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## INTRODUCTION

# AN ARMED SOCIETY IS A POLICED SOCIETY

In the summer of 2016, Philando Castile—a school cafeteria supervisor, a father, a fiancé, an African American—is driving his family in a suburb of Minneapolis. He is pulled over by police. This is one of millions of interactions that civilians in the United States would have with police in 2016, and it is one of dozens Castile himself has had over the course of his life. As police’s audio-recording just before the stop reveals, Castile is pulled over because the officer believes he fits the description of a robbery suspect.<sup>1</sup>

Castile has experienced this kind of stop before. Aware of the rules of engagement when a black man is pulled over by police, he is careful to explain that he is lawfully armed: Castile is a concealed pistol license holder.

Castile understands that his license to carry a firearm is granted on terms shaped by his racial identity. He recognizes that, as an armed African American man, he foremost has to “comply” with police. His mother later recalled that, in a conversation on the very day he was killed, Castile insisted on compliance: “That’s the key thing in order to survive being stopped by the police.” His sister was apprehensive about being armed and black: as she told the press in the aftermath of her brother’s death, “I really don’t even want to carry my gun because I’m afraid they’ll shoot me first and then ask questions later.”<sup>2</sup>

And Castile strives to comply as he navigates the stop later that evening. Dissecting his movements for the officer, he explains that he is lawfully armed but not reaching for his gun; rather, he clarifies, he is removing his driver’s license and car registration for the officer. But attempting to submit to the law as a legally armed black man, Castile is put in the impossible position—what the former prosecutor Paul

Butler calls the “chokehold”<sup>3</sup>—in which complying with the law (e.g., reaching for his car registration, as demanded by police) means further submitting to its coercive power (i.e., being framed as an armed—and therefore dangerous—black man). For Castile, there is no space for compliance, no real opportunity to submit without being misrecognized as a violent threat; the officer is already holding Castile at gunpoint. By the time Castile exclaims, “I wasn’t reaching for it [the gun],” Officer Jeronimo Yanez of the Falcon Heights Police Department has already mortally shot him.

Castile’s killer had undergone twenty hours of “Bulletproof Warrior”<sup>4</sup> training that taught him that police who hesitate on the job could end up losing their lives, and during that stop, he quickly decides to pull the trigger. That decision aligns with an ideology of gun militarism that stipulates black men as not just suspect criminals but dangerous gun wielders—rather than legally armed as Castile was. In the process, Castile’s right to keep and bear arms is done away with—the very right that many Americans, especially American conservatives, hold dear.

Nonetheless, the National Rifle Association (NRA)—despite fashioning itself as the bulwark of gun rights—only timidly speaks out about the case after being pressed by some of its members. Perhaps concerned about appearing antipolice, the organization euphemistically refers to “troubling . . . reports in Minnesota.”<sup>5</sup> Nevertheless, as the case unfolds, some NRA members demand answers about an apparent racial double standard in defending the gun rights of Americans.

The proliferation of guns disproportionately harms African Americans who are feloniously killed, injured, and traumatized by them at rates that exceed manyfold those of other racial groups in the United States. Is it just a cruel irony of American gun law that, as African Americans turn to the very thing—the gun—that many in American society celebrate as the ultimate protection against violence and the ultimate indicator of full citizenship, they are more likely to be punitively harassed by the state—police stops, arrests, jail time, prison time, probation, and even death—on account of it?

A year later, Castile’s killer is acquitted of all major charges.

On the political right, some, such as the *National Review*, bemoaned the verdict as a “miscarriage of justice.”<sup>6</sup> Some police chiefs told me that they were deeply troubled by the facts of the case and its outcome. Ultimately, though, it was the political left that defended Castile most loudly. By the time of his death, the Black Lives Matter movement had already become a major political force to spur public debate regarding the undue and unjust killings of people of color.<sup>7</sup> Though the movement began in the aftermath of the acquittal of the private civilian George Zimmerman in the killing of Trayvon Martin, it soon became focused on the issue of police killings of people of color. Juxtaposed with local law enforcement’s initial decision to release George Zimmerman without arrest, Castile’s death intimated a lethal double standard in law enforcement’s treatment of armed civilians. Castile’s death electrified street protests and public outcry. *The Atlantic* declared Philando Castile, Alton Sterling, and other armed African Americans as “The Second Amendment’s Second-Class Citizens.”<sup>8</sup> A *New York Times* op-ed, titled “Philando Castile and the Terror of an Ordinary Day,”<sup>9</sup> implicitly conceded that gun carry was “ordinary” for Americans, even as “black people still struggle to hold on to the ordinary.” Memes proliferated that maintained that arming black people was a surefire way to enact gun control.

The racial politics of guns suddenly, but only momentarily, shifted the liberal left and the conservative right to otherwise uncomfortable sides of the gun debate in the context of Castile’s death. Because of the way race and gun rights intersected in this tragedy, the Castile case had the potential to create strange bedfellows and a different public discourse concerning race, guns, and policing. But ultimately, this did not and could not happen. Why not is the subject of this book.

