

ALLEGHENY COLLEGE

History 610
Senior Project

To What Extent Did Richard Nixon's Law and Order
Policies Create a Culture of Vigilantism in Law
Enforcement and Corrections?

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Department of History

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Abstract:

With this research I will be attempting to prove and understand why Richard Nixon's "Law and Order" policies create a culture of vigilantism in law enforcement and corrections. The research question that I will attempt to answer is: How did President Richard Nixon's 'Law and Order' support affect the behavior of corrections and law enforcement officers? I will investigate the intersection of Nixon's Law and Order policies with the rise of vigilantism in the 1970's. There is a plethora of literature on the subject in question. Policing and the "Police State" has become a hot topic in the past fifteen years. There are also reasons that vigilantism rates expanded rapidly. They will be outlined in the thesis for this composition. The reason for this was the rising of racial tensions post-Civil Rights Act. This then led to a rise of police unhappiness, and they felt that criminals got away with too much. This composition will strive to answer the research question of "To what extent did Richard Nixon's Law and Order Policies lead to the rise of vigilantism in Law Enforcement and Corrections." This senior composition will answer the question by creating three chapters. The chapters will be in the order of policing, police unions, and corrections. Police Unions will be a separate chapter because they work to protect the officers and local police department. They also work with the local government to approve new equipment and higher wages and better benefits for the department's officers. Police Unions work behind the scenes and this is separate from the actual work that police officers do.

Introduction:

Injustice has been a part of American society since its inception. People of Color have traditionally been feared and “othered” in society. Vigilantism is a part of society that can be extremely damaging. Vigilantism is rooted in deep fear and racism against minorities in this country. During the Vietnam War there became young people that were angry with the norms of society and they fought to change that. The older members of society rejected the counterculture of the younger generation. Politics came together and the older generation was able to come together and vote and get Richard Nixon elected president on his second try. Richard Nixon ran on Law and Order principles for his domestic agenda. Law and Order is a concept that can be agreeable for some people, but the execution of Law and Order policies can be uncertain. President Nixon was inaugurated in 1969. At this point in American history the Civil Rights Act was just signed into law in 1964. Racism was still rampant in society and especially in the legal system. There are many facets of the law that people deal with and at this time they were extremely unregulated. As the Vietnam War was happening new equipment for the military was being developed and old equipment was not needed for military use. President Nixon saw that this disused equipment needed use. When he signed Law and Order bills into law he gave local police departments these disused military equipment. While this law was not signed by President Nixon it was signed by his predecessor President Lyndon Baines Johnson. This law was called the Omnibus Crime Control and Safe Streets Act of 1968. The law's intent was to address rising crime rates and civil unrest in the United States, and it provided federal funding for a range of law enforcement and criminal justice programs. The passage of the law marked a significant

expansion of federal involvement in law enforcement and criminal justice in the United States. It also reflected growing concerns about crime and social unrest during a period of political and social upheaval. However, the law was also controversial, with critics arguing that it represented an infringement on individual rights and could lead to abuses of power by law enforcement agencies. To help understand and give context to what vigilantism is, the legal definition must be stated. According to the Merriam-Webster dictionary “a member of a volunteer committee organized to suppress and punish crime summarily (as when the processes of law are viewed as inadequate.)”¹ One must also note that vigilantism also can be warped in and be used as a social movement that regulates norms, social movements, regulations, and expectations. Vigilantism takes many forms and can be used by citizens and law enforcement alike. Racism is a part of the history and fabric of American society. As Bhattar states, “However, when examining the history and the facts surrounding the creation and implementation of the policing system in the US, it is clear that policing also shares a racially biased history.”² This othering of people of color has always been a part of American society since its inception. Othering of people of color in American society creates vigilantism. It was the law in fact. In the times of the Revolutionary War it was the law to help slave catchers and to run down any person of color that was said to be a runaway slave. Random citizens were deputized to catch people that were runaway slaves. They would have a description and any black person that walked by would be assumed to be the runaway

¹ Merriam-Webster, s.v. “vigilantism” accessed April 15, 2023, <https://www.merriam-webster.com/dictionary/vigilantism>

² Kala Bhattar, *The History of Policing in the US and Its Impact on Americans Today* (Birmingham, Alabama: University of Alabama at Birmingham Press, 2021), 1.

slave and they would be taken in. This is the definition of vigilantism. Citizens were instructed to take the laws into their hands.

This now translates to times of the 1970's where law enforcement directed members of society to neighborhood watch groups. Neighborhood watch groups are in practice potentially a positive idea. But, they give a false sense of security to the residents of a neighborhood. Neighborhood watches usually have a group of older members of the community. What neighborhood watch members are trained to do is patrol their neighborhood and if they believe that a crime was committed they are supposed to call the police and that is all they are supposed to do. What neighborhood watches can do is create vigilantism. This is because they feel empowered as neighborhood watchmen and they treat this serious task like their own job. As Darian-Smith states, "In neighborhood watch, control is implemented as the "people" appear to take the law into their own hands."³ This leads to higher levels of profiling and in turn vigilantism. Neighborhood watches also have been minimally successful in slowing down crime. As Darian-Smith states, "Despite claims to the contrary, Neighborhood Watch as a mechanism for crime prevention is not overwhelmingly successful-if successful at all."⁴

This senior thesis's goal is to show that while police perpetuate vigilantism there are still many different facets of vigilantism that must be investigated. Police officers are the only people that should carry out the enforcement of the law. There is a structural problem in our society if people feel that they feel demonized by police officers.

Structural problems also exist in our society if people in society feel that they must take

³ Eve Darian-Smith, "Neighborhood Watch—Who Watches Whom? Reinterpreting the Concept of Neighborhood." *Human Organization* 52, no. 1 (1993): 86, doi: 10.2307/2589461.

⁴ Darian-Smith, "Neighborhood Watch," 83.

the law into their own hands. It is a dangerous game because it can end with the person committing vigilantism in jail and it can end in situations with people killed. This is a real problem that needs solving. When the structure of society is broken it will slowly fall behind and crumble. To fix this structural problem, society must have full trust in policing and that they will be safe, courteous, and enforce the law without any vigilantism. If that is able to happen, members of society would slowly be able to regain their trust in the system of policing and make sure that they do not act as rogue vigilantes. The core aspects of justice and policing in society are police, police unions, and the corrections system. These systems in a perfect society would work in tandem and no one in our society would feel that they have to revert to vigilante justice. The reality is in the 1970's and even today is that the core aspects of justice and policing are not working properly together. One of the main issues is that there can be a lack of trust between the police and the communities they serve. This can stem from a range of factors, including historic injustices, systemic racism, and a lack of transparency and accountability in policing practices. Police want to maintain control over the way society creates laws and enforces them. As Tyler states, "the authorities' perspective on compliance has heavily focused on issues of social control."⁵ When there is a breakdown in trust between the police and the community, people may feel that they cannot rely on the justice system to protect them or to ensure that justice is served. Another issue is that the justice system can be slow and inefficient. This can lead to frustration and a sense of injustice among those who are waiting for justice to be served, particularly if they feel that the system is not working in their favor. Additionally, the justice system can be expensive, which can

⁵ Tom Tyler, *Why People Obey the Law* (Princeton: Princeton University Press, 2006), 71.

create a barrier to access for those who cannot afford to pay for legal representation or other associated costs. These issues can lead to a situation where some members of society feel that they have to take matters into their own hands and resort to vigilante justice. This can be a dangerous and potentially harmful situation, as it can lead to an escalation of violence and further breakdowns in trust and cooperation between different groups in society. Overall, it is clear that there are significant challenges facing the justice and policing systems in many societies. Addressing these challenges will require a concerted effort from all stakeholders, including government officials, law enforcement agencies, community leaders, and members of the public. By working together to build trust, increase transparency and accountability, and ensure that justice is served fairly and efficiently, it may be possible to reduce the need for vigilante justice and create a safer and more just society for all. The issue of vigilantism is connected to the breakdown in trust between the police and the communities they serve, as well as the inefficiencies and inequities of the justice system. When there is a lack of trust in the police and the justice system, people may feel that they cannot rely on these institutions to ensure their safety or deliver justice in a fair and equitable manner. This can lead to a situation where individuals or groups take matters into their own hands, seeking retribution outside of the established legal system. This form of vigilantism can be dangerous, potentially leading to further violence and mistrust among different groups in society. The causes of vigilante justice can be traced to a range of factors, including historic injustices, systemic racism, and a lack of transparency and accountability in policing practices. For example, in societies where there have been historical injustices perpetrated against certain communities, there may be a lack of trust in the police and

the justice system, which can lead to a sense of disillusionment and a belief that taking justice into one's own hands is necessary. As Skogan states, “with targeted individuals being the most negative. Differences in personal experience are also linked to race.”⁶ Additionally, the inefficiencies and inequities of the justice system can create frustration and a sense of injustice among those who are seeking justice, particularly if they feel that the system is not working in their favor.

