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Thank you Chairman Raskin, thank you Ranking Member Roy, and thank you subcommittee members for this honor of speaking with you today.

My name is Vida Johnson and I am an Associate Professor of Law at Georgetown University and one of my specialty areas is policing. Before I begin, I want to make clear that I believe that the vast majority of people who become police officers do so for all of the right reasons, and that includes members of my own family.

Nevertheless, it must be acknowledged that there is a long history of explicit racism on police departments. Sadly, this legacy of racism continues today. Our nation is one of the most diverse in the world and our officers need to be able to protect and serve everyone in our communities.

We know from federal agencies that there is a documented history of police affiliation with white supremacist groups. In 2006, the FBI warned of white supremacists trying to infiltrate police departments.¹ In 2009, the Department of Homeland Security warned that white supremacists were out to recruit former military personnel and called it one of the “biggest domestic terrorism threat in the United States.”² Unfortunately these warning went unheeded.

In 2014, several members of a police department in Florida were outed as members of the KKK.³ In 2015, an Alabama officer was identified as being a member of the League of the South, another white supremacist organization.⁴ In 2017, an Oklahoma police chief was discovered to


be one of the country’s most influential white supremacists.\(^5\) He was the owner of a white supremacist website and had even been in two documentaries about hate groups.\(^6\) In 2019, a prospective homebuyer toured a Michigan officer’s home and saw a framed KKK application.\(^7\)

In addition to officers who identify with these types of groups, some officers may hold explicitly racist views without any hate group affiliation.\(^8\) DOJ reports on Ferguson\(^9\) and Chicago\(^10\) make plain that officers used the “N” word along with many other disparaging remarks about people of color in the communities they policed. Just this year in Wilmington, NC, white officers were caught on tape looking forward to a race war and dreaming of wiping black people off of the

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\(^6\) See id.


map.\textsuperscript{11} Texting scandals involving multiple officers in San Francisco\textsuperscript{12} and Miami\textsuperscript{13} also make plain that explicitly racist speech is routine between officers not just in rural areas or the south, but all over the country. We know that no community is safe - north, south, east, west, rural or urban.

In my 2019 article I compiled accounts of 178 instances of explicit racial bias the by members of the police in 48 states.\textsuperscript{14} We know that this is just the tip of the iceberg. I suspect these numbers are low for several reasons. First, many of these incidents were revealed in news articles. Some officers are not so careless as to wear a racist t-shirt or text a racial slur, but they nevertheless hold those views.\textsuperscript{15} Further, confidentiality statutes in many states make issues of police discipline private, so incidents may not have made the news.\textsuperscript{16} Finally, and perhaps most obviously, the blue wall of silence keeps many of these officers on the force because others fail to report them.\textsuperscript{17}

We care about this problem because racist views might translate into racist deeds. For instance, officers may stop citizens based on their race.\textsuperscript{18} Racist views have also been shown to lead to

\begin{itemize}
  \item \textsuperscript{11} See Tim Elfrink, ‘We are just gonna go out and start slaughtering them’: Three cops fired after racist talk of killing black residents, WASH. POST (June 25, 2020), https://www.washingtonpost.com/nation/2020/06/25/wilmington-racist-police-recording/.
  \item \textsuperscript{14} See Johnson, supra note 8.
  \item \textsuperscript{15} See Kenya Downs, FBI Warned of White Supremacists in Law Enforcement 10 Years Ago. Has Anything Changed?, PBS NEWS HOUR (Oct. 21, 2016), https://www.pbs.org/newshour/nation/fbi-white-supremacists-in-law-enforcement (2006 FBI memo warned that white supremacists in police departments would not share their views publicly so as not to be discovered).
  \item \textsuperscript{18} See Rachel Weiner, A Va. Cop Was Fired for Racial Bias After Stopping the Chief’s Brother. A New Chief Hired Him Back. WASH. POST (May 19, 2017),
\end{itemize}
violence. We know that the biggest torture scandal in policing involved John Burge, whose “midnight crew” in Chicago extracted confessions from over 100 African American men using torture, including the use of cattle prods on genitalia, putting plastic bags over men’s heads, and putting pistols in men’s mouths.

In Little Rock Arkansas, an officer applying to the police department was honest when he reported that he had attended a Klan rally but did not join. He was hired by the department and shot and killed a 15-year-old black child a few years later while on the force.

What are some solutions to this terrible problem? If we codified a more expansive view of Brady v. Maryland, the Supreme Court case that mandates that prosecutors share information with the defense that is favorable to the accused, we might come to a way to ferret out some of these officers. Brady v. Maryland makes clear that the government must turn over any information that impeaches a witnesses’ credibility. It is also important to note that under this line of cases information in the police’s possession is imputed to the prosecutor. To implement these solutions, prosecutors would have to investigate their officers and turn that information over for use at a public trial.


See id.


Beyond codifying and expanding the *Brady* doctrine into statute, police departments can perform better background checks of officers in their hiring practices, implement zero tolerance policies, and institute social media policies in which officers agree as a condition of hiring to allow social media searches. Federal licensing of officers would also allow for better screening of officers and would prevent officers from going from one department to another after being terminated.

Ultimately, we must weed out officers who hold racist beliefs rather than sweep them under the rug.