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Philando Castile was not the only one who tragically died that summer week in 2016. A day before Castile was killed, two officers approached Alton Sterling and pinned him to the floor of a convenience store in Baton Rouge, Louisiana; one of the officers yelled that Sterling had a gun, and Sterling was shot to death. Then, the day after Philando

Castile died, protesters held a Black Lives Matter rally in Dallas, Texas. There, a lone gunman targeted police in a revenge ambush, allegedly in response to the spate of police homicides leading up to that day: five Dallas Police Department officers, including Lorne Ahrens, Michael Krol, Michael Smith, Brent Thompson, and Patricio Zamarripa, were executed while on duty at the protest, protecting the right of the people gathered there to peacefully protest—in this case, peacefully protest the police.

A few days later, I interviewed Chief Raymond (a pseudonym) in a wealthy white hamlet in Northern California. Chief Raymond was exasperated: “I am not sure what can be done. I think we need some kind of divine intervention, like a Mother Teresa.” I responded with my own exasperation at the run-up to the 2016 U.S. presidential election: “So, not Donald Trump or Hillary Clinton?” “No,” he responded, “we need divine intervention. A spiritual fix.”

Chief Raymond was hard to pin down during my hour and a half with him. He was skeptical about top-down government fixes, sardonically mocking his own chosen profession: “We’re the government, and we’re here to help!” In his view, people were “entitled” to own guns. He couldn’t help but believe that when guns are outlawed, only outlaws will have guns: “If you tell people they can’t buy guns, only law-abiding people are not going to buy a gun. I totally sympathize with that. Then the question is, what’s practical?” Guns were practical, it seemed, because guns had always been a part of his life, and so it was difficult for him to imagine life without them—not just for him, but for others, too: “I am totally comfortable with a gun. I have one at home. I lock it up at all times, but I have it at home. And people should be able to have it at home, and they should lock it up.” If people wanted to feel secure, he reasoned, they should be able to have guns, safely stored.

But when I brought up concealed carrying of guns into public, he seemed perplexed: “Carrying, that is a little more problematic. Philosophically . . .” There was an awkwardly long pause, which seemed to be interrupted by the weight of current events. He explained: “I put myself in the position from the perspective of law enforcement: where someone says, ‘I have a gun,’ and the officer says, ‘let me see your hands,’

and the guy reaches for a gun. Like what happened this last week in Minnesota.” He notably didn’t say the name Philando Castile, but we both knew what he was talking about. Then he shifted his frame of reference; he was now the concealed carrier: “I know that if I am stopped, my hands are on the wheel, and my hands are even out of the car if that’s what the officer wants, and I’m doing everything that officer wants me to do. He can even ‘felony’ stop<sup>10</sup> me. Whatever he needs to feel safe.”

His commitment to law and order was steadfast, as was his condemnation of lackluster enforcement. Gun bans for people deemed prohibited possessors, like people with violent felony convictions? “If we stuck to it, it’d be effective! Somehow, people manage to get their guns back—it’s broken, like the courts.” Gun bans for people under domestic violence protection orders? “My sense is that the courts aren’t issuing them enough. They tend to minimize the severity and seriousness of domestic violence.” Outright bans on entire classes of guns, such as so-called assault rifles or magazines that can hold more than ten rounds of ammunition? “It is not effective at all. Once again, we have laws on the books already, but they are not being enforced. And no, those guns [assault rifles] don’t bother me.” Mandatory minimums for gun-involved crimes? “If someone goes away for twenty-five years because of a gun, that’s a deterrent. Sorry if we have to build bigger prisons. Ship them somewhere cheap, like Kansas or Wyoming. Warehouse them. I don’t care.” And he was bewildered by “all of the violence”—even, he admitted, cops “shooting people in the back.” But for Philando Castile and the question of gun carrying, he couldn’t give “a definitive answer except to say, it is extremely difficult to expect police officers to not use deadly force on someone they know to have a gun.”

## GUN POLITICS AS THE POLITICS OF THE POLICE

Police are aware that guns are lethal tools that threaten emotional, physical, legal, and financial wreckage. They understand that guns irreversibly kill. They know that their working *and* personal lives are indelibly marked by having so many guns in so many hands. And they

recognize that problems, even high-stakes confrontations, can be—and often should be—solved without recourse to guns.<sup>11</sup> These sentiments are sometimes captured by newsmakers as evidence of police’s natural alliance with gun control, as suggested by recent headlines in the *New York Times* (“As states expand gun rights, the police object”), the *Washington Post* (“Houston police chief on gun control: If not now, when?”), *USA Today* (“Gabby Giffords’ gun-control group gets new law enforcement allies”), and elsewhere. From greater gun regulation, police stand to gain safer working conditions, enhanced enforcement tools, and clearer jurisdiction over their mandate as armed enforcers of the law.

The problem, though, with the assertion that police across the United States would be better off without the widespread proliferation of civilian guns is that *police themselves do not buy it*. An expansive Pew survey on police attitudes shows that police support gun rights, and in percentages that outpace the U.S. public.<sup>12</sup> The general public has been split 50–50 on prioritizing gun rights versus gun control, but police favor gun rights over gun control by a ratio of 3:1. Meanwhile, though police widely support gun tracking mechanisms—including expanded background checks—they also oppose outright bans. In stark contrast to the two-thirds support for an assault weapons ban among the general public, less than a third of police support the outlawing of these weapons.

