorative and transitional justice, this ideal places greater emphasis on the roles of “local agency and resources, the prioritization of process rather than preconceived outcomes and the challenging of unequal and intersecting power relationships and structures of exclusion at both the local and the global level” in transformative change (Gready and Robins, 2014, p. 2; Harris 2010).

This paper draws on historical records of racist police violence to assess this contemporary challenge of transformative justice. Specifically, in considering overlapping aspects of what I call White supremacy in policing—including racist ideologies, violence, and other political actions of law enforcement authorities, and underpolicing of White supremacist threats by legal authorities—I challenge its characterization as both a legal inevitability and a problem of the past. I argue that legacies of racist police violence are not only evident in “social memory”—or lessons we take from the past—but in contemporary police culture, and are deeply rooted in larger structures of race and gender-based violence and exclusion. These legacies cannot be addressed with

sweeping apologies, but rather, must inform local transformative justice processes in places haunted by specific histories of racist police violence, and the development of more explicit and robust protection from White supremacist threats.

The contestation of racist state violence spans centuries and is unlikely to end without honest respect for equal rights, realization of common interests in the legitimate rule of law, and the actual security of equal protection. Seventy years ago, as that federal government reluctantly moved to address White supremacist terror, the President's Committee on Civil Rights acknowledged the grave threat it posed not only to life and liberty, but to the democratic republic itself. "Where the administration of justice is discriminatory, no [one] can be sure of security," the committee wrote, prefiguring Dr. Martin Luther King Jr.'s famous refrain in his *Letter from Birmingham City Jail* twenty years later.¹ "Where a society permits private and arbitrary violence to be done to its members," the committee acknowledged, "its own integrity is inevitably corrupted." Emphasizing threats of police and court complicity in this terror, they warn, "[A society] cannot permit human beings to be imprisoned or killed in the absence of due process without degrading its entire fabric" (President's Committee on Civil Rights 1947, p. 7).

Despite the warning, such degradation continued. Just the following year, in 1948, a Covington, Louisiana officer reportedly shot and killed a Black man for refusing to remove his hat in the presence of White people, as was his right (Patterson et al., 1951). In Nacogdoches, Texas that same year a Black man was shot and killed by a Texas constable when he came to court to arrange bail for his son, who had been beaten and imprisoned by the same officer for failing to address him as "sir" (Patterson et al. 1951). As the preceding examples and many to follow illustrate, these were not moments where police carried out "unpalatable tasks" imposed on them by law, as Chief Cunningham's (2016) limited acknowledgement allows. Rather these were occasions where police leveraged their broad authority to express racist ideologies and pursue related political interests with the backing of dominant legal and political cultures. Then as now, state actors have not merely failed to stem the degradation but often promoted it instead. As political philosopher Charles Mills (2003) observed, "For most of U.S. history, the state has functioned as a racial state protecting White supremacy" (p. 43).

In this context, a substantial share of the public reasonably doubts the possibility of legitimate policing, and demands its abolition instead. I doubt the possibility of a world without policing in the sense that societies inevitably define and enforce norms, which makes policing basic to cultural and structural relations (Janowitz 1975). Further, policing actions can have neutralizing and even progressive ends—as when Black Chicago residents organized their own policing system in 1850 in response to threats from Fugitive Slave Laws (Campbell 1970), or when civil authorities resist enforcement of racist laws (or norms), providing protection to those threatened. However, societies appear stuck with more and less authorized, presently heavily armed (especially, in the United States), and otherwise potentially dangerous or protective law and norm enforcers. Even with abolition of policing as we have known it, scrutiny of policing ideals and practices will remain central to securing human and civil rights, including equal recognition, representation, and protection.

My focus on White supremacist policing grows out of a larger interest in histories of racist violence, their legacies, and redress today. Numerous sociological studies report that areas marred by histories of enslavement, lynching, civil rights era terror, and other White supremacist violence remain distinguished by racialized conflict, violence, and inequality today (see Ward 2016). Studies demonstrate that contemporary outcomes including homicide rates and levels of racial resentment are associated with

histories of lynching and other racist violence. Especially relevant to this paper are findings that White supremacist mobilization and underpolicing of White supremacism are more pronounced in places distinguished by extensive histories of racist violence. White supremacist groups have been more active, historically (Owens et al., 2015) and today (Durso and Jacobs, 2013), in areas with histories of lynching than in other locations. Further, police organizations in such settings appear to be less committed to policing racist violence (King et al., 2009), apparently sustaining and intensifying long known threats in these places. It is this kind of carry over that makes it imperative for local transformative justice processes to not only acknowledge the historical complicity of police in racist violence and injustice, but also to explicitly intervene in its legacies today.

CONTESTING WHITE SUPREMACIST POLICING

White supremacism in policing and elsewhere has always been contested in varied ways, including via self-defense, commemorative efforts, and struggles for equal representation, protection, and enforcement of these rights. Commemorative movements to document racist violence and to employ the resulting data and stories in human and civil rights struggles trace back over a century (Ward 2016). Contestations of lynching are particularly illustrative of these efforts, and their continued importance today.

