

Problems with White Extremists in Law Enforcement

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ABSTRACT

On May 25, 2020, African American George Floyd was arrested and killed by a white Minneapolis police officer. The officer, Derek Chauvin, knelt forcefully on Floyd's neck, and in effect crushing Floyd's wind pipe. Three other officers were involved, two helping to restrain Floyd, and another standing guard between witnesses and the actual killing. Eight minutes passed and Floyd was dead. Video taken by onlookers was posted world-wide which led to protests and riots in Minneapolis and throughout the United States? Protests also broke out in countries around the world, most notably Europe. Absent the video, the question being asked is how many more killings are taking place at the hands of the police, specifically black men. One year later, Chauvin was convicted in the murder of George Floyd and the remaining officers are being prosecuted at the moment.

Keywords: Critical Race Theory; Clearly law enforcement; Racist

INTRODUCTION

The cause of the protests and rioting at the time of Floyd's murder has not only been the result of Floyd's death, but the deaths of African American men and women at the hands of police. This is why Floyd's death unleashed a rage among African Americans, triggering protests and violence. But the protests were not only a reaction to lethal force; it was also a continuation of the vestiges of white racism in the United States. The ACLU has documented accounts of police harassment, intimidations, 4th and 5th Amendment violations, civil rights and civil liberty violations, and excessive force and brutality. The Innocence Project has documented disproportionately high numbers of African Americans who have been charged, tried, and convicted, to only be exonerated at a later date [1].

Clearly law enforcement, district attorneys, and the criminal justice system have been to blame. This is what is understood as systemic and institutional racism and Critical Race Theory (CRT) attempts to understand, analyze and advocate, while countervailing forces attempt to silence, specifically within in school curriculums around the United States. Furthermore, CRT scholars argue that its purview also includes the "socially constructed" identities of race, including ethnicities, gender, social class, class status, class stratification, and ideology and

non-Western beliefs. Ironically, censoring CRT methodology is proof itself of white privilege and supremacy.

LITERATURE REVIEW

Rogue law enforcement

Law enforcement in the United States has been increasingly attracting white supremacists and alt-right extremists. An FBI report, "White Supremacist Infiltration of Law Enforcement" Federal Bureau of Investigation, 2006, identifies white nationalist and supremacist groups that continue to be hired by law enforcement agencies. The investigation warned that white "skin heads" were infiltrating law enforcement as "ghost skins" in order to provide a "legal" outlet for racist action. The covert identity is to conceal "overt displays" of white racism, thus countering what they believe to a backlash on white America [2].

In 2006 the Los Angeles County Sheriff's Office discovered that a neo-Nazi gang had formed within the Department. Similar investigations around the country have revealed that officers, and entire agencies, had ties with hate groups in states such as Illinois, Ohio Arizona and Texas. This has been corroborated by an October 17, 2006 Intelligence Assessment from the FBI Counterterrorism Division which detailed the threat of white nationalists and skinheads infiltrating police. Their point of

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their infiltration: To harass minorities and disrupt police investigations against racists and racist police themselves. The FBI report titled, “White Supremacist Infiltration of Law Enforcement,” found that the use of racist tactics of intimidation, brutality and protecting fellow racist cops from prosecution was, sadly, a highly effective recruitment tool for like-minded supremacists [3].

In 2009, the US Department of Homeland Security issued a report on right-wing extremism and its relationship to “violent radicalization” in the United States. In the report, “Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment,” April 7, 2009, Federal law enforcement agencies, according to the report had been alerted to an extremist threat in which state and local law enforcement have infiltrated these agencies and that other personnel are sympathetic to these groups and their cause. An FBI Counterterrorism Policy Guide, Federal Bureau of Investigation, 2015, gave greatest priority to the investigation of “domestic terrorism” focusing on militia extremists, white supremacist extremists, and sovereign citizen extremists, whose identifiable links connected to law enforcement personnel.

On June 4, 2019, an FBI report from the Counterterrorism Division, “Confronting White Supremacy,” and June 4, 2020, FBI “Domestic Terrorism Conference Report,” described in detail the threat that white supremacist groups present to minorities and the public at large. On June 17, 2020, the Center for Strategic and International Studies (CSIS) described, in their report, the deepening concern that white nationalist groups present to democracy itself. And on July 11, 2020, the PBS News Hour examined the growth of the Alt-right in a report, “Should the US designate racial violence as terrorism?” The conclusion was not only in the affirmative but also concluded that racial terrorism is as much a concern as Islamic terrorism.

The Center for Investigative Reporting published an investigation in 2019, that found thousands of active-duty and retired law enforcement officers were members of militia groups ranging from Confederate-sympathizing, anti-Islam, or anti-government. They were both active and interactive with each other on Facebook. Members of these groups are unabashed racists. They have been linked to groups like the Oath Keepers and Three Percenters, whose purpose is to defend white Americans from “enslavement” and the flood of immigrants, legal or otherwise. The investigation reported that active membership in these groups included active-duty and retired law enforcement officers. They are highly involved with explicitly racist Facebook groups such as “Veterans against Islamic Filth” (the group deliberately lowercases “Islamic” in its name) and “PURGE WORLDWIDE (The Cure for the Islamic disease in your country).”

