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America: The World's Police—How the Defund the Police Movement Frames an Analysis for Defunding the Military

Anya Kreider

American University Washington College of Law

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ARTICLES

AMERICA: THE WORLD'S POLICE— HOW THE DEFUND THE POLICE MOVEMENT FRAMES AN ANALYSIS FOR DEFUNDING THE MILITARY

ANYA KREIDER*

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* J.D. Candidate at American University Washington College of Law, May 2022. B.A. Goshen College, 2016. For my parents, Barry and Erika Kreider, who first instilled me with the radical ideals of pacifism. Thank you also to Karina Kreider and Zachary Zimmerman for their steadfast support, and to the countless people who patiently encouraged and provoked me towards a politics against violence. Lastly, thank you to Volume 24 of *The Scholar* for all of their work in strengthening this piece.

INTRODUCTION¹

In the wake of the 1991 police beating of Rodney King, activists popularized the refrain: “[I]f America is the world’s policeman, then the world is America’s Rodney King.”² Almost thirty years later, the refrain still rings true.³ The connections between the military and policing have largely been ignored in the recent calls to defund the police, but the institutions unquestionably support one another in profiting from violence enacted on poor Black and Brown communities.⁴ Now in the throes of the “Defund the Police Movement,” the United States is given yet another opportunity to reckon with the true nature of its values.⁵

The Defund the Police Movement also provides a framework for critiquing the American military because the American police and military are inextricably connected.⁶ Part I of this article will provide a brief background and context of the Defund the Police Movement and the role of the military in American culture.⁷ Part II will explore the ways in

1. This article primarily addresses anti-Black racism and police violence. However, this focus is not to diminish the heightened levels of violence experienced by all communities of color and other marginalized communities at the hands of police.

2. JOHN MEANY & KATE SHUSTER, ON THAT POINT! AN INTRODUCTION TO PARLIAMENTARY DEBATE 306 (Int’l Debate Educ. Ass’n 2003), https://debate.uvm.edu/dcpdf/MeanyShuster_onthatpoint.pdf [<https://perma.cc/T63R-3BGA>].

3. See generally Deconstructed, *Let’s Defund the Military Too*, INTERCEPT (June 18, 2020, 5:17 AM), <https://theintercept.com/2020/06/18/lets-defund-the-military-too/> [<https://perma.cc/G5KH-4AYV>] (commenting on the scathing line that echoed after Rodney King was infamously beaten on camera by LAPD officers in 1991).

4. Cf. *id.* (“If you support defunding the police, as I do, then you should also support defunding the Pentagon, defunding the military. It’s a no-brainer . . . I say defund the military because this is a violent U.S. institution, with an out-of-control budget, plagued by institutional racism, and filled with armed men who are trained to see most of the black and brown people they encounter abroad as a threat.”).

5. See generally Tracey Meares et al., *Defund-the-Police Calls Aren’t Going Away. But What Do They Mean Practically?*, NBC NEWS (June 24, 2020, 3:31 AM), <https://www.nbcnews.com/think/opinion/defund-police-calls-aren-t-going-away-what-do-they-ncna1231959> [<https://perma.cc/QT8A-YLTQ>] (detailing the important values in community vitality that states can support in redistributing funds based on defunding the police).

6. See generally Deconstructed, *supra* note 3 (commenting how military equipment is transferred to police departments and used against activists and demonstrators).

7. This article uses “America,” “the United States,” and “the U.S.” interchangeably, while recognizing the Americas comprise many countries, cultures, and communities; see *Pushing for a New “Modern” Way*, DEFUNDTHEPOLICE.ORG (2021), <https://defundthepolice.org/disarmament-demilitarization/> [<https://perma.cc/BFX4-6G54>] (stressing policing has become increasingly militarized in the United States. Therefore, it is crucial to identify ways in which to defund the police).

which the police and the military are enmeshed.⁸ Part III of this article will explain the rise of the Defund the Police Movement and its primary tenets.⁹ Part IV of this article will explore how the principles leading to the rise of the Defund the Police Movement apply to the military.¹⁰

I. BACKGROUND

The Defund the Police Movement. The call to defund the police, emerging out of the continued police brutality against people of color in the United States, is premised on a foundational recognition that police play an oversized role in American society.¹¹ While most activists recognize a need for state intervention in instances of violence, the call to defund the police fundamentally recognizes that the goal of policing is public safety.¹² The police no longer serve this purpose in communities of color, and arguably never have served this purpose.¹³ Further,

8. See generally Deconstructed, *supra* note 3 (recognizing defunding the police goes together with support for defunding the military given its immense budget).