Inspired by Ida B. Wells' anti-lynching pamphlet, *A Red Record* (1895), in the early 1900s Tuskegee Institute (1912) and the NAACP (1918) began circulating data and research reports on lynching in the United States, nationally and internationally, and this continued into the 1940s. These reports were used to shame and, more pointedly, to bring economic and political pressure to bear on state actors and civic leaders in areas where lynchings occurred. Many reported lynchings involved police perpetrators, and most if not all implicated police accomplices who aided and abetted in various ways, including delivering victims to White mobs, and otherwise withholding protection through discretionary uses of prevention, investigation, arrest, and other police powers.

The pressure to reckon with "red records" failed in its main objective of forcing passage of anti-lynching legislation but proved impactful still. By acknowledging many of its victims and costs, and by demanding responses, systematically documenting these atrocities countered rampant trivialization of Black life and livelihoods, and the trampling of Black constitutional rights. Political and economic pressures stemming from these reports, including specific critiques of policing, compelled social action. For example, governors pressed local officials to increase security in "high-risk situations" and White supremacist "hot spots" where threats of lynchings were greatest. Also, White anti-lynching organizations reportedly awarded medals to sheriffs who showed courage or ingenuity in averting threatened lynchings (Ward 2016, p. 593).

Early compilations also inspired more expansive and ongoing efforts to document, and thereby contest, White supremacist violence. In the early 1950s, with lynching in decline, Tuskegee officials recommended a "New Index of Race Relations," explaining that "Lynching as traditionally defined and as a barometer for measuring the status of race relations in the United States, particularly the South, seems no longer to be a valid index." Citing the "development of other extralegal means of control," such as bombings, arson, and police brutality, whose terrors functionally related to lynching, they urged expansion of the red record (Foster 1953). The "Evidence" assembled in *We Charge Genocide* (Patterson 1951), described further below, is among many illustrations of this extended effort. So too are contemporary commemorative efforts, such as

“The Counted” project of the *Guardian* newspaper and the #Sayhername campaign, indicative of the ongoing development and enduring value of this historical index.

Historical records of racist violence provide an indispensable if incomplete basis for research, education, and redress in contemporary community contexts. If we are to achieve transformative change rather than another round of weak police reform, it is vital that we confront specific local histories and legacies of White supremacy in policing. This index of what Wells called the “contempt of civilization” (Wells 1895, p. 149) suggests places where, and processes by which, “police [can] acknowledge and apologize for the actions of the past and the role [police] played in society’s historical mistreatment of communities of color,” as Chief Cunningham (2016) too mildly described.

This is not merely the, “dark side of our shared history,” but a living history all too frequently reenacted and reinforced. While contemporary racist physical and structural violence abound, cultural aspects of White supremacy in policing—such as racist and sexist discourse, body art, and attire—are equally telling of this past remaining present. At a recent “Back the Blue” rally, the Philadelphia police union president described Black Lives Matter (BLM) activists as “a pack of rabid animals” (Helms 2017), not only denying their standing to make claims on the state, but rationalizing Black human and civil rights abuses. BLM activists specifically opposed the impunity enjoyed by a Philadelphia officer who had recently killed a fleeing Black suspect by shooting him in the back; this same officer had shot and paralyzed another Black man fleeing from him in 2010. They also demanded protection from another officer emblazoned with a Nazi tattoo, known to have visited neo-Nazi and White supremacist websites, and to have participated in historical reenactments of Nazism. While characterizing BLM as a “racist hate group,” the union leader described the suspected Nazi police officer as “not a big deal” (Helms 2017; Moye 2016), endorsing reenactments that not only celebrate fascism but also threaten to bring it into legal effect through police actions and inaction.

Storytelling has always been vital to this contestation, as transformative justice requires work to make racist violence and its harms visible, and to compel opposition. We must, as Manning Marable (2006) wrote, “reconstruct America’s memory about itself and our collective past in order to reimagine its future” (p. 29). Noted waves of commemorative efforts that acknowledge and detail racist violence are invaluable here. Focusing on an illustrative sample of these records, the remainder of this article explores specific aspects of White supremacist policing and several of their implications for a contemporary transformative justice agenda.

THE RED RECORD OF POLICING: A BRIEF SURVEY

In *We Charge Genocide* (Patterson 1951), the Civil Rights Congress documented hundreds of cases of racist police violence and injustice in an effort to force and inform redress. They accused the United States of violating Article II of the United Nation’s Convention Against Genocide, submitting evidence, “tragically voluminous, of ‘acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such.’” In a section titled, “The Evidence,” the petition cites around five hundred such events in the span of 1945–1951 alone, with over half directly implicating police.

