

2015

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Recommended Citation

Samuel Vincent Jones, Law Enforcement and White Power: An F.B.I. Report Unraveled, 41 T. Marshall L. Rev. 103 (2015)

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LAW ENFORCEMENT AND WHITE POWER: AN FBI REPORT UNRAVELED

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Because of intensifying civil strife over the recent killings of unarmed Black men, women, and boys, many Americans are wondering, “What’s wrong with our police?”¹ Remarkably, one of the most compelling but

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1. See Sandhya Somashekhar et al., WASH. POST (Aug. 8, 2015), <http://www.washingtonpost.com/sf/national/2015/08/08/Black-and-unarmed> (noting that police violence against Black males is alarmingly high, pointing out that Black men are seven times more likely than White men to be killed by law enforcement officers when unarmed); see also *The Counted: People Killed By Police In The U.S.*, THE GUARDIAN, <http://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-police-killings-us-database> (showing a recent study which indicates that law enforcement officers have killed approximately forty-seven Black males since the beginning of 2015; including, but not limited to, Brian Pickett (tased to death on January 6, 2015); Artago Howard (shot and killed on January 8, 2015); Demaris Turner (shot and killed on January 23, 2015); Jeremy Lett (shot and killed on February 5, 2015); Terry Price (tased to death on February 21, 2015); Calvin Reid (tased to death on February 22, 2015); Glenn Lewis (shot and killed on February 25, 2015); Charly Keunang (shot and killed on March 1, 2015); Darrell Gatewood (tased to death on March 1, 2015); Thomas Allen Jr. (shot and killed on March 1, 2015); Andrew Williams (shot and killed on March 6, 2015); Bernard Moore (struck by a police car and killed on March 6, 2015); Naeschylus Vinzant (shot and killed on March 6, 2015); Tony Robinson (shot and killed on March 6, 2015); Anthony Hill (shot and killed on March 9, 2015); Terrance Moxley (tased to death on March 10, 2015); Askari Roberts (tased to death on March 17, 2015); Brandon Jones (shot and killed on March 19, 2015); Denzel Brown (shot and killed on March 22, 2015); Dominik Wise (tased to death on March 30, 2015); Donald Ivy (tased to death on April 2, 2015); Eric Harris (shot and killed on April 2, 2015); Walter Scott (shot and killed on April 4, 2015); Frank Shephard III (shot and killed on April 15, 2015); Darrell Brown (tased to death on April 16, 2015); Norman Cooper (tased to death on April 19, 2015); William Chapman II (shot and killed on April 22, 2015); David Feliz (shot and killed on April 25, 2015); Bryan Overstreet (struck by a police car and killed on April 28, 2015); Brendon Glenn (shot and killed on May 6, 2015); Jason Champion (struck by a police car and killed on May 6, 2015); Sam Holmes (shot and killed on May 8, 2015); DaJuan Graham (tased to death on May 12, 2015); Richard Davis (tased to death on May 31, 2015); Ross Anthony (tased to death on June 8, 2015); Alan Williams (struck by a police car and killed on June 13, 2015); Kris Jackson (shot and killed on June 15, 2015); Kevin Bajoie (tased to death on June 20, 2015); Spencer McCain (shot and killed on June 25, 2015); Kevin Judson (shot and killed on July 1, 2015); George Mann (tased to death on July 11, 2015); Salvado Ellswood (shot and killed on July 12, 2015); Darius Stewart (shot and killed on July 17, 2015); Samuel DuBose (shot and killed on July 19, 2015); Troy Robinson (tased to death on August 6, 2015); Christian Taylor (shot and killed on August 7, 2015); and, Asshams Manley (shot and killed on August 14, 2015)); see also Kali Nicole Gross, *Silence on Black Female Victims Weakens Fight Against Police Brutality*, HUFFINGTON POST (Apr. 19, 2015), http://www.huffingtonpost.com/kali-nicole-gross/silence-on-Black-female-victims_b_7092128.html, (noting that Black females have reportedly comprised nearly 20% of the deaths of unarmed Blacks killed by police in the last 15 years).