9. See Amna A. Akbar, *An Abolitionist Horizon for (Police) Reform*, 108 CAL. L. REV. 1781, 1814 (2020) (“But demands to defund and dismantle the police did not come from nowhere. They came out of decades of prison abolitionist organizing and its growing influence on racial justice organizing since the Ferguson and Baltimore rebellions.”).

10. This article gives a generalized framework for this argument. A detailed analysis of the many larger themes that arise are out of the scope of this piece; see generally *id.* (“As with police spending, the U.S. is in a military spending league of its own. And as with police spending, military spending deprives Americans of money that could be much better spent elsewhere.”).

11. See Paige Fernandez, *Defunding the Police Will Actually Make Us Safer*, ACLU (June 11, 2020), <https://www.aclu.org/news/criminal-law-reform/defunding-the-police-will-actually-make-us-safer/> [<https://perma.cc/WX2L-CBAX>] (“For too long, the focus on police reform has been dominated by reforms that try to reduce the harms of policing rather than rethink the overall role of police in society.”).

12. See generally Meares et al., *supra* note 5 (identifying the activist work in making police interactions less harmful in the short term acknowledges the reality that some neighborhoods have a greater need for state help).

13. See generally Fernandez, *supra* note 11 (asserting American policing has never been a neutral institution, as modern police forces have directed oppression and violence at Black people); see also #Say Their Names, <https://sayevery.name/#2020> [<https://perma.cc/Z3YV-DSKY>] (explaining the #Say Their Names campaign has been an initiative to document and commemorate the continued brutality. Notably, the growing list of names of people lost at the hands of police contains both the rare stories of those that make national news and spark widespread outrage, as well as the many more that equally deserve our respect and righteous rage).

everyone's safety is at risk when those who claim to be purveyors of justice and safety escalate violence across communities.¹⁴

In a profound sense, communities are questioning the assumption that police are necessary in their current form.¹⁵ The Defund the Police Movement seeks alternative responses to those traditionally accepted as necessitating a police response.¹⁶ Defunding the police provides the potential for collaboration among organizations that would allow for law enforcement to occupy a much narrower social purpose.¹⁷ As a result, defunding the police provides the opportunity to invest in public goods through resources that support community health and lower crime.¹⁸ The call to defund the police is ultimately driven by values of access to education, healthcare, and housing.¹⁹

United States Military. Military discourse in the United States is driven by the presumptive need for military strength and international influence.²⁰ The U.S. military serves many roles including: supporting American economic interests, furthering American ideology, and maintaining American political influence.²¹

14. See generally Meares et al., *supra* note 5 (representing system exposure and police contact burden communities that “have been weighed down by inadequate housing, failing schools, food insecurity, lead poisoning and so on, often for generations.”).

15. See generally Akbar, *supra* note 8, at 1816 (“In abolitionist thinking, policing and incarceration are contingent, rather than necessary, forms of violence, constitutive of the terrain of inequality and maldistribution.”).

16. See *id.* at 1834–35 (describing an abolitionist organization’s project to identify community-based alternatives to address interpersonal violence without calling the police).

17. See Meares et al., *supra* note 5 (arguing that policing can occupy a much smaller footprint if the states invest in neighborhoods to make them stronger).

18. See Fernandez, *supra* note 11 (explaining the premise of defunding, or divestment, as “cut[ting] the astronomical amount of money that our governments spend on law enforcement and give that money to more helpful services like job training, counseling, and violence-prevention programs.”).

19. See generally Meares et al., *supra* note 5 (urging for an investment in the public goods that citizens are entitled to in order to reallocate the resources given to police).

20. See generally James Fallows, *The Tragedy of the American Military*, ATLANTIC, Jan./Feb. 2015, at <https://www.theatlantic.com/magazine/archive/2015/01/the-tragedy-of-the-american-military/383516/> [<https://perma.cc/4C5R-F3RQ>] (pointing to the American “presumption of unconquerable superiority” that is deeply affecting military conflicts).

21. See William Inboden, *10 Reasons US Military Strength Remains Essential*, HILL (Dec. 23, 2018, 11:00 AM), <https://thehill.com/opinion/national-security/421970-10-reasons-us-military-strength-remains-essential> [<https://perma.cc/Y862-6BHC>] (articulating the impact and different roles the US military plays on a national and global scale).