For this paper, *We Charge Genocide* (WCG) events implicating police were surveyed to consider some of the permutations of White supremacy in policing; in doing so, I hope to inform contemporary interventions. I do not use the data to assess the general scope of this problem, as this collection did not intend to systematically

account for racist police violence in the period or areas considered. A primary aim of the compilation was to substantiate genocide complaints to the United Nations. As such, it privileged extreme and illustrative events, and relied on published and otherwise reported accounts, generally excluding more routine police abuse. Further, police are likely involved in many events where they are not identified, or where their roles are more passive, such as “aiding and abetting” acts of White supremacist violence by failing to protect, investigate, make arrests, or accurately report them as crimes. For my purposes here, these incidents usefully illustrate characteristics of racist violence implicating policing including, its extralegal nature, its manifestations in spectacular and subtle forms, and the combined roles of police, political leadership, and supportive publics, in both perpetrating and legitimating this scourge. To highlight public policy and police legitimacy considerations emanating from the data in the WCG report, I emphasize two overlapping dimensions of White supremacy in policing: White supremacist police officers and legal officials; and, failures of law enforcement and other legal actors to police White supremacism.

WHITE SUPREMACIST POLICE: EXPLICIT AND IMPLICIT ASSOCIATIONS

Links between White supremacist ideologies and politics and the orientations and actions of law enforcement officials can be explicit, whether acknowledged or not, but can also stem from and influence implicit or subconscious bias. It has long been established that police and other state officials have been instrumental in acts of racial terror and the maintenance of White supremacy (Mills 2003). Notably, police have been active members of racial terror organizations, and have worked jointly with such entities to enforce laws, norms, or ideals of White supremacy, including through non-enforcement or underpolicing of these threats (Novick 1995; Speri 2017).

The comingling of governmental and nongovernmental authority in White supremacist violence has been evident throughout the history of policing, from its origins to today, and has often been explicit. Slave patrols are the better known illustrations of this foundation, but there are many others. In Wilmington, North Carolina, White paramilitary “red shirts” who were instrumental in an 1898 racial massacre and coup were subsequently enlisted as city police officers by the coup leader who was newly installed as mayor (Prather 2006). Coup supporters, including many civic and business leaders, signed a “Declaration of White Independence” demanding freedom from what they caricatured as inept “Negro Rule.” They also demanded that Blacks relinquish hard won political offices, jobs, and properties to Whites, including law enforcement posts. To date, we do not have research on these “red shirts” turned police. However, it would be helpful to gauge their impacts on police cultures and practices, and on local communities, including their continued white supremacist violence under the color of law, and how residents then, and even now, regard legal authority. What Chief Cunningham (2016) called “generational mistrust,” and social scientists term legal cynicism, describing “a cultural orientation in which the law and agents of its enforcement are viewed as illegitimate, unresponsive, and ill-equipped to ensure public safety” (Kirk and Papachristos, 2011, p. 1191) is regarded as one of the most significant legacies of historical racial violence (Ward 2016). These reflections are therefore important to our reckoning with *living* histories of racist violence, including the social memory of white supremacist policing. Further, this history compels us to scrutinize police and other civil authorities that have stood by and/or appeared to join in as contemporary “red hats” and their counterparts mobilize around similar agendas of White supremacist redemption today.

Explicit White racial domination of (and through) police authority persisted well into the twentieth century, reinforcing norms of White supremacy in policing, as well as resentment and opposition to it. In Gadsden, Alabama and many other Jim Crow contexts, White residents formally and informally acted as “auxiliary” police unambiguously displaying the link between racial domination and policing. A Black brick mason working in Gadsden in the 1940s remembered *all* White men being police, in the sense that they possessed some degree of policing power, at least over Black lives. “There was always a law officer and all of them weren’t dressed in uniforms,” he explained. “In other words, if he had a White face he was a police officer” (Chafe et al., 2011, p. 244).

White supremacy in policing has often been explicit in the sense that avowed White supremacists held positions of police authority. In his study of organized White supremacists within military and police organizations, Michael Novick (1995) notes that these ties were commonplace during the 1920s when the Ku Klux Klan (KKK) was at its peak and “whole klaverns [i.e., klan chapters] were deputized” to conduct police business. These explicit White supremacist ties to policing continued through the civil rights movement period (Cunningham 2013), and persist today, at least in select locales (p. 61). As recently as 2006, the Federal Bureau of Investigation (FBI) reported that “white supremacist infiltration of law enforcement” remains a significant threat (Jones 2015, p. 100).

An important aspect of this explicit relationship is the extent to which White supremacist police seek to conceal their affiliations and motives. The aforementioned FBI report cites a skinhead group encouraging “ghost skins” to seek positions in police agencies; ghost skins are members who avoid overt displays of affiliation so as to “blend into society and covertly advance white supremacist causes” (Cooter 2006; Speri 2017). The strategy suggests evolution from a dramatic 1950 case where a South Carolina officer was killed while wearing a Klan robe over his police uniform during a racial terror attack. In August 1950, Charles Fitzgerald, the wealthy Black owner of a Myrtle Beach dance hall, warned sheriffs that the KKK intended to attack his business. A KKK mob later fired on his place, but Fitzgerald had organized defenses, and they returned the gunfire. Officer James Johnson, who was wearing his uniform under his Klan robe, was killed in the shoot out, signaling an unknown number of officers who dressed the same or were otherwise conspirators but lived to conceal this fact (Patterson 1951, p. 118).