Addressing the root causes of vigilantism requires a collaborative effort from all stakeholders, including government officials, law enforcement agencies, community leaders, and members of the public. Steps must be taken to build trust between the police and the communities they serve, through increased transparency and accountability in policing practices. Additionally, efforts must be made to make the justice system more efficient and equitable, reducing barriers to access and ensuring that justice is delivered in a fair and timely manner. By working together to address these issues, it may be possible to reduce the incidence of vigilantism and create a safer and more just society for all.

⁶ Wesley G. Skogan, “Asymmetry in the Impact of Encounters with Police”, *Policing and Society* 16, no. 2 (2006): 102.

Chapter One: Policing

Before undertaking a complex subject as vigilantism and the rise of it under a specific president one must examine policing. Policing is one of three core elements of the criminal justice system along with corrections and the courts. Each tenet of policing all operate with semi-independence, but their goal is to investigate potential criminal violations and punish violations. If these parts are working smoothly one would not see individuals feel that they must resort to vigilantism. Individuals working in the corrections and law enforcement would feel that they did not have to resort to vigilantism. In current times there are approximately 18,000 federal, state, tribal, and municipal law enforcement agencies.

Policing in America can be traced back to colonial times during slavery. Police were slave patrols and they were tasked with breaking up any insurgencies and sects within enslaved communities. Slave patrols were tasked with maintaining the order that white southerners desired and as Bhattar states “As a result, African American communities experienced an increase in violence committed against them in the form of police brutality.”⁷ Slave patrols eventually became police units and they began to rise in the Reconstruction Era. Enslaved peoples under captivity by their oppressors were becoming unruly and their Slave patrols became illegal after the abolition of slavery. The Ku Klux Klan used the tactics of slave patrols in later years to enact vigilantism against Black Americans. Organized policing in the United States was modeled off of policing in the United Kingdom. In 1838 in Boston Massachusetts the first organized police department was founded with full time officers. Policing has always been filled

⁷ Bhattar, *History of Policing*, 1.

with racial animus and fear of different creeds. This was even true with other officers in the department. Bernard McGinniskin was the first Irish Born police officer in the Boston Police Department. This created a stir and people got upset and the next Mayor of Boston fired him with no reason. But, with extensive criticism he was reinstated. This shows that organized policing since its inception in the United States has been plagued with animus of people's creed, race, and national origin. The Know Nothing Party had spread its roots well into Boston in the early 1850's. As Stevens states, "To the Boston men Assembled for the October 13, 1854 meet, no immigrant or Catholic was a 'real American.'"⁸ The Massachusetts State Senate at this time had all but four seats filled with members of the Know Nothing Party. This story serves as context to help one understand why there is racism and vigilantism in policing. Vigilantism has been incorporated into policing since its inception with the Boston Police Department.

The legal definition of vigilantism is taking the law into one's own hands and attempting to effect justice according to one's understanding of right and wrong; private enforcement of legal norms in the absence of an established, reliable, and effective law enforcement body. What also cannot be ignored is the fact that vigilantism can go through social movements that regulate norms, social movements, regulations, and expectations. In the case of Bernard McGinniskin, vigilantism from the then City Marshal of Boston Francis Tukey happened. He used the societal norm of Anti-Catholic and Anti-Irish bigotry to utilize vigilantism to fire him from the department. The story of Bernard McGinniskin shows that society can push to have a person that they like and want in their policing system for a time and then it gets pushed back on by the elites and

⁸ Peter F. Stevens, *Hidden History of the Boston Irish: Little-Known Stories From Ireland's "Next Parish Over"* (Charleston, South Carolina: The History Press, 2008), 22.

the people that are in charge. Sean McCarthy, a West Roxbury Police Department Officer remarked, “McGinniskin was the first one to break Yankee ranks - they didn't want him hired, but pressure from the community got him hired.”⁹ Community pressure can help get the police to stop vigilantism for a period of time. The public pressure to fight against anti-Irish sentiment in the 19th century worked for a time because it got McGinniskin to be a sworn officer. Then the powers that be were able to use vigilantism to fire Bernard McGinniskin from the department.

Vigilantism takes many different forms and it has been established that it can come from sworn police officers. It started and was rooted in racism and it was reaffirmed in “Law and Order” policies. “Law and Order” has a strong connotation to it and that affirms that the police have large power. It was played by conservative politicians in the 1960s. Arizona Republican Barry Goldwater who is dubbed the “father of modern conservatism” championed the phrase “Law and Order.” Police were able to do essentially anything that they wanted to do. As Lardner states “We don’t mind being accused of police brutality, they haven’t seen anything yet. . . . We’re going to use shotguns and dogs to stop them from now on. . . . Felons will learn that they can’t be bonded out of the morgue.”¹⁰ Police knew that they were able to utilize extra “leeway” in their policing. What has been established now is that police were able to use vigilantism because they knew that they could get away with excessive force. This is rooted in institutional racism in policing because in what was quoted above they do not seem to

⁹ John Floyd, *First Irish Officer in the Nation Bernard “Barney” McGinniskin* (Boston, Massachusetts: Massachusetts Cop Forum, 2006), 1.

¹⁰ George Lardner Jr., “Epidemic of “Law and Order,”” *The Nation*, February 19, 1968, 231.

care that they will be going after people of color. As Lardner states, “when he ‘declared war’ on lawbreakers in Miami’s Negro districts.”¹¹

The other argument that can be made for the rise of vigilantism at this time is an awe of law enforcement. This awe of law enforcement can lead to the rise of people wanting to be members of the law enforcement community. This can be a good thing to shed light to the general public on how policing in the field works and that is vitally important. There was a show that was shown on CBS for one season from 1963-1964 called “Lawbreaker.” It starred Frank Rizzo the former mayor of Philadelphia Pennsylvania and Lt. John A. Stevenson. In the article “Philly Police, including Frank Rizzo, starred in ‘obscure cop show,’” Rizzo and Stevenson reminisce on the show fondly as Farr states “Then, there he was standing there, my grandfather, and he talked and I went into tears. It was like seeing a ghost,” he said. “Here he was, standing there in his prime, and this was the story that we heard for all those years.”¹² The premise of the series was to go to a different city per episode. Then different officers would be interviewed on a particular arrest they made or a certain way they deescalated a situation. The officer would then recreate the above mentioned scene. This show gives a particularly interesting insight on how policing is done in the time of “Law and Order.” This series also shows the particular beliefs of members of society. But, it also gives a great insight into people that want to show that they are “tough on crime.” During the episode that was filmed in Philadelphia, Frank Rizzo was the star of this recreation. They were recreating a scene that happened on January, 14th 1959. A 48-year-old Charles Balster was accused of robbery and kidnapping and barricaded himself in his

¹¹ Lardner, “Epidemic of ‘Law and Order,’” 232.

¹² Stephanie Farr, “Philly Police, including Frank Rizzo, starred in ‘obscure cop show,’” *Philadelphia Inquirer*, July 23, 2016.

apartment with a shotgun. The police came to the apartment and Frank Rizzo was the man that was leading the arrest of the man. His goal was to make himself look like the man in charge. As Farr states “surrounded Balster's apartment, and officers and supervisors, including then-Inspector Frank Rizzo, gathered outside Balster's door in suits and classic police uniforms.”¹³ Frank Rizzo wanted to look and be mesmerizing in this TV series. He wanted to be remembered by the wider public as they were taking an extra look into policing. This was due to the fact this was in the middle of a presidential election cycle and Barry Goldwater as the Republican nominee for President first coined the term “Law and Order.” This series aired in the years of 1963-1964. Frank Rizzo then ran and campaigned to become the Police Commissioner of Philadelphia. He won the election in 1967 and then was sworn into office as commissioner in 1968.