unexplored explanations may rest with an FBI warning of October, 2006, which reported that “[W]hite supremacist infiltration of law enforcement” represented a significant national threat.²

Several key events preceded the report. A United States District Court found that members of a Los Angeles sheriffs department formed a neo Nazi gang, and habitually terrorized the Black community.³ Later, the Chicago police department fired Jon Burge, a detective with reputed ties to the Ku Klux Klan, after discovering he tortured over 100 Black male suspects.⁴ Thereafter, the Mayor of Cleveland discovered that many of the city police locker rooms were infested with “White Power” graffiti.⁵ Years later, a Texas sheriff department discovered that two of its deputies were recruiters for the Klan.⁶

In near prophetic fashion, after the FBI’s warning, White supremacy extremism in the United States has increased exponentially. From 2008 to 2013, the number of White supremacist groups reportedly grew from 149, to

2. FBI Counterterrorism Division, *(U) White Supremacist Infiltration of Law Enforcement*, F.B.I. INTELLIGENCE ASSESSMENT, at 2-3 (Oct. 17, 2006), <http://s3.documentcloud.org/documents/402521/doc-26-White-supremacist-infiltration.pdf>. See R. M. Schneiderman, “I Was an Undercover White Supremacist,” NEWSWEEK (Nov. 21, 2011), <http://www.newsweek.com/my-life-white-supremacist-66247> (calling attention to a 2009 Department of Homeland Security report that warned “right-wing extremism is likely to grow in strength.”).

3. See *Thomas v. Cty. of L.A.*, 978 F.2d 504 (9th Cir. 1992), amended 1993 U.S. App. LEXIS 2165 (9th Cir. 1993). Hector Tobar, *Deputies in ‘Neo-Nazi’ Gang, Judge Found: Sheriff’s Department: Many at Lynwood Office Have Engaged in Racially Motivated Violence Against Blacks and Latinos, Jurist Wrote*, L.A. TIMES (Oct. 12, 1991), http://articles.latimes.com/1991-10-12/local/me-107_1_deputy-county.

4. G. Flint Taylor, *The Chicago Police Torture Scandal: A Legal and Political History*, 17:329 CUNY L. Rev. 330, 355 (2015). Carla Murphy, *Free After 3 Years: Chicago’s Jon Burge Who Tortured 100 Black Men*, COLORLINES (Oct. 2, 2014, 12:58 PM), <http://www.colorlines.com/articles/free-after-3-years-chicagos-jon-burge-who-tortured-100-Black-men>.

5. See Karin Scholz & Ted Wendling, *Racist Graffiti in the Cleveland Police Department*, THE PLAIN DEALER (July 22, 1999), http://www.mdcbowen.org/p2/bh/racist_graffiti_in_the_cleveland.htm (discussing that Cleveland police officers in at least half of Cleveland’s police districts were found to have scrawled racist or Nazi graffiti throughout their locker rooms).

6. *Texas Officers Fired for Membership in KKK*, ABC NEWS (Jun. 20, 2001), <http://abcnews.go.com/US/story?id=93046>; Lubbock Avalanche J., *Two Williamson County Lawmen Fired for KKK Activity*, ASSOC. PRESS (Jun. 19, 2001), http://lubbockonline.com/stories/061901/upd_075-3886.shtml#.Vd9ASuerau5. See Michael Winter, *KKK Membership Sinks 2 Florida Cops*, USA TODAY (July 14, 2014, 6:46 PM), <http://www.usatoday.com/story/news/nation/2014/07/14/florid-police-kkk/12645555> (discussing Two Florida law enforcement officers found to be members of the Ku Klux Klan).

nearly 1,000, with no apparent abatement in their infiltration of law enforcement.⁷

This year, at least seven San Francisco law enforcement officers were suspended after an investigation revealed they exchanged numerous “White Power” communications laden with remarks about “lynching African Americans and burning crosses.”⁸ Three reputed Klan members that served as correction officers were arrested for conspiring to murder a Black inmate.⁹ At least four Fort Lauderdale police officers were fired after an investigation found that the officers fantasized about killing Black suspects.¹⁰

The United States does not publicly track White supremacists, so the full range of their objectives remain murky.¹¹ Although, Black and Jewish-

7. Mark Berman, *The Current State of White Supremacist Groups in the U.S.*, WASH. POST (Dec. 30, 2014), <http://www.washingtonpost.com/news/post-nation/wp/2014/12/30/the-current-state-of-white-supremacist-groups-in-the-u-s> (reporting that White supremacist groups grew from 149, to nearly 1,000, between the years 2008 and 2013).

