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# Beyond “Police Brutality”: Racist State Violence and the University of California

*Dylan Rodríguez*



Photo by Louise Macabitas

**Figure 1.** University of California, Davis, police officer pepper spraying student protestors, November 18, 2011. Courtesy of Louise Macabitas, UC Davis student.

## From UC Davis to UC Riverside, Global Outrage to Conspiracy of Silence

The events of November 18, 2011, at the University of California, Davis, bear the mark of a certain kind of American racial-political spectacle. An eruption of police violence on that afternoon—what most have named an act of “police brutality”—catalyzed a national and international response, focused on the vulnerable bodies of young white people engaged in an act of civil disobedience. (With due respect to the people of color who were also in the line of fire at Davis, my contention is that their bodies were not the ones with which the national and international

response was primarily concerned, nor was their vulnerability centrally responsible for inciting this global outrage in the first place.) The political outcry was primarily fueled by the viral circulation of cell phone, Facebook, and YouTube videos depicting riot-gear-ed police officers dousing the UC Davis Occupiers with caustic yellowish fluid (a widely published still image of which appears here as fig. 1). As this scene becomes momentarily enshrined in the political narratives of the U.S. Left as a reference point for exposing the repressive tendencies of a state (and university system) in crisis, it seems that the spectacle of UC Davis has been isolated from the historical context that has enabled it.

As a point of vital contrast, it is worth remarking that two months after the UC Davis pepper spray incident, on January 19, 2012, a far more massive and militarized display of police force/violence occurred at my home campus of UC Riverside, in which students were actually *shot* with “less than lethal” police pellets during protests of the UC Regents meeting.<sup>1</sup> In the case of the Riverside campus, UC police were mobilized from *every UC campus* other than Davis and Merced, and were supplemented by officers from the City of Riverside Police Department and Riverside County Sheriff’s Department. Police helicopters periodically circled over the protest, and officers took what seemed to be sniper positions at strategic high points on campus buildings. The climate was thick with police presence, and the pageantry of political intimidation manifested a massive show of force against the students, faculty, staff, and ordinary people who populated crowd. This police demonstration starkly contrasted with the protest’s well-disciplined adherence to tactics of “nonviolence.” (By way of definition, I do not consider loud chants, intense and vitriolic rhetorics of protest, militant refusal to disperse an alleged “unlawful assembly” or sit-down blockades to constitute “violence”; further, even if one wishes to perform the academic gymnastics of labeling such activities as forms of discursive, symbolic, existential, and/or immanent violence, they are certainly not of a kind remotely comparable to the aforementioned marshaling of legitimated state violence.) For reasons I attempt to explain, we should not be surprised that UC Riverside’s scene of police repression—images of which are also easily accessible via e-mail listservs, YouTube videos, Facebook photos, and the like—has not attracted remotely the kind of attention and righteous reaction as the incident at UC Davis.

Rather than stagnate in the discourse of righteous outrage that is almost reflexively spurred by such events, it may be more useful to pose some hard questions: for example, is it possible that the entwined narratives of moral affront and institutional (university/police) accountability surrounding UC Davis and select other police spectacles—and which may largely exclude



**Figure 2.**  
UC police militarization at UC Riverside,  
January 19, 2012. Courtesy of the author.

police violence in other places—are part of a broader, commonsense conspiracy of silence regarding the where/when/why (and not merely the *how*) of state

violence, and *racist* state violence, writ large?

### **Beyond “Police Brutality”**

We should be clear: the UC Davis police used caustic “nonlethal” spray on those student protestors *because they could*. The institutional entitlement to use such police force, however ill-advised it may seem in hindsight, is neither incidental nor ad hoc—it is systemic, legally supported, and absolutely *normal*. As we pass the twentieth anniversary of the acquittal of five Los Angeles Police Department officers in the street torture of Rodney King, it is urgent to once again examine how police violence shapes our everyday realities in different and contradictory ways.

(A note on the prevailing language: *police brutality* has become a vastly misused term. While the phrase intends to communicate a sharp criticism of state power that has presumably violated its own self-defined laws and regula-

tions, it is often used to refer to violent police practices that are utterly, ritually *sanctioned by law*.)