These shows want to appeal to what the public thinks policing should be and that consequently leads to police doing what the public wants. The public during the law and order times wanted to see police take control of what they thought were rogue people in the cities wreaking havoc. They wanted this to stop through any means necessary and provided no checks on police. This show is significant because it helped police gain a rapport with the public. The public gave police blank trust and they ran with it and would use excessive force which constitutes vigilante justice. As Farr states, “Rizzo, who went on to become police chief and mayor, is impeccably groomed and dead serious in the episode. Among his few lines: ‘If we need [tear] gas, we'll let you know.’”¹⁴

What also must not be ignored is the fact that sheriffs and police commissioners have to be elected to the job. This in turn seems like it is giving a voice to the general

¹³ Farr, “Philly Police, including Frank Rizzo.”

¹⁴ Farr, “Philly Police, including Frank Rizzo.”

public and making them feel like they have some self determination of who is their leader in policing. But, what the general public has wanted is “Law and Order” and they wanted it done by any means necessary. This leads to a problem because older voters in society in the 1960s were racist. They did not like the fact that the Civil Rights Act passed and they believed that people in the cities, particularly black men and women, were mostly criminals getting up to mischief and needed stopping. As Lombardo states “by the 1970s, blue-collar identity politics became a means of obfuscating racial and gender discourses in debates over liberal programs like affirmative action, public housing, and school desegregation.”¹⁵ They wanted to elect the members of law enforcement that would help with that sentiment. Frank Rizzo wanted to establish his dominance on the television show Lawbreaker. He wanted to do this because he knew that he would have a political future so he could utilize vigilantism to get to help his political goals. He wanted to become commissioner and he also ran and became mayor of Philadelphia. Frank Rizzo was an expert at blue collar conservatism and speaking to that voter base. Blue collar conservatism is based upon the principles of populism. They believe that in Philadelphia the inner city is running amuck and that black men are being lawless. That branch of conservatism was getting its baptism as it was in line with the rhetoric that Barry Goldwater was speaking. That rhetoric is also what Frank Rizzo was speaking and his ideas timed perfectly with the beginnings of modern conservatism. White blue collar residents were petrified of the city and being associated with the inner city of Philadelphia. As Lombardo states, “White, blue-collar residents of the Twenty-Sixth Police District roundly dismissed their neighborhoods’ inclusion in Shaw’s

¹⁵ Timothy J. Lombardo, *Blue-Collar Conservatism: Frank Rizzo’s Philadelphia* (Philadelphia: University of Pennsylvania Press, 2018), 18.

'jungle.' In disputing his characterization, they were also quick to point out that they would defend their neighborhoods from absorption."¹⁶ Blue collar conservatives would make sure that they would defend their way of life with or without police and this leads to cases of vigilantism. It was the "Defense of the Neighborhood." Frank Rizzo, as Lombardo states, "denounced the 'Gestapo tactics' of the police under his command."¹⁷ Frank Rizzo's Blue Collar Conservatism was a complete repudiation of the liberal policies of Presidents Kennedy and Johnson. Rizzo used spy tactics for his personal gain. There are no laws on the books that allow for the spy tactics that Rizzo would utilize. That is textbook vigilantism and creating a police state and that can be argued as vigilantism. That spying was done to circumvent the law and be used for personal gain. As Lombardo states, "to much more serious allegations of misappropriation of federal funds and using the police to spy on political enemies."¹⁸ As Lombardo states, "Democratic Party rival Peter Camiel had accused Rizzo of using the police department as a personal spy ring and offering bribes to reward the mayor's friends." This is vigilantism and corruption in its truest and purest form. Frank Rizzo used his public office for his personal gain and he used vigilantism to spy on his enemies through extrajudicial justice. Why is that vigilantism? It is because he was using the law to spy on others and spying on someone in places where they have a right to privacy is vigilantism. This leads into the presidential election of 1968 when then candidate Richard Nixon ran on many principles, but the one to focus on for this work is "Law and Order." President Nixon got elected on that sentiment. Nixon's "Law and Order" message resonated with many white Americans who felt threatened by the Civil Rights

¹⁶ Lombardo, *Blue-Collar Conservatism*, 120.

¹⁷ Lombardo, *Blue-Collar Conservatism*, 125.

¹⁸ Lombardo, *Blue-Collar Conservatism*, 136.

movement and the growing power of minority groups. Nixon's policies were seen as a way to maintain the status quo and preserve the traditional social order.

An example of police vigilantism in the 1970s is the case of the New Orleans Police Department's "Death Squad." This group of officers was responsible for a series of extrajudicial killings and brutal beatings of individuals they deemed to be criminals or threats to the community. The officers involved in the Death Squad were known to operate outside the law, using tactics such as kidnapping, torture, and murder to intimidate and eliminate individuals they believed to be involved in criminal activity. They often targeted Black people and other minorities, as well as political activists and members of the LGBTQ+ community. Members of the New Orleans Police Department went on strike because they felt that they were not respected enough as police officers. In 1969 the Police Association of New Orleans (PANO) was founded. Over the course of ten years the department became weary of lack of trust and respect for the department and they fought to garner this respect. In 1979 members of the department went on strike. As Wiggington, Jensen, and Vinson states "In reality, the NOPD strike was two separate strikes; the first lasted only 40 hr, but as a result of acrimony, intransigence, and bad faith negotiations between the city administration and the police union, the second lasted nearly a month. At the time, Louisiana had no law on the books that allowed or prohibited public safety employees from striking. As a result, there was significant confusion among parties regarding the legality of the work stoppage. Compounding the problem, the police union aligned itself with the Teamsters, an

international organization infamous for its alleged ties to organized crime, and Teamster president James 'Jimmy' Hoffa was convicted for jury tampering.”¹⁹

The actions of the Death Squad came to light in 1979 when a former New Orleans police officer named Robert Fandal filed a lawsuit alleging that he had been fired for refusing to participate in the group's activities. The resulting investigation revealed a pattern of abuse and corruption within the department, leading to the eventual conviction of several officers involved in the Death Squad. When President Nixon got elected in 1968 it was in the times of the Vietnam War. Equipment technology was ever changing and it would be replaced by the better technology. The equipment could not go to waste though so it would be trickled down to local law enforcement branches. In the 1970s, the U.S. government began providing military equipment to police departments as part of the Law Enforcement Assistance Administration (LEAA) program. The program was established in 1968 and aimed to provide funding, training, and equipment to state and local law enforcement agencies. As Feely and Sarat state, “federal policy broadens the area of federal responsibilities often without specifying particular strategies for addressing social problems. Money is ‘thrown’ at problems.”²⁰ One of the most significant pieces of military equipment provided to police during this time was the M16 rifle, which was originally developed for the military and used extensively during the Vietnam War. The M16 was distributed to police departments across the country, often without much oversight or training in its use. Other military

¹⁹ Michael Peter Wiggington, Carl Julius Jensen, and Jessica Michele Vinson. 2013. "Hold That Line: The New Orleans Police Strikes." *Criminal Justice Policy Review* 26, no. 3 (2013): 234, doi: 10.1177/0896920512458284.

²⁰ Malcolm M. Feeley and Austin D. Sarat, *The Policy Dilemma: Federal Crime Policy and the Law Enforcement Assistance Administration, 1968-1978* (Minneapolis: University of Minnesota Press, 1980), 133-148.

equipment provided to police during this time included armored vehicles, helicopters, and tear gas. The idea was that this equipment would help law enforcement agencies better deal with riots, protests, and other situations where force might be necessary. However, there were concerns about the militarization of police and the potential for excessive force. Some critics argued that the use of military equipment by police could create an atmosphere of intimidation and lead to abuses of power. These concerns led to a push for more oversight and accountability in the distribution of military equipment to police, culminating in the passage of the National Defense Authorization Act of 1981, which established more stringent guidelines for the transfer of military equipment to civilian law enforcement agencies.