8. Timothy Williams, *San Francisco Police Officers to Be Dismissed Over Racist Texts*, N.Y. TIMES (Apr. 3, 2015), <http://www.nytimes.com/2015/04/04/us/san-francisco-police-officers-to-be-dismissed-over-racist-texts.html>.

9. Jessica Chasmar, *KKK-affiliated Prison Guards Charged with Plot to Murder Black Prison Inmate*, WASH. TIMES (Apr. 2, 2015), <http://www.washingtontimes.com/news/2015/apr/2/kkk-affiliated-corrections-officers-charged-with-pl/>.

10. See Bob Norman, *Girlfriend: Fort Lauderdale Police Officer Idolized 'Django Unchained' Slave Master*, LOCAL 10 NEWS (Mar. 24, 2015, 3:40 PM), <http://www.local10.com/news/active-cases-involving-fired-fort-lauderdale-police-offices-could-lead-to-dismissals/31969432>. See also Travis Gettys, *Prosecutors Drop Dozens of Cases Linked to Florida Cops Who Fantasized About Executing Black suspects*, RAW STORY (Apr. 10, 2015, 9:45 AM), <http://www.rawstory.com/2015/04/prosecutors-drop-dozens-of-cases-linked-to-florida-cops-who-fantasized-about-executing-black-suspects>; see also William Thornton, *Former Anniston Police Officer Files Appeal of Firing Over Hate Group Affiliation*, ALA. NEWS, http://www.al.com/news/anniston-gadsden/index.ssf/2015/07/former_anniston_police_officer.html#incart_related_stories (last updated July 13, 2015, 6:19 PM) (describing Alabama police officer linked to White supremacist group); *Louisiana cop is fired after he was pictured giving a Nazi salute at KKK rally*, September 3, 2015, Daily Mail, available at <http://www.dailymail.co.uk/news/article-3221555/Louisiana-cop-fired-pictured-emerges-giving-Nazi-salute-KKK-rally.html#ixzz44utMhUoK> (September 3, 2015) (Lake Arther police department fired Officer Raymond Mott after a photograph emerged of him giving a Nazi salute at a Ku Klux Klan rally).

11. See Renee Lewis, *No Police Screening for KKK, Hate Group Membership, Florida Case Shows*, ALJAZEERA AM. (July 15 2014, 2:30 PM) <http://america.aljazeera.com/articles/2014/7/14/kkk-florida-police.html>. See also Marc Fisher, *Lone Wolf Extremists Like Dylann Roof are Easy to Develop but Hard to Track*, WASH. POST (June 25, 2015), http://www.washingtonpost.com/politics/lone-wolf-extremism-easy-to-form-difficult-to-track/2015/06/25/121d981e-19e7-11e5-93b7-5eddc056ad8a_story.html (explaining threat posed by “lone wolf” White supremacist because of law enforcement’s failure to track them); see also Jerome P. Bjelopera, *The Domestic Terrorist Threat: Background and Issues for Congress*, CONG. RES. SERV. (Jan. 17, 2013), <https://www.fas.org/sgp/crs/terror/R42536.pdf> (noting that

Americans are believed to be the foremost targets of White supremacists, recent attacks in Nevada,¹² Wisconsin,¹³ Arizona,¹⁴ Kansas,¹⁵ and North Carolina,¹⁶ demonstrate that other non-Whites, as well as religious and social minorities, are also vulnerable. Perhaps more alarmingly, in the last several years, White supremacists have reportedly murdered law enforcement officers in Arkansas,¹⁷ Nevada,¹⁸ and Missouri.¹⁹

the federal government lacks a process for publicly designating “domestic terrorist organizations”).