In 1961, in the dawn of the Vietnam War, Dwight D. Eisenhower left office.²² In a more powerful remark than he knew, he warned against a growing military-industrial complex, by which he was referring to America's "permanent militarization" at the cost of vast resources.²³ The U.S. military continues to sustain wide sectors of the American economy, making war an economic and political necessity to uphold America's place in the world order.²⁴ The military goes almost entirely uncriticized, particularly by those in public life.²⁵ The result is an unfettered institution.²⁶

II. THE ENTANGLEMENT OF POLICE AND MILITARY

The recognition of the potentially toxic relationship between the police and the military is not a new concept in American democratic philosophy.²⁷ The Posse Comitatus Act, passed in 1878, bans the military from directly assisting law enforcement from carrying out civilian law without the approval of Congress.²⁸ However, police have been given increasingly military-esque tools, training, and power to fight "wars" at home, such as the war on drugs, the war on poverty, and the

22. See Michael A. Bernstein & Mark R. Wilson, *New Perspectives on the History of the Military-Industrial Complex*, 12 ENTER. & SOC. 1 (2011) (highlighting that Eisenhower's farewell address emphasized the dangers following the war).

23. See *id.* (describing how during the Vietnam War, Eisenhower alleged that "[t]here was a real danger," and "that concerns about security would lead to the 'unwarranted influence of a growing 'military-industrial complex.'"); see generally Aaron B. O'Connell, *The Permanent Militarization of America*, N.Y. TIMES (Nov. 4, 2012), <https://www.nytimes.com/2012/11/05/opinion/the-permanent-militarization-of-america.html> [<https://perma.cc/BZ4Y-WLMC>] (examining the potential risks associated with global militarization and opining that the militarization of the United States is far worse than President Eisenhower had warned).

24. See O'Connell, *supra* note 23 (discussing the negative reliance the American economy experiences due to its military globalization).

25. See *id.* (scrutinizing political leaders support of military spending, regardless of their political party affiliation).

26. See *id.* (concluding that America's unwavering and long-term support of its military forces has normalized its global presence and strength).

27. See Arthur Rizer, *Trading Police for Soldiers: Has the Posse Comitatus Act Helped Militarize Our Police and Set the Stage for More Fergusons?*, 16 NEV. L.J. 467, 494-96 (2016) (examining historical and modern concerns amongst Americans regarding the use of military force and techniques used for domestic policing).

28. See Robin M. Donnelly, *Civilian Control of the Military: Accountability for Military Contractors Supporting the U.S. Armed Forces Overseas*, 4 GEO. J. L. & PUB. POL'Y 237, 258-59 (2006) (describing powers and limitations of the Posse Comitatus Act).

war on crime.²⁹ Consequently, the distinction between military and police is increasingly blurred in rhetoric and tactics, despite a historical understanding that the two should remain separate.³⁰

The increasingly militarized training of police is one area of enmeshment.³¹ The Bureau of Justice reports that most police are trained under stress-based military orientation, which teaches officers to prepare for warzone combat with the goal of forcible enemy submission.³² Naturally, such training does not prioritize building community trust or protecting citizen rights.³³ This training method encourages the use of military tactics in places that officers view as combat zones, primarily in communities of color.³⁴ When officers are trained under military philosophy and furnished with military-grade equipment, those officers foreseeably conduct themselves as combat soldiers.³⁵

Additionally, military personnel frequently take positions within law enforcement after active duty.³⁶ The International Association of Chiefs of Police (IACP) touts the philosophy that law enforcement has a responsibility to support military personnel.³⁷ Naturally, this support

29. See Rizer, *supra* note 27, at 490 (asserting the United States has relied heavily on military type tactics when policing criminal activity in poverty-stricken neighborhoods).

30. See *id.* (providing examples that illustrate the overreach of military personnel and tactics in domestic affairs).

31. See *generally id.* at 490–91 (contending police use of military techniques and weapons is detrimental to local law enforcement).

32. See Fanna Gamal, Comment, *The Racial Politics of Protection: A Critical Race Examination of Police Militarization*, 104 CAL. L. REV. 979, 1003 (2016) (recounting military training techniques that do not provide police officers with community relationship building skills).

33. Cf. *id.* (contending military training is an inadequate training method for local law enforcement).

34. See *id.* (“Many also condemned the excessive use of force that unfairly targeted the black community in Detroit. This disproportionate use of military force against black and brown communities has been observed nationwide. The ACLU found that the use of paramilitary weapons and tactics primarily impacted people of color, particularly when these tactics were used to execute drug searches.”).

35. See *id.* at 1003–04 (examining factors that have increased police militarization); see also Rizer, *supra* note 27, at 469 (attributing police officers’ problematic behaviors to learned military tactics).

36. See INT’L ASS’N OF CHIEFS OF POLICE, EMPLOYING RETURNING COMBAT VETERANS AS LAW ENFORCEMENT OFFICERS 14 (Sept. 2009), <https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/IACPEmployingReturningVets.pdf> [<https://perma.cc/V5MD-9X4N>] (reporting how data and statistics regarding the military veteran and police officer hiring overlap).