The more subterranean groups such as the “Patriots for the Reclamation of America,” and the Los Angeles County Sheriffs, City of Compton, “Executioners.” Even Netflix in a series, “Alt-Right: Age of Rage,” identifies the Alternative Right and the Aryan Brotherhood, and its ostensible leaders, Richard Spence and Jared Taylor, as incendiary in their goals to maintain white identity. They argue that white America is being destroyed by integrating different cultures and identities and that Western

white culture is threatened with extinction. The head of the Oath Keepers movement, Stewart Rhodes, proclaimed in 2009, that the anti-government group includes thousands of “retired and active” police, sheriffs, and marshals. On May 30, during protests in New York City, an NYPD officer was making hand gestures (similar to those used by gang members) that have been linked to white supremacist groups, later reported to the New York Attorney General’s office.

The Plain View Project, a database of public Facebook comments made by nearly 2,900 current and former police officers in eight cities, suggests that nearly 1 in 5 of the current officers identified in the study made public posts or comments that appear “to endorse violence, racism and bigotry,” as reported by Buzz feed News and Injustice Watch in a study of the database. In fact, there are 1269 identified problematic posts from active duty Philadelphia police officers on the site. Of the 1073 Philadelphia police officers identified by the Plain View Project, 327 of them posted public content endorsing violence, racism and bigotry. Of those 327, at least 64 hold leadership roles within the force, serving as corporals, sergeants, lieutenants, captains, or inspectors.

Another example of racism and white supremacists in law enforcement can be traced to the 1990s in which a federal judge discovered that a “neo-Nazi, white supremacist gang” of Los Angeles police deputies – “the Vikings” – operated in the police department with full knowledge of the leadership. In San Francisco from 2015-2016, law enforcement attempted to terminate the employment of 17 police officers after an investigations revealed racist text messages were being sent within the ranks. Moreover, the Ku Klux Klan historically has been connected to local law enforcement. In 2014 a police department in Central Florida terminated the employment of two officers, one being the deputy chief of police, for membership in the KKK. In 2015, a police officer in North Carolina was photographed giving a Nazi salute at a KKK rally. The failure of police leadership to take disciplinary action on their own officers regarding excessive force and/or racist conduct is inherent to these agencies.

Derek Chauvin, the police officer charged with George Floyd’s death, had been under investigation for over 17 documented complaints. None of those complaints resulted in disciplinary action while only a few resulted in a letter of reprimand placed in his file. The Minneapolis Police Department refused to disclose the exact nature of the investigations or reprimands. The refusal to disclose these disciplinary actions speaks to a larger issue of transparency and public accountability. Between 2011 and 2015, the NYPD recorded 319 law enforcement offenses, including harassment and assault in many cases. All offenses were “cause” for termination. Thirty-eight law enforcement officers were found guilty by police tribunals of excessive force, unnecessary and unprovoked fights during arrests, or firing weapons unnecessarily. Apparently internal investigations took little to no action on accusations of favoritism, racism, and unlawful interrogations to force confessions and guilty pleas.

Large cities such as Chicago also have struggles in holding police accountable. According to the Citizens Police Data Project, only 7 percent of complaints have resulted in disciplinary action.

These include allegations of law enforcement using racial slurs. In 2018, the chief of police in Elkhart, Indiana, failed to discipline an officer for racial slurs while simultaneously promoting him to sergeant. The chief had full knowledge that the officer was making numerous statements on “white power” on police communications according to Pro Publica. The “white power” motto has also been identified with Minneapolis Lieutenant Bob Kroll, who is president of the Police Officers Federation. He was named as a defendant in a lawsuit brought by four black Minneapolis law enforcement officers against the Minneapolis Police Department for discrimination. In the complaint, the allegation by the plaintiffs alleged that the Lieutenant displayed a “White Power badge” on his motorcycle jacket. Kroll, rejects the characterization, but has been heard frequently describing the Black Lives Matter movement as a “terrorist organization.”

The Obama administration made serious attempts to address police forces. In fifteen police departments throughout the United States, the administration legally forced these departments into consent decrees implementing reform. Under federal law the police departments were to commence with reforms from racial discrimination to brutality. In one case, the Justice Department report on its consent decree with Chicago revealed that the police department received over 30,000 complaints of officer misconduct in five years and determined that a systematic pattern of excessive force has undermined confidence within minority communities. But the new Trump administration sought to undue these reforms.

On March 31, 2017, Trump’s former attorney general, Jeff Sessions, ordered the Justice Department to review Obama-era consent decrees on police department reform. Sessions then curbed their use by requiring political appointees to sign off on any future settlements. The Trump administration restriction on the use of the decrees was characterized as a transition away from protecting civil rights to instead promoting “law and order.” This was continued by Trump’s next Attorney General William Barr, who supported Sessions’ policy. To date, the Trump administration has not issued any new consent decrees against police forces within the United States [4].