12. See David Neiwert, *Man and Woman With Alleged White Supremacist Ties Kill Two Las Vegas Police Officers, Bystander Before Killing Selves*, S. POVERTY LAW CTR. (June 9, 2014), <http://www.splcenter.org/blog/2014/06/09/man-and-woman-with-alleged-white-supremacist-ties-kill-two-las-vegas-police-officers-bystander-before-killing-selves/>.

13. See Tom Cohen, *Wisconsin Gunman's Army Base Had White Supremacists*, CNN, <http://www.cnn.com/2012/08/08/us/military-white-supremacists/> (last updated Aug. 8, 2012, 7:23 PM) (discussing that a White supremacist attacked a Sikh temple in Milwaukee, killing six people and wounding four others, “including a police officer”).

14. See Tyler Fingert & Paige Shacklett, *White Supremacist Accused in Phoenix Ax Murder*, AZ CENT. (Dec. 12, 2014, 3:37 PM), <http://www.azcentral.com/story/news/local/phoenix/2014/12/12/phoenix-police-supremacist-gang-member-arrested-ax-murder-abrk/20298729/>. See also Denise Oliver Velez, *White Supremacist Suspect Arrested for AZ Shooting Rampage*, DAILY KOS (Mar. 19, 2015, 5:15 AM), <http://m.dailykos.com/story/2015/03/19/1371898/-White-Supremacist-suspect-arrested-for-AZ-shooting-rampage> (discussing a White supremacist who opened fire inside a Phoenix motel room, “killing a man and wounding two women before shooting three more people as he sought to elude” police).

15. Kevin Murphy, *White Supremacist Pleads Not Guilty in Kansas Jewish Center Killings*, REUTERS (Mar. 27, 2015, 7:04 PM), <http://mobile.reuters.com/article/idUSKBN0MNI20150327>.

16. Josh Levs, *Suspect in North Carolina College Killing Captured Sleeping on Beach*, FOX 59 (Apr. 14, 2015, 7:44 AM), <http://fox59.com/2015/04/14/suspect-in-north-carolina-college-killing-captured-sleeping-on-beach/> (reporting a White supremacist shot and killed his former employer).

17. See David Neiwert, *Two More Police Officers Killed, Two Wounded In Shootouts With Apparent White Supremacists*, CROOKS & LIARS (May 21, 2010, 10:30 AM), <http://crooksandliars.com/david-neiwert/two-more-police-officers-killed-two> (White supremacists killed two police officers and wounded two more following a traffic stop in West Memphis, AK).

18. See Ryan Gorman & Lydia Warren, *White Supremacist Couple Who Killed Two Cops and an Innocent Walmart Shopper 'Wanted to Overthrow the Government and Liked To Dress Up as the Slender Man'*, DAILY MAIL, <http://www.dailymail.co.uk/news/article-2652306/BREAKING-As-five-people-feared-dead-Las-Vegas-shooting.html> (last updated June 9, 2014, 12:09 PM) (discussing a White supremacist couple who killed two police officers in Nevada).

19. See *White Supremacist Shoots Two Deputies in Ambush in Missouri*, FUGITIVE (Oct. 12, 2013), <http://www.fugitive.com/2013/10/12/White-supremacist-shoots-two-deputies-in-ambush-in-missouri/> (discussing a White supremacist baited police officers to his house before ambushing them).

In fact, the FBI reports that of the 565 law enforcement officers killed during felony incidents from 2004 to 2013, White citizens killed the majority of them.²⁰ Of the citizens stopped by law enforcement officers in New York City, and Chicago, White citizens were more likely to be found with guns and drugs.²¹ Given the White supremacist penchant for violence, guns, and drug trafficking, the findings may be an indication that their network is just as destructive and far-reaching as that of foreign terrorist groups.²²

The unfortunate consequence of today's threat is that a law enforcement officer may be good or bad, a villain or hero; one exceptionally prone to exhibit malicious forms of racial hatred, or distinctively suited to protect the racially oppressed. But the paradox doesn't end there.