37. See *id.* (examining challenges veterans experience when returning to the workforce, primarily law enforcement positions).

includes hiring veterans.³⁸ However, making the transition from combat to law enforcement is difficult at best, and most agencies do not have robust systems of support and evaluation.³⁹ The IACP creates best practice guidelines, which recognize the need to address areas such as post-traumatic stress disorder (PTSD), retraining veteran officers in tactics and muscle memory, and differentiating between combat and community settings.⁴⁰ Without such support in place, veterans naturally rely on military experiences in civilian environments.⁴¹

Because contemporary warfare takes place within communities, as opposed to more traditional warzones, distinguishing between combat zones and domestic communities has become more difficult for returning veterans.⁴² Veterans transitioning to law enforcement employment report various difficulties, including reduced empathy, high levels of frustration, impatience with their agency leaders, anxiety, and nightmares.⁴³

The enmeshment of police and military is also evident throughout American culture in rhetoric construing law enforcement officers as soldiers.⁴⁴ This rhetoric supports the notion that police *are* soldiers, and communities *are* combat zones.⁴⁵ Such rhetoric is common and highly normalized.⁴⁶ For example, the IACP refers to police officers as “citizen

38. *See id.* at 9 (highlighting the need for widespread support resources for police officers, including veteran hires).

39. *See id.* at 17 (discussing the readjustment period many combat veterans experience).

40. *See id.* at 20 (noting training curriculum goals set forth by the IACP).

41. *See id.* at 14 (stressing the difficulties veterans face when confronted with civilian situations requiring instantaneous decision making).

42. *See id.* (elaborating on the dangerous situations civilians face when urban areas are treated like war zones).

43. *See id.* at 33 (listing numerous personal and professional transition issues veterans face when they enter or return to domestic law enforcement positions).

44. *See id.* at 9 (noting the increasing trend to refer to policemen and women as “citizen soldiers”).

45. *Cf. id.* (indicating that police work is a natural transition for combat veterans returning home).

46. *See generally* Margarita Konaev & Kirstin J.H. Brathwaite, *U.S. Officials are Talking About Urban Warfare. Here's What Urban Warfare Really Involves.*, WASH. POST (June 4, 2020), <https://www.washingtonpost.com/politics/2020/06/04/us-officials-are-talking-about-urban-warfare-heres-what-urban-warfare-really-involves/> [<https://perma.cc/BN3N-WEK4>] (defining the term “urban warfare,” and detailing its frequent usage in policing rhetoric).

soldiers.”⁴⁷ In the wake of the police killing of George Floyd, the Minneapolis Department of Public Safety tweeted about the need “to address a sophisticated network of urban warfare,” which Secretary of Defense, Mark T. Esper, suggested be done by “dominat[ing] the battlespace.”⁴⁸ Scholars have noted the militarized rhetoric has a profound role in shaping practices, values, and problem-solving processes.⁴⁹ When law enforcement officers are tasked with roles that include fighting ‘wars’ at home, increasingly violent tactics are normalized.⁵⁰

III. TENETS OF THE DEFUND THE POLICE MOVEMENT

Racialized History of Policing. The movement for defunding the police is grounded in a historical context in which police explicitly uphold the American racial caste system.⁵¹ While policing developed differently across the United States, policing was a mechanism of slave control, particularly in the South.⁵² These mechanisms of control were formalized in legally sanctioned slave patrols.⁵³ The patrols drew personnel from already established militia, an example of early police-military enmeshment.⁵⁴ In a literal sense, the interests of slave owners, the Klan, and the militia founded American policing.⁵⁵

47. INT’L ASS’N OF CHIEFS OF POLICE, *supra* note 36, at 8 (“Law enforcement officers, like other public servants, share this responsibility as citizen soldiers.”).

48. Konaev & Brathwaite, *supra* note 46 (highlighting the militarized language used by governments in reference to policing).

49. See Bernstein & Wilson, *supra* note 22, at 1 (“[M]ost of his remarkable farewell address of January 1961 warned Americans against the possibility that demands for better security would crowd out other important social goals, upsetting the proper ‘balance’ among them.”).

50. Cf. Eliav Lieblich & Adam Shinar, *The Case Against Police Militarization*, 23 MICH. J. RACE & L. 105, 114 (2018) (“Soon enough, no longer was there a drug ‘problem’ or a crime ‘problem.’ Those problems became the ‘war on drugs’ and the ‘war on crime.’”).

51. See André Douglas Pond Cummings, *Reforming Policing*, 10 DREXEL L. REV. 573, 578–79 (2018) (underlining the foundations of law enforcement and its history of violence against people of color).

52. See *id.* at 578–79 (pointing out the legality of this slave-catching system established through law enforcement).

53. Cf. *id.* at 579 (“The essence of controlling black bodies was written into the nation’s founding documents, including the Constitution, and has animated lawmakers’ thinking and mythmaking since the early days of this nation.”).