One example of this trend was the Los Angeles Police Department's (LAPD) use of surplus military helicopters. The LAPD began using helicopters in the early 1960s for traffic control and other purposes, but in the 1970s they began acquiring military surplus helicopters such as the Bell UH-1 Huey. The Huey was used by the military for troop transport and other purposes in Vietnam, but the LAPD used it for aerial surveillance and pursuit of suspects. As Henry states "The database, maintained by the Governor's Office of Emergency Services, tracks federal weapons and equipment given out through the program, including \$150 million of surplus shipped to Southland law enforcement agencies since 1993."²¹

Another example was the use of armored vehicles by police departments. The trend began in the late 1960s and early 1970s, when police faced increased violence

²¹Jason Henry, "Southern California police armed with military arsenal through program," *Inland Valley Daily Bulletin*, September 13, 2014, <https://www.presstelegram.com/2014/09/13/southern-california-police-armed-with-military-arsenal-through-program/>

and unrest in urban areas. The military had surplus armored vehicles such as the M113 armored personnel carrier, which could be adapted for police use. Some police departments used these vehicles for SWAT operations and other high-risk situations. The use of military equipment by police departments was controversial, with critics arguing that it contributed to a militarization of the police and eroded community trust. However, proponents argued that the equipment was necessary to respond to increasingly violent and dangerous situations faced by law enforcement. Nixon believed that the country was facing a crisis of lawlessness and disorder, and he promised to take a strong stance against crime and social unrest.

Nixon's "law and order" policies included increasing police presence in high-crime areas, cracking down on drug use, and imposing stricter penalties for those who committed crimes. He also supported the use of military equipment by police departments and advocated for the creation of a national crime-fighting agency. The law that was passed that helped with the national crime-fighting apparatus was called the Omnibus Crime Control and Safe Streets Act of 1968. The core tenants of the law were designed to quell organized crime. The creation of the Law Enforcement Assistance Administration (LEAA), a federal agency responsible for distributing grants to state and local law enforcement agencies for training, equipment, and other needs. The establishment of the Office of Criminal Justice Planning (OCJP), which was tasked with developing long-term plans for criminal justice reform and coordinating federal efforts with state and local governments. The authorization of funding for a range of programs, including crime prevention, drug abuse education and treatment, and research on criminal behavior. The expansion of wiretapping and electronic surveillance powers for

law enforcement agencies. The omnibus crime bill also provided money for community-based crime prevention programs, which encouraged citizens to take a more active role in fighting crime in their neighborhoods. While this was intended to promote community policing and cooperation between law enforcement and the public, it also contributed to a culture of vigilantism, as citizens began to take matters into their own hands and engage in activities such as neighborhood watch programs and citizen patrols. The policies that were set forth to create “Law and Order” were done not just to appease and serve white conservative suburban communities. These laws were done to appeal to a complete shift towards conservatism of all economic classes. As Lombardo states, “Their blue-collar conservatism offers evidence that modern conservatism was not strictly a Southern, Western, or even suburban phenomenon. Indeed, it shows that many conservatisms contributed to a nationwide rightward shift.”²² These policies were used to appeal to the racist nature that white Americans had at this time in the 1960’s and 1970’s. Appealing to the racist tendencies and nature of white Americans helps give an understanding of why vigilantism happens. White Americans used their political capital to score victories legislatively in “Law and Order”. They were able to get their lawmakers to vote for more funding for law enforcement equipment. They used their political capital to gain funding for neighborhood watch programs which can lead to racial profiling and vigilantism. President Nixon’s and Johnson’s “Law and Order” programs created a culture of profiling and vigilantism. Advocating for the safety and security of law abiding citizens is and always will be a positive thing to say. Neighborhood watches are community-based crime prevention programs that involve

²² Lombardo, *Blue-Collar Conservatism*, 16.

residents keeping an eye on their neighborhood and reporting any suspicious activity to law enforcement. While these programs are intended to promote community policing and cooperation between citizens and law enforcement, they can sometimes lead to vigilantism. One way in which neighborhood watches can create a culture of vigilantism is by encouraging citizens to take the law into their own hands. In some cases, residents who participate in neighborhood watches may become overly vigilant and suspicious of anyone who appears to be “out of place” or “suspicious,” regardless of whether or not they are actually engaging in criminal activity. This can lead to situations where innocent individuals are confronted or harassed by neighborhood watch members, simply because they appear to be in the wrong place at the wrong time.

An example of a neighborhood watch crossing the line into vigilantism in the 1960s is the case of the Deacons for Defense and Justice, a self-defense organization formed in Jonesboro, Louisiana, in 1964. The group was initially created to provide protection for civil rights activists who were facing violence and harassment from the Ku Klux Klan and other white supremacist groups. However, the Deacons soon began to engage in more aggressive tactics, such as arming themselves and patrolling African American neighborhoods to prevent violence and protect residents from police brutality. While the group did not engage in vigilante justice per se, their tactics and rhetoric were seen by some as crossing the line into vigilantism. Another example is the case of the White Panthers, a radical left-wing group that emerged in Detroit in the late 1960s. The group formed a neighborhood watch program called the “White Panther Citizens Patrol,” which was intended to protect African American residents from police brutality and harassment. While the group's intentions were noble, their tactics were often

confrontational and aggressive, leading to clashes with police and other law enforcement agencies. In some cases, members of the White Panthers engaged in violent confrontations with police officers, leading to arrests and convictions for assault and other crimes. These examples highlight the potential dangers of neighborhood watches and the need to ensure that these programs are properly regulated and monitored to prevent them from crossing the line into vigilantism. While neighborhood watches can be effective at preventing crime and promoting community safety, it is important to ensure that they are operating within the bounds of the law and are not taking on the role of law enforcement themselves. It is important to note that neighborhood watches, when implemented and monitored properly, can play an important role in preventing crime and promoting community safety. However, there are cases where neighborhood watches have crossed the line into vigilantism and taken on the role of law enforcement themselves. Here are some points that could be used to argue that neighborhood watches should be abolished: Vigilantism is illegal and undermines the rule of law. When neighborhood watch members take the law into their own hands and engage in vigilante justice, they are acting outside the boundaries of the law and potentially putting themselves and others in danger. Neighborhood watches can be biased and discriminatory. Because neighborhood watches are made up of residents who live in a particular area, they may be more likely to profile and target individuals who do not fit in with the community's norms and values, leading to unfair and discriminatory treatment. As Mols and Pridmore state "they often default to lateral surveillance, ethnic profiling, risky vigilantism, and distrust towards neighbours and strangers. Whereas the use of messaging apps is central, WhatsApp neighbourhood

crime prevention.”²³ Neighborhood watches can escalate situations and lead to violence. When neighborhood watch members confront individuals they suspect of criminal activity, the situation can quickly escalate and become violent, leading to injuries or even death. Neighborhood watches can erode trust between communities and law enforcement. When neighborhood watch members take on the role of law enforcement, it can create tension and mistrust between residents and local police departments. This can make it more difficult for law enforcement to effectively police the community and prevent crime. In conclusion, while neighborhood watches can be effective at promoting community safety, the potential risks associated with vigilantism and other negative consequences may outweigh the benefits. Therefore, it may be argued that neighborhood watches should be abolished in favor of other community-based crime prevention programs that do not carry the same risks.

²³ Anouck Mols and Jason Pridmore, “When Citizens Are “Actually Doing Police Work”: The Blurring of Boundaries in WhatsApp Neighbourhood Crime Prevention Groups in The Netherlands,” *Surveillance and Society* 17, no. 1 (September 2019): 274.