It is easy to imagine how far fewer police and far fewer of *those policed* would be hurt and killed in the course of law enforcement work without guns in the holsters of civilians (or, for that matter, in the holsters of police),<sup>13</sup> but police nevertheless appear willing to live with the consequences of a widely armed society. How and why do many police embrace expanded gun rights? For whom do they embrace gun rights? And what are the social consequences of this embrace?

We will never know how Chief Raymond would have actually reacted upon stopping a legally armed civilian. What we do know, though, is that he, other police, and the public in general have inherited particular, racialized ideas and expectations about perpetrators and victims, about blameworthiness and innocence, about chaos and social order. None of us created these ideas out of whole cloth, but most of us

have been raised and socialized to believe that they form an indispensable part of the society we live in. And, whether we like it or not, we are charged with navigating these ideas accordingly. To be clear, this is not an indictment of police except to the extent that it is an indictment of all of us; it is a recognition of the ways in which ideas about race constitutively shape our collective understandings of a wide variety of social phenomena, including the boundaries of legitimate violence.

*Legitimate violence* describes a kind of physical coercion that appears justifiable within the broader society where it takes place. As used in the context of this book, *legitimate violence* is not a normative term that justifies a particular act of violence; rather, it is a term that opens up the questions of *how*, *to what extent*, and *in what contexts do certain acts of violence become justified and thus legitimate*. The sociological approach in this book assumes that things are not simply as they appear to be; they are produced, and reproduced, through specific mechanisms and practices undertaken by real people, often coordinated by the social institutions they inhabit.

There are a number of ways violence can be justified—through law, justice, and authority.<sup>14</sup> Classical sociology—starting with Max Weber<sup>15</sup>—has long held up the state as the institution uniquely charged with the prerogative to distinguish between legitimate and illegitimate violence, including violence occurring in the private sphere and enacted by private individuals. In the contemporary context, legitimate violence has included acts perpetrated by police in the name of law and order and by private civilians in the name of defense and protection. The legal and societal norms surrounding legitimate violence, of course, do not always line up: a violent act may be deemed lawful by the state but inspire massive public outcry—as in the case of Philando Castile’s death.

The controversy over designating certain acts of private violence as legitimate is at the heart of contemporary American debates about guns in society, including the proliferation of lawful guns into everyday life (e.g., gun carry), the vetting of individuals wishing to access guns (e.g., background checks), and the appropriate punishments for gun-involved infractions (e.g., enhanced sentencing for gun-involved crime). Roughly



330 million guns are owned by around one-third of American households; at least eighteen million Americans are licensed by their state of residency to carry a gun concealed, and millions more can carry under “permitless regimes”; 72 percent of Americans have shot a gun at least once.<sup>16</sup> White American men are disproportionately likely to own and carry guns and find in them a source of empowerment;<sup>17</sup> African American men also own and carry guns lawfully for protection and empowerment,<sup>18</sup> but they are disproportionately likely to be involved in gun-involved crimes, whether as victims or suspects.<sup>19</sup>

Oriented around questions of legitimate violence, this book traces contemporary American gun politics, gun policy, and gun practice across state and society (and back again). It argues that race shapes not only how gun politics unfold but also how public policies regarding guns are mobilized to distinguish between legitimate violence and criminal violence. This distinction has profound consequences for how we live and die by, and how we debate and deliberate about, guns—whether guns on the hips of private civilians or guns in the hands of police.

By attending to racial frames of legitimate violence, this book claims that within the United States, coercive social control is organized by racialized understandings of gun violence. And it shows that, although the contemporary terrain reflects a historical legacy of racial domination in the United States, the racial delineations between *legitimate* versus *illegitimate* violence and between *public* versus *private* legitimate violence are actively reproduced and, at times, resisted.

Accordingly, this book centers on three key brokers that play crucial roles in staking out the boundaries of legitimate violence for private *and* public gun wielders. The first is the NRA. Although the organization is known for its transformation of the cultural and legal landscape of gun rights among private civilians, it has also advocated on behalf of police as professional gun wielders since the early twentieth century. The second is police chiefs. Although they may not be on the front lines of gun law enforcement in the sense of conducting regular stops and searches, they are uniquely and acutely attuned to the complex politics surrounding gun policy by virtue of their accountabil-

ity to their respective agencies, to the politicians who appoint them, and to the broader public on whose behalf they serve. The third is gun board administrators who issue, reject, revoke, and suspend gun carry licenses. Although gun boards exist in only a few states,<sup>20</sup> they provide a rare window into understanding how representatives of the state—here again, public law enforcement—broker the boundaries of legitimate violence for private civilians looking to wield legitimate violence in the form of a concealed firearm.

Each of these brokers provides a vital vantage point to unravel “gun talk.” Gun talk refers to the discourses through which we make sense of guns, including criminal guns and lawful guns as well as private civilian guns and police guns. Accordingly, gun talk provides a means of tracing sensibilities regarding the social dynamics of legitimate violence. Who has the capacity for it, and based on what statuses or qualifications? In what contexts? And according to what norms, justifications, or authority?