54. See *id.* at 578–79 (indicating how ingrained race relations are in the history of policing).

55. See Akbar, *supra* note 8, at 1817–18 (“The roots of modern police can be traced to slave patrols, the Ku Klux Klan, militias, and early police forces.”).

Of course, a history of oppressive domination between quasi-police forces and people of color is not unique to Black Americans.⁵⁶ Early police were also involved in the brutalization of Native communities.⁵⁷ This relationship was marked by land rights conflicts and informal law.⁵⁸ As a result, vigilante justice ruled.⁵⁹ Police efforts were, and continue to be, marked by exploitation and suppression.⁶⁰ This historical context informs both communities' responses to current police practices, and the practices themselves.⁶¹

Resource Allocation Towards Policing. As previously noted, police divestment allows for reinvestment in alternative solutions to historically criminalized social problems.⁶² Despite decreasing crime rates, the cost of policing in the United States has ballooned.⁶³ In 1977, the U.S. spent \$42 billion on policing.⁶⁴ Forty years later in 2017, the U.S. spent \$115 billion.⁶⁵ In contrast, in 2017, the CDC received \$11 billion in funding, meanwhile the EPA received \$9 billion.⁶⁶ Proponents of defunding the

56. *See generally id.* at 1817 (remarking on the impact policing has had on the history of racism towards Black Americans).

57. *See generally id.* at 1818 (referencing colonialism in relation to policing brutalization).

58. *Cf. id.* (illustrating that the earlier conception of going after runaway slaves resulted from land rights and informal law).

59. *Cf. Cummings, supra* note 51, at 578–79 (depicting “vigilante justice” by using the remarks of the Fugitive Slave Laws as an example).

60. *See Akbar, supra* note 8, at 1817–18 (referencing the overall historical implications in the origins of policing).

61. *See Cummings, supra* note 51, at 583 (connecting history with current practices in relation to controlling people, especially Black individuals and the practices used against them); *see also Akbar, supra* note 8, at 1817–18 (emphasizing the groups that controlled the interest of law enforcement).

62. *See Akbar, supra* note 8, at 1816 (linking historical policing practices with today's practices in order to make changes).

63. *See Philip Bump, Over the Past 60 Years, More Spending on Police Hasn't Necessarily Meant Less Crime*, WASH. POST (June 7, 2020) <https://www.washingtonpost.com/politics/2020/06/07/over-past-60-years-more-spending-police-hasnt-necessarily-meant-less-crime/> [<https://perma.cc/P9ZR-N8UY>] (providing data that shows no correlation between police funding and crime rates).

64. *See TCR Staff, City, State Spending on Police Nearly Tripled Since 1977*, CRIME REP. (June 18, 2020), <https://thecrimereport.org/2020/06/18/city-state-spending-on-police-jumped-threefold-since-1977/> [<https://perma.cc/D766-E862>] (emphasizing the amount of money spent on policing in the US during the war on drugs).

65. *See id.* (comparing the amounts of spending between 1977 and 2017).

66. *See generally Joel Achenbach & Lena H. Sun, Trump Budget Seeks Huge Cuts to Science and Medical Research, Disease Prevention*, WASH. POST (May 23, 2017), <https://www.washingtonpost.com/news/to-your-health/wp/2017/05/22/trump-budget-seeks-huge->

police argue that instead of allowing police budgets to balloon through increased militarization and surveillance capabilities, investments in mental health services, stable housing, treatment services, and other social safety nets would proactively create safer communities.⁶⁷

The settlements paid by local governments for police department misconduct add additional expenses.⁶⁸ In most cases, individual officers that are guilty of misconduct do not pay settlement fees to their victims.⁶⁹ Consequently, taxpayers are responsible for paying large sums of money in compensation.⁷⁰ For example, Chicago paid \$521 million between 2004 and 2014 for police brutality claims, and New York City paid \$348 million between 2006 and 2011.⁷¹

Highly Policed Communities: Racialized Policing. The research is clear: policing practices are infected with racial disparity.⁷² Black people are more likely to be stopped and frisked, have their cars searched, and experience the use of force by police.⁷³ The increased levels of contact

cuts-to-disease-prevention-and-medical-research-departments/ [https://perma.cc/SDX8-JN4W] (referencing massive budget cuts by the Trump Administration in 2017).

67. See Akbar, *supra* note 8, at 1816 (indicating better uses of police funding that would support the community in a safer way).

