Policing in the Trump Era: What We Now Know

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Abstract

The three panelists are all law professors who have worked or are working with community groups for racial justice. Together, we share different takes on two current political movements, Black Lives Matter and #MeToo, connecting them a selection of hot topics in criminal justice. Law often appears as neutral and logical, including Supreme Court cases that decipher individual rights under the First and Fourth and Fourteenth Amendments to the United States Constitution. This panel challenges that assumption. The rise of candidate then President Trump and his base have exposed a level of racism that most white Americans imagined had been relegated to the
history books making this an ideal time to challenge traditional narratives of crime and punishment as neutral systems.

Professor Adamson will discuss the marches and vigils sparked by killings of unarmed black men and the media portrayal of both the deaths and responding protests. Criminal courts, law enforcement and our mass media systems have an interdependent relationship. An anti-Black ideology is an intrinsic feature of the institutional arrangements between these groups, starting with the way police write reports that then become the basis upon which media constructs narratives of black crime and police killings. In turn, when it comes to the State response to Black Lives Matter protests, mass media acts to reify a majoritarian orthodoxy under which “Whiteness” and social stability are re-idealized and restored. This coverage serves to legitimize state violence against Black people and other marginalized groups. In his work, Professor Adams employs sociology, heuristics, media studies, critical race theory in addition to legal analysis.

Professor Farley explores surveillance, both the cameras on police vehicles and sousveillance, observation from below. Cameras are everywhere, theirs and, increasingly, ours. What is it we see when we look at these videos? And what difference does it make to see things through our own eyes? How do the racial narratives play out in this dynamic? It is supposed to expose racism, but perversely, these videos often serve to enforce roles as people internalize the white-over-black orientation of justice. Interestingly, the Russians sought to exploit American racism during the last election. What did they understand about racism here and did their views comport with reality? In his talk, Professor Farley builds on Foucault’s analysis of power and punishment and he looks at how modern problems still draw on the legacy of slavery.

Professor Ross critiques a current form of policing called stop and frisk, a common method of policing communities of color. There is much that the #MeToo movement can illuminate about stop and frisk, the policing practice where police detain people who are they deem “suspicious” in order to question them or get consent to search their pockets and pocketbooks. Feminist tools exposed sexual harassment and sexual abuse by listening to the stories of those affected, by a nuanced understanding of power dynamics, and by recognizing that consent is impossible within certain unequal relationships. These tools helped expose the scope of sexual abuse within the workplace. Applying these tools to stop and frisk reveals fatal flaws in Terry v. Ohio, the Supreme Court case that approved of stop and frisk fifty years ago. Turns out that the frisk often serves as a form of sexual abuse even when officers follow the guidelines provided by their department. We need a #HimToo movement for people like Eric Garner, who filed a lawsuit seven years before he was choked to death against officers for a frisk that caused “injuries to his manhood.” Turns out that the limits the Court placed on police in the name of the constitution during these stops are only paper rights, impossible to exercise on the street. The debate over stop and frisk came to signify Trump’s racially charged “law and order” message and deservedly so, because not only is the practice itself indefensible upon close inspection, but it also feeds into many other problems in criminal justice, including mass incarceration, a failed and racially unfair drug war, and unnecessary killings of civilians. The presentation will make use of
sociology, psychology, feminist and critical race theories in addition to traditional constitutional theory.