The public response to the display of police violence at UC Davis has been predictably characterized by a combination of righteous outrage and institutional shaming, accompanied by somewhat more muted and unconvincing—though equally predictable—defenses of the UC Davis police department and chancellor. Two facts are not in question: first, the campus deployed an armed police force to squash a conventional act of civil disobedience that was, in the recent historical scheme of things, quite institutionally polite and undisruptive; second, that same armed police force was authorized to use nonlethal weapons on nonviolent student protestors. (We must also remember that the spraying of such chemicals has been widely known to cause death and permanent disability in many instances.)

What does remain in question, however, is how and why these facts are being translated into a liberal-progressive political reaction that seems to naturalize—that takes for granted and/or completely obscures—the fundamentally racial and racist structure of U.S. policing, an apparatus that finds its modern roots in slave patrols, U.S. colonial military outfits (in the Philippines, Puerto Rico, and elsewhere), Texas Rangers (killers of Apaches, Cherokees, and Comanches), and white citizens' militias throughout the post-Civil War era North and South. In other words, is it possible that much of the critical response to the scene at UC Davis is actually *condoning* racist police violence rather than challenging it, and if so, what is enabling such critically minded people to do so?

### **The Liberal Racial Sensibility**

The video evidence of police repression widely circulated from the UC Davis campus via YouTube and various other media outlets has quickly taken hold of a liberal racial sensibility that absolutely abhors “police brutality” when it is waged on peaceful and/or nonviolent student protestors. (Progressives, radicals, anarchists, and other leftists often share in this liberal racial sensibility despite their left-of-liberal self-identifications.) We must be willing to acknowledge that the political and moral indignation over such excessive displays of nonlethal state violence (i.e., pepper spray rather than bullets) is quite openly amplified when such tactics are used on white students, in the space of historically white institutions (as of fall 2010, Davis had more white students enrolled than any UC campus besides UCLA, and as of fall 2011 was the UC system's third-whitest campus by demographic percentage, behind UC Santa Barbara and UC Santa Cruz).

There is something structurally white supremacist about this very indignation: the political expressions of outrage and institutional shaming over the spectacle at UC Davis are fueled by an overidentification with (historically white) university campuses as places of *presumed innocence*, wherein enrolled and employed (white) bodies are also presumed to presume innocence. If we are to be honest in this moment, we must also recognize that many have once again been provoked into talking and thinking critically about the violence of the police because they are moved to defend the presumption of *white* bodily and spatial innocence, and are not necessarily concerned about police violence against those whose bodies (and the spaces they inhabit) are presumed guilty, or something close to it.

### Deprovincializing UC Davis

As the dust begins to settle from the spectacle and outrage over the campus police's use of chemical weapons on those students at UC Davis, it becomes ever more necessary to deprovincialize this form of state violence. By this, I mean something beyond the self-evident assertion that the acts of the UC Davis police and chancellor are "not isolated incidents": the question is whether we adequately understand *how* they are not isolated incidents. The installation of militarized police forces on U.S. college and university campuses—a practice several decades old—must be understood within the general social and historical context of domestic policing, and the specific policing imperative to engage in undisguised modalities of domestic racialized warfare, by way of wars on gangs, drugs, migrants, terror(ists), and so forth.

To deprovincialize the police violence at UC Davis is to take seriously the notion that the nonlethal (though no less repugnant) violence of those particular university-based police officers would have been impossible without the absolutely lethal and regular exercises of police violence in places (and on bodies) nowhere near that grassy campus quad. My more fundamental concern thus lies with the policed, human raw material that precedes and exceeds those pepper sprayed students at Davis.

*Apolitically* policed Black and Brown bodies—young and old, urban and rural, transgender, queer, and straight—are incapable of extracting anything remotely like the consensus of liberal outrage surrounding (and ultimately protecting) the openly *political* policing of white, able-bodied college youth. While all policing is fundamentally "political," only a select few of its forms are *addressed as such*.

This political abyss, the one that allows for acute indignation to be reserved for the policing of those presumed racially innocent (white), reflects a political and spatial provincialism that some of us simply cannot afford to stomach, and which gets to the heart of a racial antagonism that structures major strains of many progressive, social-justice oriented struggles, including the domestic Occupy movement.