68. See Cheryl Corley, *Police Settlements: How the Cost of Misconduct Impacts Cities and Taxpayers*, NAT'L PUB. RADIO (Sep. 19, 2020, 7:00 AM), <https://www.npr.org/2020/09/19/914170214/police-settlements-how-the-cost-of-misconduct-impacts-cities-and-taxpayers> [https://perma.cc/J9X5-7FH6] (“Over the past decade, Chicago has paid more than a half billion dollars for police misconduct, according to an analysis of city law department data.”).

69. See Eleanor Lumsden, *How Much is Police Brutality Costing America?*, 40 HAW. L. REV. 141, 175 (2017) (emphasizing the fact that law enforcement officers are not responsible for the costs of settlements pertaining to police misconduct).

70. See *id.* at 175–76 (showcasing how taxpayers bear direct costs to the settlements caused by police brutality).

71. See *id.* at 176 (acknowledging how much cities have spent on police brutality claims in past years).

72. See Radley Balko, *There's Overwhelming Evidence that the Criminal Justice System is Racist. Here's the Proof.*, WASH. POST (June 10, 2020), <https://www.washingtonpost.com/graphics/2020/opinions/systemic-racism-police-evidence-criminal-justice-system/> [https://perma.cc/RHD4-X5QT] (outlining numerous instances of racial disparity in the criminal justice system).

73. See Kimberly B. Khan & Karin D. Martin, *Policing and Race: Disparate Treatment, Perceptions, and Policy Responses*, 10 SOC. ISSUES & POL'Y REV. 82, 84 (2016) (illustrating how Black drivers are more likely to be stopped and searched by law enforcement in comparison to their White counterparts).

between law enforcement and people of color yields disproportionate amounts of arrest, detention, and incarceration among racial minorities.⁷⁴

For law enforcement in particular, Blackness is socialized and trained to indicate danger and suspicion.⁷⁵ For example, police view a benign action by a Black person as more suspicious than the same benign action taken by a White person.⁷⁶ Over-criminalization and increased surveillance have created a cycle of confirmation bias for those who fear false Black criminality.⁷⁷ There is an important difference between high crime rates and highly surveilled communities coded as high crime areas.⁷⁸ Amna Akbar, a law professor at Ohio State University Moritz College of Law, has stated that “Conduits for disproportionate anti-Black police violence include ‘broken windows’ policing, legal sanction, mass surveillance and criminalization, racial stereotypes, racial segregation and gentrification, and police culture and training.”⁷⁹ The reality is bleak.⁸⁰

Economic Incentives of Policing. Policing, while certainly a mechanism for physical control, is also a means of economic control.⁸¹ For example, in the aftermath of the shooting of Mike Brown in Ferguson, Missouri, the Department of Justice found that police were targeting the

74. *Cf. id.* at 84–85 (recognizing the racial disparity between Black and White individuals in the context of policing).

75. See Zack Beauchamp, *What the Police Really Believe*, VOX (July 7, 2020, 8:10 AM), <https://www.vox.com/policy-and-politics/2020/7/7/21293259/police-racism-violence-ideology-george-floyd> [<https://perma.cc/783F-JMFU>] (discussing how racist behavior is almost inevitable for law enforcement officers raised in a racist society).

76. See Bridgette Baldwin, *Black, White, and Blue: Bias, Profiling, and Policing in the Age of Black Lives Matter*, 40 W. NEW ENG. L. REV. 431, 434 (2018) (identifying the negative perceptions and attitudes towards Black individuals).

77. *See id.* at 443–44 (commenting on the implicit biases held by law enforcement that have created and encouraged a cycle of confirmation bias).

78. *See id.* at 435 (discussing the interplay between highly surveilled areas and the implicit biases held by law enforcement).

79. *See Akbar, supra* note 8, at 1797 (explaining the various disproportionate factors used against Black individuals in policing techniques and training).

80. *See generally* Katie Nodjimbadem, *The Long, Painful History of Police Brutality in the U.S.*, SMITHSONIAN MAG., <https://www.smithsonianmag.com/smithsonian-institution/long-painful-history-police-brutality-in-the-us-180964098/> [<https://perma.cc/GW6R-DJ6R>] (last updated May 29, 2020) (reporting the disturbing and harsh realities of police brutality in the U.S.).

81. *See Akbar, supra* note 8, at 1794 (recognizing that police brutality has economic implications on the community).

Black community in Ferguson for fines and fees.⁸² Of course, economic punishments are integrated throughout the criminal justice system from arrest to incarceration.⁸³ Policing is profitable through usage fees charged for arrests, bail, court costs, and basic privileges while incarcerated.⁸⁴

Additional examples include for-profit probation supervision, which allows private companies to manage probation services, often relying heavily on probationer fees to benefit the local government.⁸⁵ Further, civil forfeiture allows police to confiscate property, which police departments later sell to reap the monetary reward, if uncontested.⁸⁶ Conveniently, policing is a source of income without the constraints and oversight of taxation.⁸⁷ These practices create a for-profit system that preys on poor communities.⁸⁸

Lack of Accountability within Policing. The little accountability of law enforcement further undermines instances of police brutality and the systematic peril that people of color face in America.⁸⁹ Even the Bureau of Justice Statistics recognizes that the data regarding police killings of unarmed citizens in the U.S. is a result of widespread underreporting.⁹⁰

82. *Cf. id.* at 1792 (revealing the relationship between law enforcement and local economies).