Interestingly, contemporary cases sometimes belie efforts at concealment, and perhaps a more emboldened display of White supremacy in policing than is evident in the “ghost skin” strategy. For example, in 2015 a University of Cincinnati police officer was wearing an undershirt depicting a Confederate battle flag when he killed an unarmed Black motorist, a fact that the judge in his murder retrial barred prosecutors from presenting to jurors. Ironically, wearing this garment, which raised questions about the officer’s potential White supremacist sentiment, was deemed “too prejudicial” (Sewell 2017). In another case, in 2017 a Washington D.C. officer brazenly appeared in court wearing a T-shirt emblazoned with White nationalist symbols and other threatening content *over* his police uniform. Following complaints of the BLM organization Law 4 Black Lives DC, including a petition demanding his firing, the Washington D.C. officer was suspended and barred from public contact, pending the outcome of an investigation (Harrell 2017). These recent dramatic displays notwithstanding, the extent of explicit White supremacy in policing remains unknown, yet it is clear from numerous cases, investigations, and reports that it remains a threat.

White supremacist policing may also reflect and inform implicitly or subconsciously held racial preferences. Implicit biases, including subconsciously held White

preferences that may influence decisions and actions, are distinct from explicit White supremacy, but relevant in key ways. For one, actions and inaction reflecting White supremacy in policing may be exacerbated and rationalized by implicit White preference. There is evidence that unconscious bias is elevated in areas with marked histories of racist violence (Mooney 2014). As previously noted, non-White populations appear more vulnerable to White supremacist violence in these places (Durso and Jacobs, 2013; King et al., 2009), in part due to limited access to legal protection and recourse in such “microclimates of racial meaning” (Ward 2016, p. 583).

Unconscious racial biases may also be *informed* by acts of real and perceived White supremacist policing, reinforcing demographically divergent associations between race, violence, and the law. For example, in June 1950, local police provided an escort for the KKK to parade through Jacksonville, Florida before members of the group burned a large cross at a meeting on the outskirts of town (Patterson 1951, p. 117). It is likely that some residents would take divergent meanings from the event, perhaps affirming selective associations between race and crime, and the legitimacy of racial subjugation through policing, or instead, reifying this “face of oppression” (Cunningham 2016), and associated anxieties, antagonism, and mistrust of legal actors and institutions. In other words, conscious and unconscious White racial preferences (and anti-Blackness), as well as cognitive and affective aversions to legal authority (conscious and unconscious) among non-White populations, may be informed and bolstered by predominantly White law enforcement officers standing inactive alongside, and thereby seeming to endorse, active threats of White supremacists, historically and today.

POLICING WHITE SUPREMACISM: WITHHOLDING EQUAL PROTECTION

In the late 1800s amid the rise of lynchings and other racial terror across the United States, a band of White vigilantes declared its faith that U.S. police and courts would protect (White) constituents’ interests. “Whereas...peace and quiet prevail supreme, and protection to everyone is guaranteed,” the *Bald Knobbers* of Southwest Missouri wrote in their pledge to disband, “we declare that we believe the civil authorities and the courts of our country can and will guarantee protection to life, liberty and property” (Upton 1970, p. 94). At no point in U.S. history have all Americans shared that faith, or enjoyed that security. This is due in large part to the refusal to provide police and other protections from White supremacist violence and exploitation for non-Whites. Such refusals to address threats to the lives and livelihoods of non-Whites are arguably the most widespread and most dangerous aspects of White supremacist policing.

Selective mobilization of legal authority and resources enables White supremacist violence of state and non-state actors, and compounds its harm. Such underpolicing shields White supremacist police officers from close scrutiny and severe sanctions, while denying populations protection from these and other White supremacist threats. In one of the only truth and reconciliation processes (TRC) formally organized in the United States, the Greensboro TRC focused on a 1979 police conspiracy to expose protesters to White supremacist violence by withholding law enforcement protection (Inwood 2012). Similarly, today in Charlottesville, Virginia, police are under investigation for their *demobilization* amid White supremacist organizing and violence. This includes the absence of police while an armed White mob assaulted a Black teacher in a public lot neighboring the city’s police department (Pyke 2017).

Refusals of police and other legal protections are not merely violent in an abstract sense. Though there are important cultural and structural abstractions (e.g., racist

discourse, selective law enforcement, or racial profiling), these refusals of equal protection also cost lives. In Union Springs, Alabama, a White police officer murdered and assaulted several Black residents *over a period of months* in 1945, before being removed from the police force. One victim was killed after the officer overheard him discussing “race issues” with a friend in a store the victim owned, as was his right. Several others were killed or wounded in later encounters with the officer. Hours after one of the murders, the Police Chief compounded the terror of this rampaging White supremacist, instructing a Black witness to leave town or face death himself. The officer was finally removed from the force but remained free, continuing to reside in Union Springs, gainfully employed as a mechanic (Patterson 1951).