Despite the outpouring of righteous and anxious statements from university administrators and other public officials disavowing this allegedly isolated instance of excessive state violence, there was a reason why those riot-gearred UC Davis officers—who had to know they were performing for the cameras—did not hesitate to (nonlethally) fire. It is not difficult to see that in the post-1960s period, militarized police repression of actual and potential political disorder is as American as the atom bomb. However, what is too quickly taken for granted is that the primary places in which such police power is exercised are the very same that are *least* likely to send their young people to places like UC Davis, and which are the primary sites for which the state has trained its police to engage in domestic, low-intensity warfare by way of drug sweeps, no-knock warrants, street harassment, traffic stops, and justified use of (deadly) force. What is to be made of the UC Davis police action of November 18, 2011, once we understand that the foundation of those officers' presumed right to violence is not in some failure of bureaucratic protocol, or in the obvious evidence of poor administrative leadership, but instead derives from the generalized legal, political, and cultural mandate of the U.S. policing apparatus to dispense force as it sees fit?

Whether or not the officers and administrators implicated in these latest exercises of campus police violence are kept on the job, we can be almost certain that they will not face legal or criminal sanction, a fact that is so broadly and preemptively assumed that any possibility to the contrary is almost never mentioned in public discourse. The UC system has kick-started the inevitable pageantry of administrative and internal UC police investigations into these matters (which my UC Davis colleagues Sunaina Maira and Julie Sze closely scrutinize in this issue), from the UC Davis campus task force and UC systemwide review of “police protocols and polices as they apply to protests,” to University of California president Mark Yudof’s convening of a “panel of experts” to review “the health effects of pepper spray.”<sup>2</sup>

By design and procedure—that is, *as a matter of routine assumption*—these task forces and panels foreclose (and according to accounts from students and faculty who have already participated in some of these discussions, physically walk out on) any attempt at a historical analysis or critical institutional ex-



amination of the now naturalized presence of a militarized police force in the world's largest public university. In doing so, these institutional procedures rule out the question of whether or not one of the primary purposes of such a police presence is less about "crime" control and more about preparation for political repression, campus-based counterintelligence, and everyday surveillance and detention of people (including enrolled, racially profiled students) *for whom the campus is an inherently hostile site*. Of course, these are precisely the things many of us talk about every time we see the cops milling around political events on campus, particularly at places like UC Riverside, where the central institutional calling card is that of student demographic (read racial) "diversity." Further, given these recent events at Davis and Riverside, it will be interesting to see whether the UC pepper spray panel actually talks to anyone who has been on the receiving end of this chemical police weapon.

The insulation of policing from the very criminal legal apparatus that it supposedly serves is what constitutes the operational premise for such exercises of state violence. It is this relation—and not the alleged excessiveness, illegality, or "brutality" of the police violence itself—that must be confronted if the goal is to be something more than just another piecemeal expression of localized shock and awe.

The diverse and complex practices of police violence are not only inseparable from the institutional evolution of policing in the last half century, they are essential to the very institutional integrity and identity of the U.S. police regime writ large. All of which begs a fundamental question: if the policing apparatus cannot be corrected, punished, or reformed against its own institutional entitlement to exercise violence more or less at will, in accordance with the law, and "within policy"—that is, if the solution is not simply to get the cops to "do their jobs better," since in most everyday exercises of police violence (including fatal ones) they are generally affirmed as having done their jobs pretty damn well—then what political responses are available, and toward what ends?

### **Yudof and Bratton: The Case for (Low-Intensity) War**

Now that President Yudof has called in domestic war expert and former LAPD chief of police William Bratton and his high-tech Kroll Security Group to conduct a "truthful and objective" (Bratton's words) investigation of the mess at UC Davis, the lesson should be clear: the site of the (public) university is as much a focus of strategic state (and police) militarization and repressive mobilization as it is of budgetary "crisis" and defunding.



Let us not forget that this is the same Bratton who pioneered “zero tolerance” (or “broken windows”) policing as a method to surveil, terrorize, and criminalize Black, Brown, and poor people in New York City throughout the 1990s. Bratton’s policing strategy during this period facilitated a dense climate of police harassment and violence against Black and Latino/a youth, based on often flimsy suspicion of such offenses as loitering, public noise, avoiding subway fees, and truancy. His name remains a Satan-like reference for the many who experienced (survived) the grip of his regime in NYC.