By studying the NRA, police chiefs, and gun boards, this book examines two brands of “gun talk” that link the politics of guns with the politics of the police: gun militarism and gun populism. I hope to convince the reader that these terms are more useful than the usual terms of the gun debate (i.e., “gun control” and “gun rights”) for understanding the surprising affinities and aversions among those invested in the politics of guns. Under gun militarism, the division between state and society is deepened with regard to legitimate violence, and this chasm is galvanized by racialized imagery of a “bad guy with a gun” to justify aggressive gun law enforcement. In contrast, under gun populism, the boundary between state and society is blurred with regard to legitimate violence, and the putatively color-blind imagery of the “good guy with a gun” is mobilized to justify expanded gun access. Always coexisting, oftentimes complementary, and sometimes dueling,<sup>21</sup> these two racial frames serve as guideposts in mapping out contemporary gun talk. As such, they clarify the stakes in today’s gun debate. Much more than a disagreement over private gun regulation, the U.S. gun debate is fundamentally a debate about the license for and the limit of legitimate violence—of private civilians as well as of the state.

## GUN MILITARISM

Since the 1960s, the war on crime has left urban America pockmarked with busted doors, shattered windows, and broken lives. A variety of government initiatives have deepened ties between the police and the military: local police departments have vied for military equipment; they have sought out training by military experts; they have recruited military veterans to fill their ranks. This transformation has been labeled “police militarization.” As the criminologist Peter Kraska describes, this is “the process whereby civilian *police* increasingly draw from, and pattern themselves around, the tenets of militarism and the military model.”<sup>22</sup> What has resulted is a distinctive frame for understanding police-civilian relations in militarized terms, a frame that emphasizes a strong police monopoly on legitimate violence as the preferred mechanism to wage a war on crime. This book calls this frame “gun militarism.”

The “Warrior mindset” is a powerful starting point for understanding gun militarism. As the former law enforcement officer and legal scholar Seth Stoughton writes, this mindset “refers to a deep-bone commitment to survive a bad situation no matter the odds or difficulty, to not give up even when it is mentally and physically easier to do so.”<sup>23</sup> This mindset is what Philando Castile’s killer learned when he attended auxiliary “Bulletproof Warrior” training. According to a *New York Times* summary, the training treats police work as combat, portrays “a world of constant and increased threat to officers,” and encourages officers to fully embrace their prerogative to use force. (As the *New York Times* notes, the course labels as “myth” the notion that “the officer must use the minimal amount of force necessary to affect their lawful law enforcement objectives.”)<sup>24</sup> From the perspective of the Warrior, gun regulation becomes a mechanism to disarm the enemy, thereby stacking the odds in the Warrior’s favor.

With the Warrior brand of policing unleashed on urban streets across the United States, black Americans have learned from an early age—from the police who stopped, frisked, questioned, and arrested them as well as from parents and community members who struggled to

protect their lives and their childhood innocence<sup>25</sup>—that their skin color made them suspicious; their clothing, body language, and words were under protracted surveillance for evidence of presumed criminality; and therefore there was no such thing as an unnecessary precaution in performing black deference to police authority. And although black and brown girls and women are frequently the target of police abuse, sexual assault, and violence and are denied status as deserving victims as compared to their white counterparts,<sup>26</sup> the specter of hyperaggressive, hypersexual masculinity became central to suturing criminality to blackness. Black boys and men are disproportionately likely to be stopped, frisked, arrested, incarcerated, and killed by state agents.<sup>27</sup>

These were all lessons that Philando Castile knew well. As a legally armed black man, Philando Castile should have upset the stereotypes that stipulated black men as criminals (a felony conviction, after all, would have barred him from gun possession, let alone gun carry). Gun militarism nevertheless rendered his life unlivable because it left no room for firearms in the hands of private civilians already racialized as potential criminals. As a racial frame<sup>28</sup> used by public actors to define and demarcate the boundaries of public versus private legitimate violence, gun militarism reveals that the U.S. state is invested in a state monopoly on legitimate violence—at least with respect to the specter of racialized criminality.

But this is not the only frame of legitimate violence at stake in the United States.

## GUN POPULISM

Millions of Americans carry guns every day. Many of them are stopped by police without incident. That reality raises the question of whether Philando Castile could have been understood differently—not as a threat to the prerogatives of law enforcement but as a collaborator in social order. From the perspective of gun carriers, this was often the purpose of a lawfully carried firearm: to provide a stopgap between those precious moments between a violent crime's commission and the

police's arrival.<sup>29</sup> From this perspective, Castile was not a threat to police or public safety; he was an asset. As an armed citizen-protector,<sup>30</sup> he was someone willing to use lethal force to save innocent life and, therefore, someone aligned with police in pursuit of public order or, at the very least, public safety. Accordingly, a license to carry *should* have provided a credential of respectability for its carrier.<sup>31</sup>