Chapter Two: Police Unions

Police unions are organizations that represent police officers in collective bargaining negotiations with employers (usually local government). They advocate for better pay, benefits, and working conditions for their members, as well as for policies that they believe will help keep officers safe on the job. The good that police unions do does not outweigh the bad that they have the power to do. Police unions have been criticized by some for protecting officers accused of misconduct, such as excessive use of force or racial profiling. As Miron and Partin state “Our estimates imply that collective bargaining rights led to a substantial increase in violent incidents of misconduct among SOs.”²⁴ Critics argue that these unions make it difficult to hold officers accountable for their actions and can create a culture of impunity. Supporters of police unions, on the other hand, argue that officers are entitled to due process and that unions are necessary to protect officers from unfair treatment by employers. Some high-profile cases in which police unions have been involved include the George Floyd protests in 2020, during which police unions in some cities were criticized for defending officers accused of misconduct. Additionally, in some cases police unions have been accused of exerting undue influence on local governments and obstructing efforts to reform policing practices. Overall, police unions are a complex issue that raises questions about the balance between protecting the rights of police officers and ensuring accountability for their actions. Police unions have come under scrutiny in recent years, particularly in the wake of high-profile cases of police misconduct and brutality. Critics argue that police unions protect officers who engage in misconduct, making it difficult to hold them

²⁴ Jeffery Miron and Erin Partin, "Police Unions Enable Misconduct." *Wall Street Journal*, October 2, 2020, 1, <https://www.wsj.com/articles/the-problem-with-police-unions-11591830984>.

accountable for their actions. They also argue that police unions have too much influence over local governments, making it difficult to enact meaningful police reform. On the other hand, supporters of police unions argue that they are essential for protecting the rights and interests of police officers, and that without them, officers would have little bargaining power in negotiations with their employers. They also point out that police officers are essential for maintaining public safety, and that police unions help ensure that officers are fairly compensated for their work. Overall, police unions play an important role in the labor movement and in shaping public policy around law enforcement. While they have faced criticism in recent years, they remain a powerful force in many communities and continue to represent the interests of police officers around the country. The “Blue wall of silence” (blue code and blue shield) is a term that is used in police circles. This code is seen as police corruption and protects others from wrongdoing. The term “blue” refers to the blue uniforms commonly worn by police officers, while “wall of silence” reflects the reluctance of officers to break ranks and report wrongdoing by their fellow officers. As Nolan states “It is used to protect fellow police officers if they are accused of vigilantism, misconduct, or wrongdoing. Fellow officers swear that they will not testify or submit to a subpoena if another police officer is subjected to a grand jury investigation or indicted for wrongdoing, vigilantism, and misconduct.”²⁵ This code of silence can make it difficult to investigate and prosecute police misconduct, and it can undermine public trust in law enforcement. Critics of the blue wall of silence argue that it perpetuates a culture of secrecy and protects officers who engage in abusive or illegal behavior. They suggest that police departments should

²⁵ Thomas Nolan, “Behind the Blue Wall of Silence,” *Men and Masculinities* 12, no. 2 (October 2009): 252.

work to create a culture of transparency and accountability, where officers are encouraged to report misconduct and wrongdoing without fear of retaliation. This, in turn, could help to improve relationships between law enforcement and the communities they serve. This “blue wall of silence” in turn helps police unions cover up their officers' wrongdoing. Police unions were originally put in place as a regular union to help obtain better pay and bargain for benefits and better hours and they have stemmed from protecting police brutality.

One example of police unions protecting police brutality in the 1970s is the case of the "Knapp Commission," which investigated police corruption in New York City in the early 1970s. During this time, police unions strongly opposed the commission's investigations and defended officers accused of misconduct. The commission was established in 1970 by Mayor John Lindsay to investigate allegations of corruption and police brutality within the New York City Police Department (NYPD). The commission's findings were damning, with evidence of widespread corruption, including officers taking bribes, extorting money from criminals, and engaging in other criminal activities. Despite these findings, police unions were staunchly opposed to the commission's investigations and defended officers accused of misconduct. As Armstrong states, "Aided by a friend with connections, an Amherst-educated cop named David Durk, Serpico tried to report the payoffs to top-level police officers and other City officials."²⁶ For example, in 1972, the Patrolmen's Benevolent Association (PBA), the largest police union in the city, issued a statement condemning the commission and calling its members "self-appointed vigilantes." The PBA also filed lawsuits challenging the commission's

²⁶ Michael Armstrong, *They Wished They Were Honest: The Knapp Commission and New York City Police Corruption* (New York, New York, Columbia University Press, 2012.) 3.

authority and arguing that it violated officers' rights. As Armstrong states, "the Patrolman's Benevolent Association, slapped a lawsuit on us as soon as we were created, claiming we were illegally constituted."²⁷ Additionally, police unions in the 1970s often used their collective bargaining power to negotiate contracts that shielded officers from disciplinary action and limited civilian oversight of police misconduct. These "police bills of rights" made it difficult to hold officers accountable for their actions and protect them from consequences even when they were found to have engaged in excessive force or other forms of misconduct. Overall, police unions in the 1970s and beyond have been criticized for protecting officers accused of misconduct, which can erode public trust in law enforcement and make it difficult to hold officers accountable for their actions. The protection of police brutality by police unions can be connected to vigilantism in several ways. When police officers engage in excessive force or other forms of police misconduct, it can erode public trust in law enforcement and lead to increased feelings of frustration and anger among community members. In extreme cases, this can lead to individuals taking the law into their own hands and engaging in acts of vigilantism to address perceived injustices. Police unions, by protecting officers from accountability for their actions, can contribute to this erosion of trust and exacerbate tensions between law enforcement and the communities they serve. When officers know that they will not face consequences for their actions, they may be more likely to engage in excessive force or other forms of misconduct, which can further undermine public trust and increase the likelihood of vigilantism. Furthermore, police unions have been known to support the use of military equipment and tactics by law

²⁷ Armstrong, *They Wished They Were Honest*, 11.

enforcement, which can contribute to the perception of police as an occupying force rather than a community resource. This perception can fuel feelings of mistrust and hostility towards law enforcement, further contributing to the potential for vigilantism to arise. Overall, the protection of police brutality by police unions can have a significant impact on community relations and can contribute to the potential for vigilantism to occur. It is important for police unions and law enforcement agencies to prioritize accountability and transparency in order to build and maintain trust with the communities they serve. To try to help gain trust with the general public civilian review boards were created to help with this. The public has had to fight against police unions for many years to be able to have a say in how their policing is handled. As Bartels and Silverman state, "It was not until 20 years later that public pressure for independent oversight of the police regained momentum in the United States."²⁸ Civilian review boards have different names for different major American cities. For example, the New York City Civilian Complaint Review Board refers to a civilian review board. A civilian review board is a group of individuals from the community who are appointed to review and investigate complaints of misconduct or abuse by police officers. The purpose of these boards is to provide independent oversight of law enforcement agencies and to ensure accountability for their actions. Civilian review boards can take different forms and have varying levels of power and authority depending on the jurisdiction. Some boards are purely advisory, while others have the power to investigate complaints, subpoena witnesses, and make disciplinary recommendations. The creation of civilian

²⁸ Elizabeth Bartels and Eli Silverman, "An exploratory study of the New York City Civilian Complaint Review Board mediation program," *Policing: An International Journal of Police Strategies and Management* 28, no.4 (2005): 620.

review boards is often a response to allegations of police misconduct or excessive use of force. The idea is to have an impartial group of individuals who can investigate these incidents and make recommendations for how to address them. There is some debate about the effectiveness of civilian review boards, with some arguing that they are toothless and do not have the power to hold police officers accountable. Others argue that they can be effective in identifying patterns of misconduct and recommending changes to police policies and procedures. Overall, civilian review boards are one tool that can be used to increase transparency and accountability in policing, but they are not a panacea for all the problems facing law enforcement today. An example of civilian review boards in action is the above mentioned New York City Civilian Complaint Review Board. The CCRB is an independent agency that investigates complaints of police misconduct made by members of the public against New York City police officers. The CCRB is made up of 13 members who are appointed by the mayor and the city council. The board has the power to investigate complaints, subpoena witnesses and evidence, and make disciplinary recommendations to the police department. As Bartels and Silverman "the NYC CCRB established a mediation program under the auspices of the CCRB ADR Division. CCRB mediation arranges face-to-face meetings between the complainant(s) and officer(s) in the presence of a "trained, neutral mediator", who helps the disputing parties "resolve the issues between them.""²⁹ The CCRB is also responsible for analyzing and making recommendations to improve police policies and practices. Additionally, the board engages in community outreach and education to increase awareness of police accountability and promote better relationships between

²⁹ Bartels and Silverman, "An exploratory study," 621.

