

## LAWLESSNESS IN LAW ENFORCEMENT

Published in *The Campus Times*, p. 10 (May 30, 1991).

Author: Donald E. Wilkes, Jr., Professor of Law, University of Georgia School of Law.

We have all seen the sickening video. Black-uniformed, heavily-armed officers of the law, all of them white, sadistically and repeatedly club and kick a helpless, unarmed black male who writhes on the ground in pain. Numerous other officers of the law stand by and watch, doing nothing to stop the obviously cruel, illegal, and horrifying brutality of their fellow officers.

Rodney King, in a scene that could have come from Orwell's nightmarish vision of a police state future, is being manhandled by the Los Angeles police. He is knocked to the ground with a stun gun. The blows rain down on him. He is kicked and kicked. The citizen is at the mercy of lawless behavior of those agents of the state whose sworn duty is to protect the citizen from lawlessness. The police themselves have become the criminals, and the citizen has become their victim.

What happened to Rodney King was no fluke; it was not an isolated incident involving rogue cops. Beatings and other forms of police brutality, though carefully and cleverly concealed from the public, have always been, and continue to be, standard police behavior throughout this nation. The only thing that distinguishes the Rodney King incident from countless thousands of other similar incidents that have occurred and will continue to occur, is that the King beating was fortuitously captured on video by a person who just happened to be trying out his new video camera.

Having taught and studied criminal procedure for almost 20 years, I can truthfully say that I was one of the few people not surprised by the Rodney King beating, although of course I was surprised that the incident was (without the knowledge of the offending officers) videotaped. Therefore, this seems an appropriate time to put the King incident into its proper perspective for the benefit of those who were shocked at the excessive violence used by the LA police. For those who (like LA police chief Daryl Gates at first) deny that the video shows the police doing anything wrong, I have nothing to say, except that you would probably look good in brown shirt and jackboots.

American police have a long history of lawlessness. This lawless behavior is not limited to the use of excessive force and violence, as in the Rodney King incident. It has included unjustified shootings and killings of citizens; illegal arrests; illegal searches; illegal seizures; illegal detentions; illegal interrogations to coerce citizens to confess to committing a crime; illegal wiretapping; illegal use of informers; illegal entrapment to induce citizens to commit crimes; perjury; tampering with evidence; manufacturing false evidence of guilt; destroying or suppressing exculpatory evidence; and numerous other violations of criminal laws, not to mention violations of the constitutional rights of citizens. The Rodney King incident is only one recent manifestation of a much broader problem that has cropped up again and again in this nation's history: the large numbers of police who repeatedly and systematically violate the law in order to enforce it.

This lawlessness in law enforcement is not isolated or episodic; it is endemic, frequent, and systemic. It has happened and continues to happen all over the country; it occurs among plainclothes as well as uniformed officers, and in urban police departments as well as rural ones; it is not limited to a few "bad apples," or poorly trained officers; it is not limited to white or male police officers; it is hidden from the public as much as possible and brazenly denied when exposed; it is usually, but not always, directed against minorities, young people, poor people, and others in no position to defend their rights; it breeds bitterness, disillusionment, despair, and crime among those it victimizes; and it is wrecking every principle of justice this country is supposed to stand for.