The notion of police looking to private legitimate violence as an asset rather than a threat may surprise some. It certainly goes against the commonplace presumption that the police are defined by “the gun and the badge,” so to speak. But it is entirely in line with much of the gun talk that the NRA crafts, that police chiefs embrace, and that gun boards enact. And it is also in line with American history.<sup>32</sup> The historian Pieter Spierenburg reminds us that “in the United States as a whole and throughout most of its history, the social pressures favoring a monopolization of force have been weak in comparison with those in European national societies.”<sup>33</sup> In a book provocatively titled *The Six-Shooter State*, the political scientist Jonathan Obert argues that private and public forms of legitimate violence have co-constituted and reinforced one another in response to major social upheavals, from industrializing Chicago to the Reconstruction South to Western settlement.<sup>34</sup> Even the earliest forms of U.S. state-making—namely, Anglo settler militias who violently pushed the lines of U.S. sovereignty deeper and deeper into Native lands through dispossession and genocide<sup>35</sup>—often took the form of private initiative in pursuit of public interest. And in the contemporary period, scholars studying phenomena as diverse as a “no rules” weapons fighting groups, borderland militias, and armed citizen patrols find that legitimate violence percolates across state and society, often buttressing state prerogatives in the process.<sup>36</sup>

We risk sketching out a very incomplete picture of the contours of legitimate violence in the United States if we focus exclusively on gun militarism. The opposite of gun militarism is not merely a *lack* of aggressive policing. Rather, it is a different way of demarcating legitimate violence and of understanding the significance of guns in private possession, which I unravel in this book as “gun populism.”<sup>37</sup> Gun populism

helps explain why much of law enforcement supports expanded gun rights; why many police see armed civilians as collaborators in fending off threats; and why the celebration of “good guys with guns” enhances the legitimacy of police and private wielders of violence alike. Under *this* brand of gun talk, armed civilians are not threats but assets to the state, and police, for their part, understand themselves not so much as Warriors who hunt criminals but as Guardians who save victims.

Gun populism is embedded in an alternative, and underappreciated, policy impulse of the war on crime. Since the 1980s, firearms laws involving gun carry (such as “shall-issue” laws) and the defensive use of guns (such as Stand Your Ground) have largely expanded gun access and use. As with “tough on crime” politics that embolden the state to punish criminal offenders, this set of policies champions the rights of law-abiding civilians over those of would-be criminals. However, these policies presume the state’s incapacity to solve the problem of crime for ordinary Americans.<sup>38</sup> Unlike gun militarism, which deepens the divide between police and private civilians with respect to legitimate violence, gun populism blurs this line by recognizing certain forms of private violence as legitimate, often in an effort to protect “the people” from threats from below (e.g., political, economic, and cultural threats posed by marginalized groups) and above (e.g., political, economic, and cultural threats posed by elites).

Gun populism often appears alongside color-blind ideals of lawfulness and innocence that nevertheless reflect values, dispositions, and sensibilities associated with whiteness.<sup>39</sup> Indeed, the very expectation that one’s gun will be recognized as legitimate is one example of why the legal scholar Cheryl Harris<sup>40</sup> sees whiteness as a form of property that can compel certain kinds of recognition from legal authorities. While most policing scholarship reduces race to black and brown bodies, gun populism urges us to unpack the relationship among whiteness, legitimate violence, and policing. Despite its naturalized invisibility,<sup>41</sup> whiteness is a contingent social achievement<sup>42</sup> that does not merely disadvantage some but also “craft[s] advantages”<sup>43</sup>—for example, the

advantage of having one's acts of violence recognized as legitimate. Throughout American history, institutional arrangements have benefited whites by redistributing resources from people of color.<sup>44</sup> Such arrangements have also established the structural and discursive skill for justifying this redistribution—such as the construction of black and brown boys and men as criminal “thugs.”<sup>45</sup> Finally, as this book unravels, such arrangements have effectively deputized whites (and those who adhere to the color-blind politics of racial respectability) as legitimate carriers of law and order and validated the racial distribution of legitimate violence that sustains it.

Centered on public law enforcement but not restricted to it, this book analyzes the social life of gun populism and gun militarism. These bifurcated racial frames of legitimate violence (namely, a militarized bent and a populist bent) help unlock the contemporary politics of the police and the present terrain of gun politics—and the urgency of considering them as deeply intertwined, rather than distinctly separate, concerns.<sup>46</sup>

## POLICING THE SECOND AMENDMENT

Chief Raymond and police across the United States chose the profession of law enforcement, but they did not choose its history. Today's law enforcement entered the profession during and after its ascendance as a central institution for the color-blind pursuit of law and order. Although race overtly undergirded the origins and manifestations of policing projects in the South, the North, and the West in their early incarnations, policing became increasingly color-blind as the twentieth century marched forward. With the assistance of late nineteenth- and early twentieth-century sociologists and criminologists who pioneered statistical analyses of crime as a scientific venture that nevertheless attempted to justify racial inferiority,<sup>47</sup> crime (rather than race per se) became a central concern of what would develop by the latter half of the twentieth century into a vast and complex carceral state.

This emphasis on crime would be the basis whereby police transformed from a corrupt and inept state institution dependent on outside

support (whether charities in the North,<sup>48</sup> white supremacists in the South,<sup>49</sup> or private security firms in the West<sup>50</sup>) into an institution singularly defined by its professional commitment to eradicate crime. Police work has historically been highly localized and uneven, but during the twentieth century, it became more standardized, while the discourses used to *talk* about police—as heroic crime fighters sworn to protect and serve—became increasingly monolithic among the police and public alike. Crime thus became a dog whistle both to justify the aggressive pursuit of “law and order” in black and brown communities as well as to flag a particular kind of state authority captured in the figure of the uniformed police officer.