83. *See id.* at 1793–94 (portraying how police conduct and techniques are related to economic directives).

84. *See Policing and Profit*, 128 HARV. L. REV. 1723, 1727 (2015) (illustrating the various ways that policing generates income).

85. *See id.* at 1729–30 (discussing the relationship between private probationary companies and local governments).

86. *See id.* at 1730 (analyzing how the procedures of civil forfeiture allow for the selling of seized property).

87. *See id.* at 1728 (emphasizing how there is no oversight in policing techniques and protocols concerning fiscal services).

88. *See Akbar, supra* note 8, at 1793–94 (emphasizing how police practices are employed to generate revenue while also targeting racial minorities).

89. *See Rashawn Ray, How Can We Enhance Police Accountability in the United States?*, BROOKINGS (Aug. 25, 2020), <https://www.brookings.edu/policy2020/votervital/how-can-we-enhance-police-accountability-in-the-united-states/> [<https://perma.cc/AY4J-2HMM>] (reflecting on how law enforcement agencies have been built on structural racism).

90. *See Dara Lind, The FBI is Trying to Get Better Data on Police Killings. Here's What We Know Now.*, VOX (Apr. 10, 2015, 10:31 AM), <https://www.vox.com/2014/8/21/6051043/how-many-people-killed-police-statistics-homicide-official-black> [<https://perma.cc/BW3X-A6XE>] (describing the efforts made by the FBI to collect data on those killed in police shootings and commenting on the current flaws in the system and underlying exacerbating conditions).

Consequently, more reliable and accurate data collection is necessary to understand the issue of the most brutal practices in policing.⁹¹

Beyond problematic formal policies, extra-legal codes promote racist police culture.⁹² The notorious “blue wall of silence” protects officers from the consequences of misconduct through social pressure to protect fellow officers.⁹³ Police departments often cultivate an insulated “brotherhood” that conceals misconduct and punishes those who speak out.⁹⁴ These practices are entrenched by the immense power of police unions.⁹⁵ Ironically, dismantling these toxic practices would increase accountability and confidence in police departments, ultimately protecting officers by decreasing community-police tension and increasing trust in police services.⁹⁶

There is little incentive to do the difficult work of dealing with internal issues transparently because police departments are merely required to act reasonably under its very minimal constitutional mandate.⁹⁷ There is little accountability in the use of force standards, a lack of incentive to change, and only facially effective policies.⁹⁸ Some departments and agencies have increased access to information, including both policies

91. See Lumsden, *supra* note 69, at 166 (“[T]he U.S. needs more reliable tracking in order to accurately assess the full scale of the problem.”).

92. See *id.* at 150 (“[T]he origins of policing and police culture spring from white supremacy and the social construct of race.”).

93. See Lupe S. Salinas, *Lawless Cops, Latino Injustice, and Revictimization by the Justice System*, 2018 MICH. ST. L. REV. 1095, 1217 (2018) (calling attention to the widely understood policy that a police officer must not “rat” on fellow officers).

94. Cf. *id.* at 1217 (describing an incident where a New York Police Officer “bl[ew] the whistle on crooked cops” and faced retaliation for his penetration of the Code of Silence).

95. See *id.* at 1232 n.761 (citing to a news story that publicized the posting of picture of a rat on a police union bulletin board, captioned: “You know what we do with snitches?”).

96. See generally *id.* at 1234 (discussing the deference afforded to police officers that is ingrained in the American people and their legal system, which must be reformed to acknowledge and relieve the damage that deference has done).

97. See Jesus A. Alonso, Note, *How Police Culture Affects the Way Police Departments View and Utilize Deadly Force Policies Under the Fourth Amendment*, 60 ARIZ. L. REV. 987, 990 (2018) (“The [Supreme] Court has treated police use of force . . . only by a reasonableness standard under the Fourth Amendment. But this standard comes with many drawbacks and limitations. The reasonableness standard sets a very low constitutional floor for what is permissible police behavior . . .”).