law enforcement and the communities they serve. While the CCRB has faced criticism from some who feel that it lacks the necessary power and authority to hold police officers accountable, it has been credited with making significant improvements in police accountability and transparency in New York City. Police Unions strongly dislike civilian review boards. Police unions feel that a review board of non-officers is prejudicial against them. Police unions feel that non-officers do not and will not understand the stress and triggers that officers feel and see. Police unions feel that non-officers know the day to day encounters they will have with members of society. It's important to note that not all police unions are opposed to civilian review boards. Some police unions have even been supportive of them. That being said, some police unions have expressed concerns about civilian review boards. There are a few reasons why some police unions may be opposed to them. Lack of due process is one reason. Police unions may argue that civilian review boards deny police officers due process rights. They may argue that these boards can make disciplinary recommendations based on biased or incomplete information, without giving officers a fair opportunity to defend themselves. Another reason is lack of expertise. Police unions argue that civilian review boards lack the necessary expertise to understand the complexities of police work. Mediation on these boards has declined. This is because people do not want to go to the mediation hearing. They have been mistreated and are battered and bruised mentally and physically. People feel uncomfortable facing their arresting officer after the incident. Officers want incidents to go to mediation because mediation seems less of a severe resolution to the incident in question. As Bartels and Silverman state, "Other reasons for declining mediation included a desire for more formal recognition of officer

misconduct.”³⁰ They may argue that these boards are not qualified to make disciplinary recommendations or to evaluate police tactics and procedures. The final reason is political interference. Police unions may also argue that civilian review boards can be subject to political pressure and may be used as a tool to unfairly target and discipline police officers. It's worth noting that there are potential benefits to civilian review boards as well, such as increased transparency and accountability in policing. Ultimately, it is up to policymakers and community members to weigh the pros and cons and determine whether civilian review boards are the right tool for promoting police accountability in their community. One way in which a civilian review board could potentially slow down vigilantism is by providing a system of accountability and oversight for law enforcement activities in the community. For example, let's say that a neighborhood watch group becomes overly aggressive in its approach to dealing with suspected criminal activity and begins to take actions that are outside of the law. If residents feel that the group is overstepping its boundaries or engaging in vigilantism, they could file a complaint with the civilian review board. The civilian review board would then investigate the complaint and determine whether the neighborhood watch group had acted appropriately. If the board found that the group had engaged in vigilantism or other unlawful activities, it could recommend disciplinary action, such as disbanding the group or referring the matter to law enforcement for further investigation. By providing this system of oversight and accountability, a civilian review board could potentially deter neighborhood watch groups from engaging in vigilantism, as they would be aware that their actions could be subject to review and potential consequences. Civilian review boards can slow the rate

³⁰ Bartels and Silverman, “An exploratory study,” 624.

of vigilantism because they can provide a great amount of oversight and accountability in policing. As Sen states, “It has been found that civilian review serves a demonstrative political function and is crucial to the legitimacy of the police in multi-ethnic democracies.”³¹ As Skolnick states, “no white policeman he came in contact with ‘failed to mock the Negro, to use some type of stereotyped categorization, and to refer to interaction with the Negro in an exaggerated dialect.’”³² Police training can potentially flaw human rights in several ways. Realizing and training against internal biases in police training. Human rights, such as the right to be free from discrimination and the right to equal protection under the law. Police training that does not emphasize accountability and oversight can lead to abuses of power and violations of human rights. Without proper oversight and accountability mechanisms, police officers may act with impunity, leading to violations of the right to due process and the right to a fair trial. Inadequate training on human rights: Police training that does not adequately cover human rights principles and standards can lead to a lack of understanding among officers of their obligations to respect and protect human rights. This can lead to violations of a range of human rights, including freedom of expression, freedom of assembly, and freedom from arbitrary arrest and detention. It is therefore essential that police training include a focus on human rights principles and standards, and that officers are trained to uphold these principles in their interactions with the public. This can help to ensure that police practices are consistent with human rights norms and standards, and that officers are held accountable for any violations of human rights that

³¹ Sankar Sen, *Enforcing Police Accountability Through Civilian Oversight*, (New Delhi, India: Sage Publications, 2010), 3.

³² Jerome H. Skolnick, “Enduring issues of police culture and demographics,” *Policing & Society* 18, no. 1 (March 2008): 38.

may occur. Police Unions are necessary and bring objective good to policing in some aspects. They are a normal union that fight for better wages, better hours worked for their officers, making sure that police equipment is properly cared for, and most importantly police unions are used as a check to stop departments from over-working and underpaying their officers. The bad that police unions do far outweigh the good that they do and strict regulation of their unions must be done. Police unions using their power to protect their fellow officers with the “Blue Wall of Silence” must be stopped. This should be done by the way of when a complaint of misconduct happens it goes straight to a civilian review board. The union should then have minimal contact with the officer until a resolution is found with the board. Officers should have full due process in these situations, but they need to be removed from the organizations that could potentially cover up their wrong doing. Police unions covering up incidences of abuse and misconduct constitutes vigilantism. It constitutes vigilantism because as Merriam-Webster states the definition of vigilantism is “a member of a volunteer committee organized to suppress and punish crime summarily (as when the processes of law are viewed as inadequate.)”³³ Police unions are organizations that have volunteers that make it up. Police unions have been known to suppress these investigations and extrajudicially stop the due process of the complainant on an allegation of misconduct. Even worse in cases of death or serious bodily harm at the hands of police extrajudicially stopping an investigation is a form of vigilantism in our society. That is one of the core facets of the American justice system not working in the 1970’s and even today.

³³ *Merriam-Webster*, s.v. “vigilantism.”

Chapter 3: Corrections

Corrections is the most complex facet of the justice system in the United States. When a person is convicted of a crime they will most likely be sent to a correctional facility. If one is sentenced to less than one year of time to serve the inmate will spend their time in a jail. If sentenced to 366 days or more they will be sent to prison. Serving time in a correctional facility is for punishment and rehabilitation back into society. The corrections system consists of several components, including prisons, jails, community corrections (such as probation and parole), and juvenile detention facilities. Prisons are long-term facilities where individuals who have been convicted of serious crimes are held for extended periods of time. Jails, on the other hand, are short-term facilities where individuals are held while awaiting trial or serving shorter sentences. Community corrections programs, such as probation and parole, allow offenders to serve their sentences in the community under supervision. These programs often include conditions such as regular check-ins with a probation or parole officer, drug testing, and participation in treatment programs. Juvenile detention facilities are specifically designed for young offenders who have been convicted of crimes. These facilities focus on rehabilitation and education to help juveniles turn their lives around and avoid future involvement in the criminal justice system. The corrections system also includes a variety of programs and services designed to help offenders successfully reenter society after they have served their sentences. These may include job training, education programs, and counseling. While the corrections system plays an important role in ensuring public safety and promoting rehabilitation, it has also faced criticism for issues such as overcrowding, mistreatment of prisoners, and high rates of recidivism.

There has become a culture of punishment in corrections throughout the 20th century. Members of the public and corrections staff will by any means possible punish people in correctional facilities judiciously and extra judiciously. As Cusac states, "Vigilante lynchings of black Americans harked back to the power many southern states gave their white residents to punish offending slaves. Vigilante crowds often removed the rumored offender from the oversight of the criminal justice system, frequently with the complicity of the local sheriff."³⁴ As a result, there is ongoing debate about the best ways to reform and improve the corrections system. To help slow down the rate of men and women being imprisoned, community corrections programs are and were used. Mistreatment in correctional facilities is a form of vigilantism as it is certainly not codified into any laws or regulations that the correctional staff must abide by. Keeping people out of prison for as long as possible is a great way to slow down the rate of vigilantism. There are great examples of community corrections that can be used to keep people out of jails and prisons. As Taxman and Balenko state "A search of the NREPP database using the NREPP search categories "substance abuse, correctional, crime/delinquency, drugs"³⁵ Identified seven interventions: Forever Free – Drug treatment in therapeutic community for incarcerated women. Friends Care – Aftercare program for probationers and parolees leaving mandated outpatient treatment. Living in Balance – Addiction treatment program emphasizing relapse prevention. Moral Reconation Therapy – Cognitive–behavioral intervention for inmates and other offenders that addresses moral

³⁴ Anne Marie Cusac, *Cruel and Unusual: the culture of punishment in America*, (New Haven, Connecticut: Yale University Press, 2009), 93.