Following Ibram X. Kendi’s caution that we should not approach the history of race in America as a history of racial progress,<sup>51</sup> this book does not conceptualize the contemporary contours of either the politics of policing or gun politics as a monolithic march toward, or away from, greater justice, equality, and order. Instead, it considers these politics as contingent and mutually reinforcing. As such, this book aims to trace different impulses—gun militarism and gun populism—with regard to the organization of legitimate violence, public law enforcement, and gun access in the United States. To “police” the Second Amendment is not merely to regulate guns; it is to forward particular visions of social order that reflect particular understandings of both what *constitutes* legitimate violence and *how it should be distributed* across society, visions that are embedded—often implicitly but sometimes explicitly as well—in racial ideas surrounding law and order. To “police” the Second Amendment means negotiating gun militarism and gun populism amid long-standing and revamped ideas about criminality and innocence, as Chief Raymond did as he negotiated his own use of force in relation to his delicate support for civilian access to firearms.

### Evidence

This book develops gun militarism and gun populism as racial frames of legitimate violence that link together the politics of guns and the politics of the police. To unravel this linkage, I rely on newspaper accounts



from local and national newspapers; interviews with police chiefs across Arizona, Michigan, and California; and observations made at gun licensing boards in Michigan. This evidence allows me to explore the relationship among gun violence, gun politics, gun policy, and gun law enforcement.

I focus on three kinds of actors that broker the relationship between the politics of guns and the politics of the police. The first involves gun lobby organizations. Since the early twentieth century, the NRA in particular has acted as what the sociologists Roberto Fernandez and Roger Gould call an “itinerant broker.”<sup>52</sup> This kind of broker links actors involved in the same social arena, but the broker itself is not actually part of that social arena. This book shows that the NRA plays a role in coordinating the attitudes and, to a much more limited degree, the actions of law enforcement officers across jurisdictions, even though the NRA itself is not a state entity. Second, this book considers the administrators (themselves law enforcement) who populate gun boards as “gatekeeper brokers”<sup>53</sup> insofar as they decide the terms on which a particular resource—in this case, legitimate violence in the form of the capacity to lawfully carry a firearm—is distributed to private, nonstate actors. Third, this book looks at police chiefs as “representative brokers”<sup>54</sup> because they must navigate the competing demands coming from both *outside* and *within* their respective agencies.

The population of police chiefs, it is important to note, is not interchangeable with law enforcement at large. Chiefs should not be generalized to the whole of public law enforcement. Nevertheless, their vantage point is key to understanding the social construction of gun violence within public law enforcement and its impact on police practice, as police chiefs play critical roles in training, managing, and disciplining officers within their jurisdictions. Hailing from an earlier generation of police, chiefs are older, and they tend to have less racial and gender diversity. My interviewees were overwhelmingly white, middle-aged men split across urban, suburban, and rural jurisdictions. In addition, most police spend their careers involved in patrol activities, whereas in many agencies, chiefs neither regularly engage in patrol nor have done so for years. (That said, many of the chiefs I interviewed in

smaller and medium-sized locales attested to regularly engaging in patrol activities.) Police chiefs and line officers are widely known to differ in their political profiles, with line officers generally more conservative than top brass. Accordingly, as candid as police chiefs were during my interviews, the findings in this book likely *underestimate rather than oversell* the pull of gun populism and gun militarism in shaping police's stance on guns. (For those who are interested, I describe my methodological approach as well as present detailed aggregated data on sample characteristics in appendix A.)

This book traces gun militarism and gun populism across three states with similar politics of crime and punishment but dissimilar politics of guns. Arizona, California, and Michigan are racially diverse and socioeconomically unequal states characterized by punitive politics of policing and punishment. The politics of crime and punishment in each state reflects the punitive turn in criminal justice since the 1960s as well as an increasing proliferation of criminal justice practices and sensibilities beyond criminal justice proper.<sup>55</sup> Over the past five decades, these states have rallied “tough on crime” policies to address issues of immigration, racial inequality, socioeconomic restructuring, and public disinvestment.<sup>56</sup> Nonetheless, their respective politics of guns—and gun cultures—are strikingly divergent.

### Arizona

Arizona is “gun-lax”: there are few restrictions on gun use and gun ownership in Arizona, and the state has even passed a law aimed at superseding federal regulation of guns produced and sold within state lines. Outpacing states popularly associated with gun rights (such as Texas or Florida), Arizona represents a small but growing number of states that have abolished restrictions in favor of expanded gun access and resisted laws that would enhance regulations. Arizona receives an F from the Giffords Law Center to Prevent Gun Violence, a gun-safety organization;<sup>57</sup> it has frequently been ranked #1 by the magazine *Guns & Ammo* as the best state for gun owners. As the magazine notes, “It’s hard to improve upon Arizona’s gun laws but they seem to make an effort every year.”<sup>58</sup> Legally, the state boasts an unprecedented

apparatus—or lack thereof—for gun law enforcement, and pro-gun groups like the Arizona Citizens Defense League press to ensure that the state’s laws remain favorable to gun rights proponents. There is no required licensing procedure to vet civilians who carry firearms within the state (a licensing apparatus exists for individuals wishing to carry out-of-state), nor is there a firearm registry or permitting system for gun ownership. Background checks are not required for private sales. Legally, an eighteen-year-old can possess (provided it is obtained via private sale) and openly carry a pistol without a license; anyone twenty-one or older can carry any gun they legally possess either openly or concealed. Arizona not only has Stand Your Ground, but also a law designating what constitutes the lawful display of firearms for defensive purposes (effectively legalizing “brandishing” for the purpose of protection). There are no Red Flag laws that facilitate the seizure of guns from those posing a danger to themselves or others, and—by virtue of eased due process standards—those under personal protection orders for domestic violence are not automatically required to relinquish their firearms, despite federal regulatory efforts in this regard.