It was also Bratton who, as Los Angeles police chief, endorsed a rather incredible 2007 study by the LAPD’s Internal Affairs Group that concluded that despite more than three hundred official complaints filed by L.A. residents, LAPD officers had *not once* stopped, detained, questioned, or otherwise engaged a civilian as a result of their perceived racial identity (about 80 percent of these racial profiling complaints were dismissed out of hand by Internal Affairs as “unfounded”). This was the sixth consecutive year in which Bratton would proudly assert that there was not a single example of racially based misconduct among his officers. Further, despite the explosive and still emerging revelations of the Ramparts Division scandal in the late 1990s, the videotaped police beating of disabled Black teenager Donovan Jackson near the beginning of Bratton’s first LAPD term in 2002, the now-infamous 2007 police riot at the MacArthur Park immigrant rights rally, the rampant use of “gang injunctions” to detain, humiliate, and physically violate Black and Brown children and youth, and myriad other instances of police violence, it was the same Bratton who stated in 2008 that the LAPD “is not a racist department. It is not a homophobic department. It is not a brutal department.”<sup>3</sup> In addition to all of this, it is also Bratton who has advocated hiring police officers from communities of color to magically make “policing more attractive to a changing population.”<sup>4</sup>

Without belaboring the point, the fact that Bratton has been hired by Yudof, will be paid with public funds to conduct the UC Davis investigation, and retains even a shred of credibility as an impartial or “objective” investigator of police violence/brutality is somewhere beyond absurd. It is no less than a pronouncement that the University of California is a place of toxic hostility for those who rationally (and self-defensively) view Bratton—and, for that matter, the police—as the diametric opposite of peace and security. Some would venture to say that Bratton’s entry is merely the crystallization of an institutionalized racial hostility that has aggressively increased since the passing of Proposition 209 in 1996, which exterminated affirmative action initiatives, dramatically shifted the racial and socioeconomic demographics of the UC

student body, and brought even more suspicion on those Black and Brown bodies walking across campus.

There is something else about the UC president's hiring of Bratton and the Kroll Group that is worth considering. State and campus administrators seem to clearly understand that in the history of progressive, leftist, radical, and revolutionary social movements, university and college campuses worldwide have consistently played central roles as on-the-ground think tanks, centers of massive political mobilization, and major catalysts for the initiation, sustenance, and fulfillment of world-altering visions of political insurgency and social change. American apartheid was dismantled in significant part because of the political organizing undertaken by and with students, on and adjacent to college and university campuses. The recent emergence of the anti-prison industrial complex and prison abolitionist movement has been fueled by major public gatherings and consistent political actions at places like Columbia Law School, Laney College (Oakland, Calif.), and UC Berkeley. Recently, Occupy sites have sprung up at colleges and universities all over the United States, though perhaps most conspicuously on UC campuses (thanks to the UCD police). This history is further reason why the recent UC Davis police violence must be deprovincialized: because campus police and their administrators *already* view themselves within a global and historical context of managing, containing, co-opting, and repressing the potentially explosive and disordering political mobilizations that can happen just outside their office windows.

Allow me to briefly mention another recent development at my own place of work to illustrate the point in detail: on November 22, 2011, a mere four days after the pepper spray had cleared at Davis, the UC Riverside Office of Student Affairs, led by the vice chancellor of student affairs, issued a declaration of "Protest Guidelines." The document is framed by the affirmation, at once paternalistic and Orwellian, that "FREE SPEECH IS WELCOME HERE" (all caps in the original). It proceeds by providing a detailed protocol for "How to have a successful protest at UCR."

What follows reads more like amateur political satire than serious university policy. First, the "CHECKLIST TO PLAN YOUR PROTEST" dictates that a registered UCR student organization or campus department must "sponsor your protest" *at least a month* before the event. Then, at least two weeks prior to the event, protest organizers must contact the assistant dean of students and meet with an "Event Review Committee" that will "preview your preliminary plans." In the meantime, potential protest organizers are put on notice that "protests with multiple risk factors, and/or an expected audience of over

100 will take more time to approve.” During the actual event, protestors are directed to appoint a “contact person” who will “consult with the Assistant Dean of Students or UCR designee throughout the event.” To top it off, this protest contact person and the assistant dean/UCR designee are instructed to “Exchange cell phone numbers.”