³⁵ Faye S. Taxman and Steven Balenko, "Identifying the Evidence Base for 'What Works' in Community Corrections and Addiction Treatment," in *Implementing Evidence-Based Practices in Community Corrections and Addiction Treatment* (New York: Springer, 2011), 35.

reasoning. Multidimensional Family Therapy – Comprehensive family-based intervention for adolescents with substance abuse problems or co-occurring disorders. Residential Student Assistance Program – Substance abuse prevention program for high-risk youth who are placed in a residential facility, including juvenile correctional facilities. Texas Christian University Mapping-Enhanced Counseling – A communication and decision making technique to support treatment by improving client–counselor interactions.” Vigilantism in correctional facilities in the 1970’s was a huge problem. In the era of “Law and Order” what society wanted was just punishment and “locking up criminals and throwing away the key.” Both inmates and staff commit vigilante justice against others. A prime example of this is the inmate code of crimes that they feel are incongruent with normal crimes of society. They will use their own vigilante justice in the prison in the ways of beatings. As Skarbek states, “Yet, it is not that simple. Officers provide only a portion of the governance of inmates’ lives.”³⁶ Vigilantism in correctional facilities refers to incidents where inmates take the law into their own hands and engage in acts of violence or retribution against other inmates or staff members. During the 1970s, there were several incidents of vigilantism in correctional facilities across the United States. These incidents were often the result of overcrowding, poor living conditions, and tensions between inmates of different races and ethnicities. One of the most well-known incidents of vigilantism in a correctional facility during this time occurred in 1971 at Attica Correctional Facility in New York. Inmates took over the prison in protest of poor living conditions and mistreatment by guards. After several

³⁶ David Skarbek, *The social order of the underworld: how prison gangs govern the American penal system* (New York: Oxford University Press, 2014), 18.

days of negotiations, state troopers stormed the prison and a violent confrontation ensued. In the end, 39 people were killed, including 29 inmates and 10 correctional officers. Another incident occurred in 1976 at California's Soledad State Prison, where a group of Black inmates formed a gang known as the Black Guerilla Family. The group was formed in response to racial tensions and mistreatment by white inmates and guards. The group engaged in a series of violent attacks against white inmates and guards, leading to increased tensions and violence within the prison. Overall, vigilantism in correctional facilities during the 1970s was a result of a complex set of factors, including overcrowding, poor living conditions, racial tensions, and mistreatment by guards. These incidents often resulted in violence and loss of life, highlighting the need for reform and improvement in the correctional system. With that inmate on inmate violence constitutes vigilantism. That is one facet of vigilantism in correctional facilities, but what is also important to note is guard on inmate vigilantism. Prison guard on inmate violence, also known as custodial abuse or excessive use of force, is a serious issue within the prison system. It refers to any use of physical force by prison guards against inmates that is unnecessary or excessive, and which results in injury, harm or even death. Violence by prison guards can take many forms, including physical assault, sexual abuse, psychological abuse, and neglect. Such violence is a violation of inmates' human rights, and it can lead to long-lasting physical and psychological trauma. In some cases, prison guards may use violence as a means of exerting control over inmates or to punish them for perceived violations of prison rules. In other cases, it may be a result of individual guards' prejudices or biases against certain groups of inmates. To address this issue, prison systems have established policies and procedures aimed at

preventing and addressing violence by prison guards. These policies typically include guidelines for the use of force, training for prison guards on appropriate behavior and de-escalation techniques, and procedures for reporting and investigating incidents of violence. It is important to note that not all prison guards engage in violence, and many are committed to maintaining a safe and secure environment for inmates. However, the actions of a few can have serious consequences, and it is essential that prisons have effective mechanisms in place to prevent and address violence by prison guards. In prisons all around the country conditions are less than ideal. Some prisons are worse than others and the Attica Correctional Facility in 1971. The prison in Attica, New York which is located in rural western New York. The Attica Prison uprising was a violent confrontation between inmates and authorities at the Attica Correctional Facility in New York. The uprising began on September 9th, when a group of inmates overpowered and took control of the prison's D Yard, taking 42 prison staff hostage. The inmates' demands included better living conditions, medical care, and an end to the oppressive and racist policies of the prison authorities. The demands were based on the reality of overcrowding, poor sanitation, and rampant violence in the prison system. Negotiations between the inmates and authorities broke down after several days, and on September 13th, New York Governor Nelson Rockefeller ordered state troopers to retake control of the prison by force. The ensuing operation involved tear gas, helicopters, and heavy firepower, resulting in the deaths of 33 inmates and 10 hostages, as well as numerous injuries. The Attica uprising brought national attention to the issues of prison conditions and inmates' rights, and it sparked widespread outrage and protests across the country. The event led to significant reforms in the New York prison system and to increased

awareness of the need to improve conditions in prisons nationwide. However, the violent end to the uprising also raised questions about the use of force by authorities and the role of race in the criminal justice system. The Attica uprising remains a significant event in the history of the American prison system and a reminder of the ongoing struggle for justice and reform in the criminal justice system. As Andrulis states “the process may be seen as coddling the inmate and thus be distorted to play on the fears of the community.”³⁷ Attica, New York is located in western New York in between the cities of Buffalo and Rochester. This is an important fact because as was stated in chapter one is the fact that members of society especially in rural areas lean more conservative. The more conservative leaning people of rural America and the cities only want punishment and the worst conditions for people that are convicted of crimes. They then vote for the conservative candidate that espouses those ideas. The conservative politicians loved Nixon's "Law and Order" policies. This is due to the fact they promised to crack down on crime and restore order to society through a variety of measures, including increasing funding for law enforcement, expanding the use of surveillance and wiretapping, and imposing harsher penalties for drug offenses and other crimes. Especially cracking down on crime and using hard punishment for crimes. The reason the Attica Prison Riots occurred was due to the fact that the punishment for these crimes was cruel and unusual. This violates the eighth amendment to the constitution and violates the law. That in turn is vigilante justice because these punishments and “justice” is done extrajudicially and done outside the confines of the law. What spurs people into wanting hard punishment is fear. It is fear of the other side because of their

³⁷Dennis P. Andrulis, Ira Iscoe, and Larry Scherwitz. "Community Attitudes toward the Attica Prison Riot-A Mini-Study." *American Journal of Community Psychology* 4, no. 10 (June 1976): 191.

race. Vigilantism is ever present in correctional facilities from inmates and staff and it is core to prison culture. There is abuse by prison staff. In some cases, prison staff may engage in abusive or illegal behavior towards inmates, such as excessive use of force, sexual assault, or withholding medical treatment. In response, inmates may retaliate against staff members or take matters into their own hands to enforce their rights.

"Rough justice" is present as well. In some prisons, inmates who are suspected of breaking the rules may be subjected to "rough justice" by other inmates, which can involve physical violence or other forms of punishment. Inmates feel that there are crimes that are inexcusable in our society. Such as, crimes against children, sex crimes in general and crimes against elderly members of society. These examples demonstrate how vigilantism can arise in corrections when there is a breakdown in the system of authority and control. However, vigilantism is generally seen as a dangerous and illegal practice that undermines the rule of law and can lead to further violence and chaos in prisons. As Andrulis, Iscoe, and Schwartz state "In an earlier sociological review of prison systems has noted the effect of prison riots is that widespread public concern is generated."³⁸ It is textbook racism, but Nixon was able to perfectly play into this. He was a skilled politician who knew how to appeal to the concerns and fears of the American people. His "Law and Order" message was a powerful campaign slogan that helped him win the presidency in 1968, and it continued to resonate with many voters throughout his time in office. It is a term that is known as "penal populism." Penal populism is found in most western Anglo-Saxon nations. This is a political process where opposing candidates in a political race attempt to show that they are especially tough on crime.

³⁸ Andrulis, Iscoe, and Scherwitz, "Community attitudes toward the Attica prison riot—a mini-study," 191.