Despite being ranked in the top third of U.S. states for gun violence,<sup>59</sup> high-profile acts of gun violence (such as the 2002 University of Arizona Nursing School shooting and the 2011 Gabrielle Giffords shooting), and pockets of gun-safety advocacy (including a surge in activism in the aftermath of the Giffords shooting), pro-gun rights sentiments saturate the social life of Arizona from a variety of angles. Economically, the state is deeply intertwined with the gun industry. With a Ruger factory in Prescott and countless niche gun and gun accessory manufacturers, gunsmiths, and self-defense schools, the state has been described as a “Mecca” for gun makers.<sup>60</sup> Culturally, Arizona is shaped by its deep frontier history of gunslingers and vigilantes; this history is visible in arenas as distinct as the state’s constitution<sup>61</sup> and its contemporary tourist campaigns—Tombstone, Arizona, for example, recently proclaimed itself America’s “Second Amendment City.” Politically, the state’s pro-gun rights sentiments not only shape debates directly about guns but also inflect other issues, including responses to the politics of migration; the relationship between the United

States and sovereign Native peoples; and the relationship between local and state politics and federal politics, particularly with respect to the U.S. military.

### Michigan

In contrast to Arizona, Michigan represents a state apparatus best characterized as “gun-permissive.” Michigan is representative of the majority of states in that it is both regulatory (i.e., licensing systems are in place) *and* permissive. Residents can legally own handguns and long guns as well as fully automatic guns, although they must register handguns with local police (unless they have an exemption) and register fully automatic firearms with the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Michigan State Police. Like the majority of other states, Michigan has a shall-issue concealed carry licensing system, which means that the state grants civilians a license to carry a gun on a nondiscretionary basis; these laws vastly expand the number of lawful gun carriers within states that pass them. Michigan passed Stand Your Ground legislation in 2006, and unlicensed open carry remains legal in the state. And although the state bars anyone under a domestic-violence–related personal protection from possessing a firearm, any protocols and resources for actually seizing the firearms fall largely onto local police jurisdictions. Meanwhile, efforts by gun control advocates to pass Red Flag laws that would facilitate gun seizures have been considered but stalled in the state legislature.

Michigan has a multifaceted gun culture. Hunting is huge: in 2017, the state counted more than seven hundred thousand licensed hunters, trailing only Texas and Pennsylvania.<sup>62</sup> Furthermore, hunting accounts for billions of dollars of the state economy and 170,000 jobs.<sup>63</sup> Meanwhile, Michigan has a vibrant defensive gun culture; the state receives more than six million dollars a year in concealed pistol license (CPL) fees, and with more than six hundred thousand active CPL holders, roughly 8 percent of the adult population are licensed to legally carry firearms in public.<sup>64</sup> Whether in the rural Upper Peninsula or urban Detroit, it is difficult to drive far without seeing billboards, bumper stickers, or storefronts embracing firearms as everyday objects of

recreation and protection. Shooting ranges, gun shops, and mom-and-pop firearms training schools do not just allow Michiganders to enjoy gun culture; they also allow entrepreneurial residents to transform gun culture into personal businesses. Meanwhile, the state has a bustling gun rights political community, including the Michigan Coalition for Responsible Gun Owners and Michigan Open Carry.

Alongside this vibrant gun culture is an uneven terrain of gun violence. Though the state experienced overall declining rates of gun violence—it now ranks at the median of states in terms of the firearms death rate<sup>65</sup>—gun violence remains starkly concentrated in a few areas of the state. Detroit, Flint, and Saginaw frequently top lists of the most dangerous cities in the United States. Furthermore, despite the state’s pro-gun politics, it is a historically blue state—the home of labor struggles that gave rise to the United States’ most vibrant union organizing. This blend of politics helps explain the state’s interesting mix of gun policy—better described as permissive than lax. The state received a C from the Giffords Law Center to Prevent Gun Violence,<sup>66</sup> and *Guns & Ammo* ranked the state twenty-seventh in its 2017 list of the “Best States for Gun Owners.”<sup>67</sup>

### California

Finally, California is “gun-restrictive.” California administers its own background check system alongside the federal system, and the state heavily restricts gun ownership, has its own state-level assault weapon ban, and has made efforts to regulate both magazine capacity and ammunition. Not only does California actively maintain and enforce a “prohibited persons” list to remove guns from unlawful possessors, but it has also passed Red Flag laws such as the Gun Violence Restraining Order Act (AB1014), which expands the conditions under which law enforcement may seize guns from gun owners.<sup>68</sup> Needless to say, the state has not followed the majority of states in passing Stand Your Ground laws or implementing a statewide shall-issue concealed carry licensing system; instead, the state has banned both loaded and unloaded open carry. California represents approximately a dozen states in which guns are highly regulated *and* highly restricted. In light of

the state's efforts at gun restrictions, some firearms manufacturers have pulled their operations out of California;<sup>69</sup> others have ceased selling in the state altogether for reasons of politics as well as profits.<sup>70</sup>