Withholding protection from White supremacy in policing also facilitates its cultural and institutional diffusion. In 1919, Texas legislative hearings addressing atrocities of the Texas Rangers had the potential to intervene in White supremacist policing, but instead, allowed its threat to spread. Historian Monica Martinez notes that the official narrative about the 1919 hearings tells a story of redemption: “the Texas Rangers were reformed...and the bad apples were kicked out.” Yet, many Rangers who were sanctioned for their roles in what amounted to ethnic cleansing assumed other Texas law enforcement positions. “Those bad apples went on to be sheriffs in Austin, or they went on to help shape the Border Patrol, or they were prison guards in Houston,” Martinez notes, “[and] the culture of policing didn’t change. There was a moment in 1919 where the state could take a stand against racial violence as a state policing regime, and it didn’t” (Onion 2016). This recycling of unfit racist officers persists still today (Speri 2017).

Common to the cases cited here and innumerable others is a general absence of legal and other accountability (e.g., reputational costs), which is both a source and compounding harm of White supremacist policing. Police actions and inaction are more often shielded by social, legal, and political norms than the actual law. However, such distinctions are likely trivial to those denied legal protection. The systematic failure of police, legislatures, and courts to protect non-White segments of the public from racist violence, exploitation, and other injustices, constitutes its own form of White supremacy in policing. As evident from public outrage stemming from the impunity police have enjoyed in the wake of numerous recent killings of unarmed Black and Latino civilians, this withholding of legal protection from racist violence is particularly degrading to the society, and the legitimacy of the state.

POLICE AUTHORITY, WHITE SUPREMACY, AND STATE VIOLENCE

There is not space in this paper to fully address the many challenges involved in conceptualizing, studying, and regulating White supremacist policing. However, several should be noted. First, “policing” the populace involves far more than the actions of formal law enforcement officials. Many others seek to enforce formal and informal laws and expectations. In the era of American apartheid (circa 1880s to 1960s) and in various ways today, vast segments of society—teachers, health workers, business owners, bus drivers, store clerks, and the like—have engaged in policing and enforcing norms rooted in White supremacist ideologies and supporting White racial dominance, often through acts and threats of violence. Lynch mobs are perhaps the most familiar example but there are others. For example, in the Jim Crow period, deputized White city bus drivers perpetrated numerous acts of racist violence under the guise of enforcing the law of segregation, yet often as retaliation for breaches of racial etiquette (e.g., perceived insults), and typically with impunity (Burnham 2015). Contemporary cases of White

vigilantes assaulting or killing Black civilians, including that of the neighborhood watch volunteer George Zimmerman (Love 2012), suggest the persistence of racial violence under the guise of upholding law and order. A comprehensive accounting of racist violence in policing (i.e., verb) requires consideration of this broader range of institutions and actors.

If one focuses specifically on Policing as an institution (or noun), it is somewhat easier to document and analyze histories of White supremacist violence; there is good reason for such a focus. The relationship between law enforcement authority and racist violence is central to the recognition and protection of human and civil rights. Racist violence by police or other authorities is distinct, legally and otherwise (e.g., in social meaning and memory) from racist violence perpetrated by civilians, whose actions (or inaction) do not directly constitute state violence or denial of constitutional rights. Still, there are challenges and limitations to studying Policing only in terms of formal law enforcement. As I note above, distinctions between violence by police and others can be unclear, as police harms are usually accompanied, facilitated, and compounded by the deeds of others. Courts and other institutions accommodate and extend White supremacy in policing, essentially intensifying and institutionalizing its threat to life and liberty. Indeed, noted aspects of White supremacist policing have been woven into the social fabric, making it difficult to isolate police roles from other sources in this repression. Police actions and inactions, including failures to intervene, coalesce with those of other state and lay actors (e.g., politicians, prosecutors, juries, posses, and mobs) in deprivations of human and civil rights. Historically and today, racial violence has not only enjoyed legal and other impunity, but has involved broad civic participation, reflecting norms of the political culture. As a lawyer for seemingly disgraced Arizona Sheriff Joe Arpaio conceded, “every prosecution is in some sense a political decision” (Lee 2017). This followed a presidential pardon of Arpaio’s violation of federal orders meant to enjoin his discriminatory policing, in yet another state endorsement of racist police practices (Ramos 2017).

Close scrutiny of White supremacy in policing is vital to establishing protections from police and their corollaries (e.g., corrections, probation, border patrol, military, and school officers) who accordingly betray oaths to honor, protect, and serve. Yet, a second challenge for research is identifying specific instances and threats of “racist police violence” outside of obvious examples where police attacks are punctuated by racist abuse, or officers clearly conspire with White supremacist organizations. This too has practical implications for investigations, policy measures, training, and other remedial efforts. This review suggests that physical, interpersonal racist violence via the hands of police must be seen as part and parcel of a larger social system of White supremacist violence. Police brutality coexists and combines with the structural violence of racially selective law enforcement, for example, where whole groups are made vulnerable to systematic underprotection and overpolicing, often in violation of constitutional rights. It coexists and combines with cultural violence, as well, such as racist and sexist humor and other discourse in police culture, whose caricatures render non-Whites and women less deserving of human and civil rights protections, indeed, as less human.