Such are not simply small-minded rules conceived in the friendliest spirit of political intimidation (the consequences for not following the protocol are never mentioned in the document). We must recognize that they comprise a particular *tactic* within the framework of low-intensity domestic war. Implicit threats of student suspension and expulsion, faculty subjection to conduct and disciplinary procedures (via the Committee on Charges, to which a case against the author was brought and dismissed in 2002–2003), and police intervention hover over the UCR protest guidelines and similar campus protocols elsewhere. While none of this is to be confused with the worst of Bratton’s NYPD or LAPD, the UCR document’s criminalization of potential political disorder (“free speech” run amuck, without permission or approval) is not far from the police chief’s “zero tolerance” philosophy of social control.

(Update: On December 14, 2011, six days after the initial circulation of an earlier version of this essay, UCR Chancellor Timothy White publicly withdrew the protest guidelines document. Confronting multiple faculty and student petitions objecting to the guidelines, as well as the real threat of First Amendment legal scrutiny, it became clear that the attempt to construct this repressive bureaucratic schema was creating more trouble than it was containing. In his announcement of the withdrawal, Chancellor White expresses regret over “any confusion and discontent caused by the document” while asserting that its contents did not “accurately reflect UC Riverside’s demonstrated commitment to free expression and peaceful, non-violent protest.” He concludes by announcing “the formation of a task force to review and rewrite our rules of assembly as appropriate for an institution committed to free speech.” As of this writing, the Internet link to the previous document reads “Under Construction.” From one set of “free speech” rules to another.)

### **If They’ll Do That to Them . . .**

The galling ease with which the UC Davis cops used pepper spray—as if they were exterminators treating an ant infestation—is not best understood as primary evidence of mentally unstable, corrupt, or evil individual police officers who must be individually punished and held accountable for their actions. Rather, it is the very casualness of their violence that provides insight

as to the historical depth and institutional reach of the late-twentieth- and early-twenty-first-century U.S. racist state. The bare fact that armed police officers at an elite public university can douse (white) students with clouds of pepper spray provokes some of us to translate that scene into a language of deeper alienation and terror: If the cops are willing to do that to white college kids, what are they willing—and probably eager—to do to *us*? Of course, the “us” cannot be homogenized here, because anyone remotely familiar with the history of racist U.S. state violence recognizes that the police consistently deploy different strategies and intensities of force on different people, based on geographic location, racial profile, perceived gender and sexual identity, presumed noncitizen status, and so forth.

Nonetheless, the point should be clear: if we are to treat the UC Davis scenario as something more than an isolated incident of officers gone wild—and many students, activists, teachers, journalists, and other thinkers clearly wish to do so—we cannot help but come face-to-face with the enduring and complicated machinery of the racist state. If they’ll do this to upwardly mobile white people on a liberal Northern California college campus, what will they do to the rest of us, especially those whose guilt is more or less presumed in the eyes of the police *as well as their recent critics*?

#### Notes

1. The UC regents are twenty-six individuals composing the governing, policymaking arm of the ten-campus University of California system. A rotating student regent is appointed for a one-year term, while eighteen others are unilaterally appointed by the California governor for twelve-year terms. Seven additional ex officio members are drawn from the California state government and the UC system administration and alumni association.
2. For up-to-date details, see [http://www.dateline.ucdavis.edu/dl\\_detail.lasso?id=13815&fu=011312](http://www.dateline.ucdavis.edu/dl_detail.lasso?id=13815&fu=011312).
3. Joel Rubin, “LAPD Says Race Not a Factor,” *Los Angeles Times*, April 30, 2008, <http://articles.latimes.com/2008/apr/30/local/me-lapd30>.
4. David Batty, “UK Riots: Police Should Tackle Racial Tension, Says ‘Supercop’ Bill Bratton,” *Guardian*, August 13, 2011, <http://www.guardian.co.uk/uk/2011/aug/13/bill-bratton-advice-uk-police>.