They try to show that crime is getting out of control in the particular jurisdiction they are in and they have the tools to know how to solve the issue. As Wenzelburger states “because their electoral advantage by owning the valence issue of security may be challenged.”³⁹ Advocating for law and order can be politically advantageous in a few different ways. It appeals to public safety concerns by advocating for law and order, politicians can appeal to voters' concerns about public safety and their desire for a safe and secure community. This can be especially effective during times of increased crime or when high-profile incidents of violence occur. Advocating for law and order can also be seen as a way to show support for law enforcement officers and the work they do to protect the community. This can be especially effective in communities where there is a strong sense of respect and admiration for law enforcement. Positions the candidate as tough on crime: By advocating for law and order, politicians can position themselves as tough on crime and as strong leaders who are willing to take decisive action to protect the community. This can be especially effective in communities where there is a sense of frustration or anger over high crime rates or incidents of violence. Appeals to conservative voters: Advocating for law and order has traditionally been a key platform of conservative politicians, and can be especially effective in appealing to conservative voters who place a high value on law and order and traditional values. It's worth noting, however, that advocating for law and order can also be a controversial position, particularly if it is seen as overly punitive or discriminatory. It's important for politicians to balance their support for law and order with a commitment to fairness, justice, and respect for the rights of all individuals. Law and order policies can have complex and

³⁹ Georg Wenzlburger, *The Partisan Politics of Law and Order* (New York: Oxford University Press, 2020), 172.

varied effects on the rate of vigilantism, depending on the specific policies and their implementation. As Wenzelburger states “For the mass public, traceable and visible policies create positive feedback because they enable the mass public to identify the content, the responsible actors, and the effects of such policies.”⁴⁰ On the one hand, strong law and order policies can be seen as a way to deter vigilantism by providing a clear and effective means of addressing criminal behavior. When people have confidence in the criminal justice system and believe that it will hold wrongdoers accountable, they may be less likely to take matters into their own hands. On the other hand, overly harsh or punitive law and order policies can also contribute to feelings of frustration, anger, and disillusionment with the criminal justice system. When people feel that the system is unfair or ineffective, they may be more likely to resort to vigilantism as a way to seek justice or protect themselves. Additionally, policies that target specific groups, such as racial or ethnic minorities, can exacerbate existing tensions and increase the risk of vigilantism. For example, policies that allow police officers to use excessive force against certain groups or that disproportionately target them for arrest or prosecution can fuel anger and resentment, potentially leading to retaliatory violence or vigilantism. Overall, the relationship between law and order policies and vigilantism is complex and context-dependent. While strong law and order policies can help deter vigilantism, it is important to ensure that these policies are implemented fairly and with respect for the rights of all individuals, in order to avoid exacerbating tensions and contributing to a cycle of violence. Prisons in the United States are a major contributor to a cycle of violence that impacts inmates, prison staff, and society as a whole.

⁴⁰ Wenzelburger, *Partisan Politics of Law and Order*, 182.

Overcrowding, gang activity, staff brutality, lack of rehabilitation programs, and mental health issues all play a role in perpetuating this cycle.

One of the most significant issues facing U.S. prisons is overcrowding. The U.S. prison population has increased dramatically over the past few decades, leading to overcrowding in many facilities. When inmates are forced to live in close quarters with limited resources and opportunities, tensions can escalate, and conflicts can arise. This can lead to physical altercations, which can then lead to further retaliation and violence. Another contributing factor to the cycle of violence in U.S. prisons is gang activity. Gangs are a significant problem in many U.S. prisons, and they often use violence and intimidation to maintain control. Inmates who are not affiliated with a gang may become victims of violence or be forced to join a gang for protection. Once they join a gang, they may be required to participate in violent activities or face retribution. Staff brutality is also a significant issue in U.S. prisons. Unfortunately, some prison staff members may use excessive force or other forms of abuse against inmates. This can lead to retaliation and further violence, as inmates may feel that they have no other recourse. The lack of rehabilitation programs and education opportunities for inmates is another factor that contributes to the cycle of violence in U.S. prisons. Many prisons do not offer adequate rehabilitation programs or education opportunities, leaving inmates without the skills or resources they need to re-enter society and find stable employment. This can lead to a cycle of poverty and crime that perpetuates the cycle of violence. Finally, mental health issues are also a significant problem in U.S. prisons. Many inmates suffer from mental health issues, such as depression, anxiety, and PTSD. If these issues are not

addressed, they can lead to further violence and aggression. Overall, the cycle of violence in U.S. prisons is a complex and multifaceted issue that requires a comprehensive solution. To address this problem, there needs to be a shift towards more rehabilitative and restorative justice approaches, as well as greater investment in mental health services and education opportunities for inmates. By addressing these underlying issues, it may be possible to break the cycle of violence in U.S. prisons and create safer and more productive environments for inmates, prison staff, and society as a whole. Vigilantism in corrections is a huge issue in our society. This is because guards in correctional institutions are abusive and they utilize vigilantism on the inmates. This creates a cycle of violence in our prison system. The corrections system is a core part of the justice system in the United States and it was broken in the 1970's and it is now. The Attica Prison in New York had such bad conditions that one can argue that it breaks the United States Constitution. The eighth amendment to the constitution prevents the use of "Cruel and Unusual Punishment." As was stated earlier in the last chapter and introduction Merriam-Webster states the definition of vigilantism is "a member of a volunteer committee organized to suppress and punish crime summarily (as when the processes of law are viewed as inadequate.)"⁴¹ The conditions at the prison broke the law of the United States and the organization of the corrections staff committed acts of vigilantism by keeping the members of that facility confined.

⁴¹ Merriam-Webster, s.v. "vigilantism" accessed April 15, 2023, <https://www.merriam-webster.com/dictionary/vigilantism>

Conclusion:

This senior thesis set out to understand why President Richard Nixon's "Law and Order" policies created a culture of vigilantism in law enforcement and corrections. This thesis was also intended to answer the research question "How did President Richard Nixon's 'Law and Order' support affect the behavior of corrections and law enforcement officers?" Chapter One was set up to speak about the fact that policing has always been rooted in vigilante justice and racism. With slave patrols and the first organized police department. The Boston Police Department ousted one of their own officers Bernard McGinniskin only because he was an Irish immigrant. Chapter Two was set up to show that there is and was a machine to cover up and stop in the court vigilantism and misconduct. Chapter Two was also set up to show that police unions covering up misconduct is vigilantism. Chapter Three was set up to explain what the corrections system is and how it contributes to the cycle of vigilantism. These three chapters of this thesis were set out to answer the research question. The main point of this thesis There have been some limitations with this research project. Examples of the limitations of this project is the fact that this is a niche topic. Asking questions about vigilantism in law enforcement and corrections does not give many sources for one writing about this topic. It is not impossible to find sources, but it gets difficult to get the sources. Sources are also difficult to find because they are all produced by humans. Other humans have biases internally and deliberately. With that, it is tedious to find the most unbiased sources so that an original thesis can be written. Research is also difficult to find because along with biases in work one has to make sure that the research the author is citing is credible. Research is also hard to find because lots of researchers on this topic

do not publish their work. Another limitation is the timeframe. There is a limited amount of time given to write approximately 45-60 pages of content. That time is needed to gather sources and read attentively through them. Then one has to write this. At an undergraduate institution, especially a liberal arts institution the students are expected to do many other activities apart from their senior thesis. Classes, sports teams, and different organizations that a student would participate in need time as well to focus efforts too. At a doctoral level research on this subject would be the main focus of energy and work. One, would mostly just be focusing on their research thesis. If this piece of work was to be taken further to a master's or doctoral level with years of time to write this piece. I would wish to go extremely more in depth on the primary sources used for this piece. I would also like to interview people in all aspects of what was written about in this piece. I would like to get in depth with members of the prison population, corrections officers, police union leaders, police officers, and members of civilian review boards. While this thesis was focused on the late 1960's and 1970's interviewing people that have known people such as Frank Rizzo will help give context in this piece. What also would be helpful would be interviewing people that have served in these unions and boards and they will give context in this piece. What should be left as a final note on this piece is that vigilantism is never and should never be the way that justice should be done in this nation. The nation needs to better understand who and what is a neighbor and that others are not foes to each other. Even in current times there have been many different cases of vigilante justice. The case of George Zimmerman and Kyle Rittenhouse springs to mind. They both took the law into their own hands in their particular cases and both had people killed. But, the case that

sparked the idea for this composition is the murder of Ahmaud Arbery. Ahmaud was automatically seen as a foe and criminal to the white residents of Satilla Shores. He was then gunned down by foes that thought they knew the law. They chased Ahmaud Arbery down and killed him because they felt that he had to have done something illegal. They felt that it was their duty to stop him and wait for police even though they had no legal basis to do so. If the country can better understand who is a neighbor to each other that will eventually trickle down to policing and can get to more community based corrections. Then society can mostly feel that vigilante justice will not be needed to solve justice issues.

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