Histories of racist police violence are deeply intertwined with structures of gender oppression, masculinity, and violence against women. Often lethal interpersonal violence of White supremacist policing—its actions and inaction—emerges from this intersection, a culmination of its structural and cultural influences. In 1945, two young Black women were abducted by police and taken to a secluded area where they were raped and threatened with death if they reported the crime. When the mother of one of the victims went to police to file a complaint she was told to remain silent.

Both officers were eventually charged but acquitted by an all-White jury (Patterson 1951). Today, the #SayHerName campaign has grown out of awareness that contemporary police violence against Black women and girls was not being integrated in social movement (e.g., BLM) demands for eradication of police violence, and related media and policy discussions. The campaign has developed a “gender-inclusive approach to racial justice,” informed by the frequency and often distinctiveness of police violence against Black women and girls, so that they are not left “unnamed and unprotected in the face of their continued vulnerability to racialized police violence” (Crenshaw et al., 2015, p. 1). These historical and contemporary examples illustrate how corrupted law and society have long been by intersecting politics of difference, and thus the depth of the challenges of envisioning and achieving transformative justice today.

FACING WHITE SUPREMACIST POLICING AND OURSELVES

Though White supremacy in policing is challenging to parse analytically, and in terms of legal and other remedial implications, it is clear that overlapping aspects of the problem have been historically widespread, and persist today. It is also clear that addressing this history and its legacy, by transforming the political culture, is vital to the equal protection of life and liberty.

Current and future work towards redress must probe the complex, sometimes subtle, but often lurid realities of White supremacist policing, committing to far more than sweeping apologies or empty performances of official review. Failure to assess and acknowledge the truths embodied in historical and contemporary contexts will mean failure to stem the crisis. Investigations of police (in)action in Charlottesville, for example, must look beyond recent events and take stock of White supremacist policing in the history of that community to acknowledge elements of truth, inform interventions, and establish a basis for trust and cooperation that cannot exist without such a reckoning with local legal and political culture.

The secrecy of historical injustice makes truth telling a vital element of transitional justice, especially given the role of more and less concealed state violence in histories of repression. Political scientist Jane Curry (2007) writes, “Whatever the mechanism of state aggression against politically repressed victims, the workings of the government as well as who did what to whom, how, and for what reason were not made public in the era of repression” (p. 60). This “secret past” of repression makes the revelation and establishment of truth the “cornerstone of the transitional justice process.” This is why the stories and historical index of the “red record” are critical to develop and maintain, and why they remain indispensable to reconciliation efforts.

Critics of “looking back” to advance social justice counter that you cannot change history, so there is no use in dwelling on it. However, neither of these points is true. The past dwells in us as the very root of our existence but that relationship is dynamic. You can “change history” by altering its social meaning in the present (see Ghoshal 2013). Transitional justice is a process meant to facilitate such a transformation. Proponents of transitional justice note the importance of identifying, and where possible punishing, past wrongdoers, “teaching lessons” about the past, removing those implicated in the abuses of the old system from the new, and reassuring the public that the past will not be repeated (Curry 2007). These and other measures (e.g., redistributive efforts) are expected to effect transition through substantive changes in political culture (e.g., dissolving longstanding divisions) that yield new material conditions (e.g., in health and safety, education, governance, the economy, etc.). Towards these ends, it is productive to revisit the stories shared here, and many others, but not merely

through their retelling. Deeper investigation and discussion of how these truths came to be are needed to inform priorities, strategies, and ultimately assurances of substantive social change.

Yet we must demand more of police and other state actors, and ultimately the body politic, in combating White supremacy in policing if we are to realize transformative change. At a moment where he might have pushed federal, state, and local law enforcement to work toward such reconciliation in places where “multigenerational-almost inherited-mistrust” lives, Chief Cunningham (2016) seemed to absolve contemporary officers of responsibility in redress. “Many officers who do not share this common heritage often struggle to comprehend the reasons behind this historic mistrust,” he explained, “[and] as a result, they are often unable to bridge this gap and connect with some segments of their communities.”

We must create understanding, and demand professional competence, among those empowered as police. Chief Cunningham’s understanding of contemporary officers who struggle with “bridging the divide” appears to rest on the difficulty that connection with these pasts and relevant publics might pose. Yet, candidates for professional policing struggle with various aspects of this work, and we expect certain competencies of those granted police authority. In understanding this “face of oppression,” and demanding accountability of state actors tasked with reconstructing the racial meaning of American law, policing could make far greater use of the *Red Record*, heeding lessons of this historical index and its stories in recruitment, training, disciplinary actions, and elsewhere. Given opportunities for training, evaluation, and other engagement, with history as guide, an inability to “bridge this gap and connect with some segments of their communities” must register as professional incompetence, sufficiently threatening to protected groups to warrant disqualification from police service.