The White supremacist threat brings to light a dark feature of the American experience that some believed extinct.²³ It rouses ingrained

20. *2013 Law Enforcement Officers Killed and Assaulted*, THE FBI, http://www.fbi.gov/about-us/cjis/ucr/leoka/2013/tables/table_44_leos_fk_race_and_sex_of_known_offender_2004-2013.xls#disablenobile (last visited Mar. 25, 2016) (displaying that White offenders killed majority of police officers from 2004-2013).

21. Jeremy Gomer, *Chicago Police Stop Black Motorists More, ACLU Finds*, CHI. TRIB., (Dec. 26, 2014, 5:06 AM) <http://www.chicagotribune.com/news/ct-driving-while-Black-met-20141225-story.html> (reporting that Blacks were more likely to be stopped, but less likely to be found with contraband); Aviva Shen, *White People Stopped By New York Police Are More Likely To Have Guns Or Drugs Than Minorities*, THINKPROGRESS (May 22, 2013, 12:20 PM), <http://thinkprogress.org/justice/2013/05/22/2046451/White-people-stopped-by-new-york-police-are-more-likely-to-have-guns-or-drugs-than-minorities/> (discussing the likelihood of finding a weapon on Blacks is half the likelihood of finding one on Whites).

22. See DAVID J. CASPI, *IDEOLOGICALLY MOTIVATED MURDER: THE THREAT POSED BY WHITE SUPREMACIST GROUPS* 5 (2013) (explaining that White supremacist extremists have engaged in a plots designed to cause catastrophic harms to Americans, including, but not limited to, a 1997 plot by three Ku Klux Klan members "to blow up a natural gas refinery which could have resulted in as many as 30,000 deaths", "stockpiling sodium cyanide, explosives, machine guns, and ammunition", and an attempt "to acquire chemical weapons and explosives for the purpose of attacking government buildings"). See also Sumit Galhotra, *Domestic Terror: Are We Doing Enough To Combat the Threat From Within?*, CNN, <http://www.cnn.com/2012/09/16/us/domestic-terrorism/> (last visited Sept. 17, 2012, 8:42 AM) ("35 terrorist incidents occurring in the United States" between 2004 and 2011, 25 of which "were linked to domestic terrorists").

23. See Reiland Rabaka, *The Souls of White Folk: W.E.B. Du Bois's Critique of White Supremacy and Contributions to Critical White Studies*, 29(2) ETHNIC STUD. REV. 1 (2006) (noting that because legalized racial segregation ended, some do not perceive "White supremacy" ideology to refer to "contemporary racial and social conditions"); EVELYN A. SCHLATTER, *ARYAN COWBOYS: WHITE SUPREMACISTS AND THE SEARCH FOR A NEW FRONTIER 1970-2000*, 161 (2006) (noting that "[W]hite supremacists have [not] faded away" and that White nationalism has emerged as a "new facet of a larger supremacist context," wherein thousands of people in this country either are directly involved with White supremacist groups or "sympathize with some of or all of their goals and messages.").

notions of distrust between police and communities of color, while bringing to bear the vital interest citizens of good will share in the complete abolishment of race as a judgmental factor.²⁴

As the nation struggles to resolve the perplexities of police brutality, the White supremacist threat should inform all Americans that today's civil discord is not borne out of a robust animosity towards law enforcement, most of whom are professional; rather, it is more representative of a century-old ideological clash, which has ignited in citizens of good will a desire to affirm notions of racial equality, so that the moral ethos of American culture is a reality for all.

24. See Charles M. Blow, *Police Abuse Is a Form of Terror*, THE N.Y. TIMES (Aug. 12, 2015), http://www.nytimes.com/2015/08/13/opinion/police-abuse-is-a-form-of-terror.html?_r=0 (discussing the degree of fear and anxiety Blacks feel in response to police brutality).