As the state devolves responsibility for issuing concealed pistol licenses onto local police chiefs and county sheriffs under the state's may-issue system,<sup>71</sup> California gun culture has some meaningful variation within the state. Politically represented by the CalGuns Foundation, there is an active community of gun owners in California, especially in rural areas where police chiefs and county sheriffs are more likely to issue licenses to qualifying residents. Especially in urban coastal areas, however, the state is politically and culturally aligned with gun control as compared to the rest of the United States. Ranked forty-third in terms of gun deaths per 100,000 residents,<sup>72</sup> California receives an A from the Giffords Law Center to Prevent Gun Violence.<sup>73</sup> Not surprisingly, *Guns & Ammo* ranks the state at forty-sixth for "Best States for Gun Owners," commenting that "what was a very restrictive state for gun owners to live in has become outright hostile."<sup>74</sup>

## OUTLINE OF BOOK

This book starts by reconstructing twentieth-century gun politics from the vantage point of the police. Chapter 1 focuses on the relationship between the National Rifle Association and U.S. public law enforcement. Although police may be popularly defined by "the gun and the badge," it was the NRA that helped to establish the handgun as a tool of police expertise in the early twentieth century. As the NRA courted, then antagonized, and then courted again public law enforcement in the twentieth century and into the twenty-first century, it harnessed a racial politics of crime, touting a "tough on crime" agenda for urban gun offenders while decrying efforts to regulate American gun owners seen as otherwise upstanding. This chapter establishes that the NRA, rather than acting merely as an advocate of the firearms industry or a shaper of American gun culture, serves a critical role in linking together gun politics, public law enforcement, and the racial politics of crime. Chapter 2 shifts focus to police chiefs in Arizona, California,

and Michigan to examine their broad support for gun militarism in the form of aggressive “tough on crime” policies amid the specter of urban gun crime. This chapter shows that gun policy has been indelibly marked by the war on crime, rendering it intimately intertwined with the politics of race.

Whereas chapters 1 and 2 document how racialized tropes have animated understandings of urban gun violence and justified particular intersections between gun politics and the politics of the police, chapter 3 focuses on a new threat of gun violence that erupted in public and police consciousness alike in the late 1990s: active shootings. As compared to urban gun violence, active shootings are popularly associated with white perpetrators, white victims, and suburban and rural contexts. The racial politics of this new threat opened the door for police to reconceptualize themselves and their own guns. Instead of Warriors,<sup>75</sup> the police chiefs I interviewed situated themselves vis-à-vis active shootings as Guardians, and rather than objects of urban warfare, they saw their guns as tools of hardened care work necessary for protecting innocent victims from this newfound threat. They borrowed from the language of gun rights to make sense of their own obligations as police; they embraced the importance of their role as first responders in these crisis events, blurring the line between themselves and ordinary civilians; and they even at times embraced armed law-abiding citizens as allies and potential contributors to public safety. After explaining in chapter 3 how active shootings have affected how police chiefs understood their own prerogatives as police, chapter 4 explores how police chiefs articulate gun populism to make sense of their relationship with armed private civilians, often reflecting the sociolegal contexts in which police chiefs were embedded. In gun-restrictive California, police chiefs articulated an anti-elitist stance against lawmakers and legislators looking to unduly disturb or disarm “the people.” In gun-permissive Michigan, police chiefs understood ordinary civilians as potential crime fighters and saw the gun license as a color-blind indicator of respectability.<sup>76</sup> And finally, Arizona chiefs found—at times begrudgingly—that Arizona’s lax gun laws could enhance police re-

sponse and public safety, appreciating the armed private civilian as potentially productive of social order.

The first four chapters of the book lay the foundation for understanding gun militarism and gun populism as racial frames that circulate in national, state, and local debates about guns (chapter 1) and in the attitudes of police chiefs (chapters 2, 3, and 4). Chapter 5 addresses the question of how these racial frames shape what law enforcers actually do. Unraveling how these racial frames operate in practice and with what consequences, this chapter examines two county-level gun licensing boards that operated in Michigan until the end of 2015. Largely staffed by public law enforcement, these gun boards reflected gun populism insofar as they appeared motivated to issue concealed pistol licenses to would-be licensees, but they also reflected gun militarism to the extent that they nevertheless disproportionately disadvantaged—and degraded—claimants of color seeking concealed pistol licenses as compared to white claimants.

The book concludes by turning to the promises and pitfalls of reform—both with regard to guns and with regard to the police. Attending to gun militarism and gun populism as coexisting racial frames of legitimate violence, this book shows that an armed society need not necessarily be a “polite” society, as gun rights advocates claim, but it is most certainly a “policed society.” For far too long, Americans have argued about gun politics and the politics of the police as if they are separate debates. They are not—and we insist on their separation at our own peril.



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