Whether individual officers are from places with long histories of White supremacist violence or not, or are personally familiar with resulting historical grievances or not, is of limited importance. Most of us lack direct experience with the histories that I have described, or knowledge of these histories and their relevance in our own lives. Yet the legacies of this history live with us. They are our “common heritage,” as Cunningham (2016) himself acknowledged, our haunting “cultural inheritance” (Comey 2015). A rich vein of work in the humanities is making this inheritance, as a kind of haunting, harder for us to ignore. As Avery Gordon (2008) explains in *Ghostly Matters*, “haunting...mediates between institution and person, creating the possibility of making a life, of becoming something else, in the present and for the future” (p. 142). In *Haunting Legacies*, Gabrielle Schwab (2010) examines lasting imprints of the holocaust, and similarly clarifies how contemporaries remain connected to pasts they need not personally know. When traumas associated with historical violence are not addressed, or worked through to resolve grievances, she writes, descendants “inherit the psychic substance of the previous generation and display symptoms that do not emerge from their own individual experience but from a parent’s, relative’s, or community’s psychic conflicts, traumata, or secrets” (p. 201). How else can we understand the twenty-first century university police officer wearing a confederate battle flag under his uniform, and murdering a Black man in cold blood? Is this not the haunting of that Lost Cause?

It is therefore useful to recall these events, and directly address social memory, especially for police and others in social service fields. How anomalous are White supremacist officers, how are they culturally and politically enabled, and why should communities believe that White supremacy does not continue to organize American policing, and will not moving forward? Social memories, reinforced through recent

events, logically reject stock assurances that “this is no longer the case” (Cunningham 2016). *Social memory* reflects both the substance of our specific memories, or recall of events, and the “values associated with their evocation (historical lessons and learning), which are modified, very often by the vicissitudes of the present” (Aguilar 2002, p. 3). Social memories animate contemporary police community relations, and we must acknowledge, work through, and resolve these grievances to achieve transformative change.

CONCLUSION

Key police officials have shown leadership in suggesting that we face the histories of what I describe as White supremacist policing. Still, they appear eager to contain this acknowledgment. In keeping with countless commissions and pledges, such containment will limit the scope and impact of change. When Chief Cunningham (2016) called on police organizations to “acknowledge and apologize for the actions of the past and the role that our profession has played,” he implied at least a reckoning with specific past misdeeds of implicated police forces in these communities today. I have argued that history offers a helpful road map here. But there is no clear commitment to this level of police community engagement. Instead, he and others seem to offer a general admission of wrongdoing, and appear eager to “move beyond this history,” presumably with forgiveness. Using the analogy of a rear view mirror in comparison to a front windshield, another official claims that there are good reasons for the larger front view. Regarding the history of race and policing, he urged quick glances at the rearview but not dwelling on the past, arguing instead for keeping one’s eyes on the future.

This article presents a different view, arguing for more substantive and sustained engagement with the past, by revisiting the roads that brought us here, and using histories of White supremacist policing to inform and facilitate transformative racial justice. As reparations scholar Alfred Brophy (2004) and others stress, “recovering our shared history and showing how it differs from the myths we hold in our collective conscience” is vital to social change (p. 133). To that end, I have employed stories from the vast and still growing “red record” of racist violence to illustrate aspects of the problem before us. Given the daunting yet vital task of eradicating White supremacy in policing, I conclude with three suggestions:

A More Expansive View of The Problem

All varieties of misuse of police power that undermine civil and human rights must be acknowledged and targeted in contemporary redress. As such, an expanded view of the problem is required to reduce White Supremacism in the United States. Records of historical racial violence reveal overlapping problems of White supremacy in policing, including racist ideologies and political acts of law enforcement officers and officials, and underpolicing of White supremacy by law enforcement authorities and other state actors. Beyond and often underlying spectacles of police beatings and killings are far more occasions where racist policing actions and inaction reflect and reinforce White supremacy. Auxiliary forces of the Jim Crow era, like posses and mainstreamed far right militias today, can deny civil rights including freedom of assembly and equal representation and protection in law, and can do so by merely threatening violence that either enjoys or is immune to police power. The cultural and structural system of white supremacist policing manifests in various forms including

racist “jokes,” discretionary stops, false reports, and nonintervention, in moments of “legal estrangement” (Bell 2016) which not only prefigure racist police violence, but create safe harbors for other white supremacist threats.. Expanding the conceptualization of the problem to encompass this range of concerns is a necessary first step in determining how redress can proceed.

Localized, Participatory, and Targeted Redress

Sweeping apologies for histories of White supremacist policing will not facilitate transformative justice. In specific places, police and other state officials need to atone for specific histories of policing, and to convince their own publics of a substantive break from past, and too often present, police cultures and practices. It is, therefore, important that reconciliation efforts are participatory and localized. Police and publics must be broadly engaged in steps toward transformative racial justice, and address specific legacies in particular community contexts. Contemporary police officers and officials are likely strongly affected by legacies of racial violence in their communities. They may live and/or work in areas marked by extreme racial socialization, legal cynicism, material dispossession, and local subcultures of violent dispute resolution, among other suspected legacies. Importantly, these legacies are likely to function at social ecological levels, including development of community boundaries, police organizational cultures, and systems of government oversight. As such, their remnants are not only or primarily confined to individual actors (e.g., White supremacist “bad apples”). This means that remedial efforts should engage whole police organizations and their cultures, and the broader public, in localized, participatory, and targeted redress.