Not all law enforcement officers are members of racist or white supremacist groups. Nor do all law enforcement support alt-right ideology. Notable examples of strong relations with citizens and community-led policing in response to this past several week’s protests include New Jersey police officers marching with Black Lives Matters protestors, police chiefs listening to and walking with protestors, and police in both New York City and South Florida kneeling in solidarity with protestors. In Flint, Michigan, Genesee County Sheriff Christopher Swanson removed his riot gear and walked with marchers. In Long Beach, California, Chief Robert Luna fired a rogue officer for posting his picture on Facebook standing with his baton over blood.

To be sure, there are other issues needing attention. Qualified immunity for police and district attorneys, police (unidentified) infiltration disguised as protesters assaulting protestors and damaging property falsely blaming protestors. Most disturbing is the fictional account of the Antifascists (Antifa) as a violent

leftist terrorist group. Nothing could be farther from the truth. In an internal memorandum, FBI Director Christopher Wray, found no evidence of Antifa’s involvement in national unrest, specifically with the George Floyd protests and riots as falsely reported by The Nation, June 2, 2020. The Washington Field Office memo states that “no intelligence indicating Antifa involvement” was initiated during the protests, as erroneously stated from Trump, Attorney General Barr, and various right-wing news outlets such as FOX News. On June 12, 2020, the New York Times in “Federal Arrests Show No Sign That Antifa Plotted Protests,” cleared Antifa and on June 22, 2020, the New York Times, “41 Cities, Many Sources: How False Antifa Rumors Spread Locally,” described how propaganda against Antifa was spread through the media community, most likely from conservative politicians and political action committees [5].

DISCUSSION

The attempt was to falsely blame the uprising on an orchestrated group such as Antifa, according to Glenn Kirschner, former FBI, and counterintelligence. Blaming a “left-wing” group was a ruse created to gaslight the public and diverts attention from the “right-wing” police tactics condoned by the Trump administration. Nevertheless, the trend has led to a violent insurrection and coup of the United States on January 6, that has as its core, white supremacists and alt-right fascist elements bent on what is described by FBI Director Christopher Wray as “domestic terrorism” initiated by a sitting President of the United States, Donald Trump, impeached for inciting its insurrection [6].

The training techniques involving the neck suppressing technique used on George Floyd have been taught to American law enforcement by the Israeli Defense Forces (IDF). The IDFs use the same techniques on Palestinians as reported by Amnesty International and also documented in The Progressive in “US Police Are Being Trained by Israel-And Communities of Color Are Paying the Price.” The police training tactics are sponsored by the American Israeli Public Affairs Committee (AIPAC), the Anti-Defamation League (A-DL), which in turn sponsors the American Jewish Committee Project Interchange Institution and the Jewish Institute for National Security Affairs [7].

The term “systemic racism” means that institutions produce and perpetuate racially disparate effects in the case of minority populations. Professor Bernard Harcourt of Columbia University Law School has conducted and compiled several empirical studies of systemic racism in law enforcement agencies. These include a wide range of police tactics which include the use of policies such as “stop and frisk” and the disparate rates of police activities including traffic stops, searches of motorists during traffic stops, levels of respect shown during stops, misdemeanor arrests, marijuana arrests, use of SWAT teams, individuals jailed for inability to pay petty fines, militarized policing of targeted neighborhoods, resolution of murders of white *versus* black victims, sustained complaints against police officers, and unarmed victims of police shootings. The evidence of links to explicit white supremacist groups is only the tip of a racist iceberg, according to Harcourt [8-10].

In *The Counterrevolution: How Our Government Went to War Against Its Own Citizens*, 2018, Harcourt argues that the effort to reduce crime in the United States initiated a terror campaign on its citizens, specifically African Americans, in much the same way the United States supported terror tactics in the Third World. Modern militarized police officers with tanks and drones have become pervasive tools along with government surveillance and profiling. Social media also serves to distract and track citizens from the fact that they have consciously or unconsciously surrendered rights to privacy, unauthorized surveillance, and unlawful searches and seizures. All of these, Harcourt contends, are facets of a new and radical governing paradigm in the United States - one that is rooted in the modes of warfare originally developed to suppress anticolonial revolutions and, more recently, to prosecute the war on terror. Harcourt provides a penetrating and disturbing account of the rise of domestic counterinsurgency, first as a military strategy, and secondly, as an increasing way of ruling ordinary Americans in an authoritarian manner.

CONCLUSION

Harcourt demonstrates how counterinsurgency's principles-bulk intelligence collection, ruthless targeting of minorities, misleading, gas lighting and pacifying propaganda-have taken hold domestically despite the absence of any radical uprising-that is, till recently with the nascent Minneapolis rioting and subsequent uprisings in urban America. This counterrevolution against phantom enemies, he argues, is the tyranny of government at the behest of the power elite. For Harcourt, seeing and identifying this is the first step in resistance to the white nationalist police state within America. So, the immediate task is twofold: Demand an end to police killings of innocent black men and resist descending into fascism.

One year after the death of George Floyd and last summer's riots, still remains to be seen if public policy and legal remedies can force police departments to extirpate the white racist and alt-right elements. As Martin Luther King states, "Morality cannot be legislated, but behavior can be regulated. Judicial decrees may not change the heart, but they can restrain the heartless."

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