Explicit and Robust Protections from White Supremacism in Policing

The violence of White supremacy in policing—operating in cultural, physical, and structural forms that combine to deny human and civil rights—must inform contemporary transformative justice measures, including more explicit and robust protection from its considerable threat. Such protection might include “hypersurveillance” and zero tolerance of racist sympathies, whether expressed in social media, attire, tattoos, or other discourse. Dismissals of racist discourse as “personal feelings” or unfortunate but benign aspects of police “canteen culture” (Waddington 1999, p. 288) must give way to a recognition of its threats to human and civil rights. Moving towards explicit and robust protection should also involve more concerted efforts to police racial terror organizations, including their attempts to infiltrate police organizations and cultures. Calls for national and otherwise independent police incident reviews may also bolster protection from White supremacy in policing, reducing possibilities for bias in state and local police and prosecutorial responses.

I realize that seeking government protection from White supremacy in policing collides with a history largely defined by complicity and indifference. Importantly too, there are few signs of apparent support in contemporary administrations. Yet state and federal police and courts, along with other state actors and institutions, have played important roles in combating White supremacy in policing and elsewhere (Cunningham 2013), and will remain essential to securing human and civil rights. These protections, such as they are, emerge through political struggle over policing functions of the state, which should not be limited to local, state, or even national contexts. Notably, the *We Charge Genocide* petitions for United Nations protection from White supremacist violence reminds us of the global context of the struggle, as

do global dimensions of White supremacy in policing. Indeed, recent gains in confronting the racist Chicago police torture cases came when local organizations, including one called We Charge Genocide, brought their claims to the United Nations, creating an “international spotlight” which pressured local, state, and federal officials to investigate, prosecute implicated officers, provide reparations, and pursue other remedial efforts (Hamilton and Foote 2018, pg. 408).

While the centuries old specter appears likely to remain, we must continue to contest White supremacy in policing, in part by maintaining the “red record” and telling its stories, and by demanding explicit and robust commitments of state and non-state actors to combat these threats. Ultimately, such protections will hinge on the public recognizing its interest in opposing this affront to collective wellbeing. The body politic must reject White supremacy in policing—acknowledging and opposing its degradation of civil society—and demand as much of the state.

Much of the public opposes state violence, particularly in policing, but this opposition is countered by others who endorse White supremacy in policing, historically and today, and often from seats of power. The endorsements of the latter group reproduce White supremacy in policing whether actively through explicit animus, more subtly through support of race coded and repressive policies, or through acceptance of impunity in the wake of racist police violence and other injustice. Intensification of the struggle for and against White supremacy in policing is evident today in unvarnished displays. State legislators have advocated lynching other officials and residents who remove or vandalize confederate memorials, desperately holding on to both the Lost Cause and old strategies of racial terror (Sanford 2017; Suntrup 2017). A decade after the FBI warned of the infiltration of White supremacists in U.S. law enforcement, and just two years after the since ousted FBI director called on law enforcement to face the “cultural inheritance” of White supremacist policing, the present administration is constructing rationales and policy directives to reinvigorate its threat. A 2017 FBI Intelligence Assessment contends that “Black Identity Extremists” are likely to target police officers with retaliatory violence (Winter and Weinberger, 2017), constructing a legal rationale by which to equate antiracist activists and White supremacist organizations, and to criminalize and violently repress protests of state violence. Meanwhile, across the United States and a growing list of national contexts, including England, Brazil, Canada, and France (Tharoor 2016), Black Lives Matter activists continue to press civil authorities to eradicate racialized police violence, sustaining and extending historical opposition to this global ordeal.

It is difficult to imagine any near term eradication of White supremacy in United States (or global) political culture, including its expressions in policing. However, there is more that we can and must do to lessen its public safety threat, and the degradation of civil society. Political behavior is understood as a locus for collective memory in nation states. This understanding is accompanied by the belief that states can, via transitional justice, “free political behavior from the trappings of the past” (Curry 2007, p. 58), but only if aggressors and aggrieved work collectively toward redress through transformative justice measures. This is clearly not who, or where, *We the People* are yet, but police leaders have signaled some willingness to confront this living history. It is clear to me that a useful starting point for transforming U.S. political culture, including police-community relations, is to face the festering history of White supremacy in policing in the fullest sense of the term. Perhaps then we can eventually come to share that enviable White vigilante *Bald Knobbers’* assessment that, “peace and quiet prevail supreme...protection to everyone is guaranteed...[and] civil authorities and the courts of our country can and will guarantee protection to life, liberty and property” (Upton 1970, p. 94).

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NOTE

1. In his April 1963 letter, Dr. King proclaimed, “Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly” (reprinted in King 1964).

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