98. See *id.* at 998 (theorizing police reluctance to change use-of-force standards against a backdrop of vaguely set standards, complemented by great deference to determine what standards to set and how to approach those standards).

and data, in hopes of improving police-community relations.⁹⁹ Further recommendations include warrant tracking, record-keeping tied to federal funding, the publication of data—including those involving excessive force—and tracking the use of military-grade equipment.¹⁰⁰

Implicit Bias and Social Dominance in Policing. As police face a cultural reckoning, instances of brutality are often understood as the result of implicit bias.¹⁰¹ Implicit bias theory posits that people hold biases of which they are both largely unaware and do not consciously control.¹⁰² These biases result in discrimination towards out-group members.¹⁰³ Authors Justin Levinson and Robert Smith in *Implicit Racial Bias Across the Law* explain:

A person sees a black face. The brain categorizes the person as being black, which in turn triggers a storehouse of beliefs about black people: they are dangerous, criminal, violent.... A person whose brain has activated the concept of crime, dangerousness, and violence is likely to interpret incoming stimuli in a manner consistent with crime, dangerousness, and violence.¹⁰⁴

While the implicit bias theory clarifies individualized expressions of discrimination, the analysis of police brutality through this lens alone

99. See *id.* at 998 (claiming that releasing use-of-force policies is a step towards improving relations between the police and the community).

100. See Michael T. Wester, Note, *Drawing a Line Between Rambo & Barney Fife: Overhauling the Department of Defense's Excess Property Program in Order to Halt the Overmilitarization of America's Police Forces*, 2016 U. ILL. L. REV. 729, 750–51 (2016) (recognizing the lack of accountability in the use of federal funding and the distribution of military-grade equipment, fearing for its potential to “lead to the use of excessive force.”).

101. See Alonso, *supra* note 97, at 1000–01 (discussing police departments' training techniques in teaching officers about implicit biases and how those biases may affect their perception of suspects).

102. See, e.g., JUSTIN D. LEVINSON & ROBERT J. SMITH, *IMPLICIT RACIAL BIAS ACROSS THE LAW* 48 (Cambridge Univ. Press 2012) (recounting a social and psychological experiment that displayed an unconscious comparing of an “automatically activated stereotype” to “consciously held ethical beliefs” to cause the brain to “interpret incoming stimuli” in a manner that conforms to the stereotypical lens created).

103. See Darren L. Hutchinson, “Continually Reminded of Their Inferior Position”: *Social Dominance, Implicit Bias, Criminality, and Race*, 46 WASH. U.J.L. & POL'Y 23, 28 (2015) (“[I]mplicit bias scholars contend that ‘ingroup’ members treat ‘outgroup’ members worse than individuals in their own racial class.”).

104. LEVINSON & SMITH, *supra* at 48.

does not allow for a systemic critique of policing.¹⁰⁵ Implicit bias cultivates the “a few bad apples” philosophy and erases the complexity of systemic racism.¹⁰⁶ Implicit bias does not provide reasons for the widespread racial inequality America now faces.¹⁰⁷ Nor does it explain the reasons for the reluctance of the benefactors of implicit bias to change.¹⁰⁸

However, social dominance theory fills this void.¹⁰⁹ This theory notes that humans invariably socialize into groups arranged within a hierarchy of dominance and subordination.¹¹⁰ The dominant group maintains power by creating norms, controlling access to resources, and generating legitimizing myths.¹¹¹ These myths create justification for the group's dominance.¹¹²

Michigan State University Professor Carlos David Navarrete, explains:

[T]he use of harsh criminal sanctions . . . is not only a means of maintaining social order, but also a means of maintaining the *hierarchical* nature of this social order. As a result of the hierarchical implications of these harsh criminal sanctions, there is good reason to expect that support of these sanctions will be closely related to the desire to establish and maintain group-based social inequality.¹¹³

105. See Alonso, *supra* note 97, at 1000–01 (noting that implicit bias theory is meant to address individual police *officer* bias, not a bias demonstrated by an entire police force).

106. See Hutchinson, *supra* note 103, at 28 (noting the interplay of individual biases and cultural prejudicial lenses).

107. See *id.* at 34 (“Implicit bias theory, however, does not provide the foundation for a comprehensive analysis of racial inequality.”).

108. See *id.* (concluding that social dominance theorists have found a “strong desire among powerful classes to preserve the benefits they receive from stratification [which] leads to collective acceptance of group-based inequality.”).

109. See *id.* at 91 (“[I]mplicit bias and social dominance research could complement each other and permit a richer analysis . . .”).

110. See *id.* (crediting social dominance theory for diving into the reasoning behind the creation of race).

111. See *id.* at 32 (explaining the theory provided by social dominance theorists: that “human societies inevitably organize into groups” whereas some dominate, and others are subordinated to one another, affecting those groups’ status, recourses, and political power).

112. See *id.* (“Sidanius and Pratto argue that group-based societies—particularly those societies that explicitly mandate legal egalitarianism—create ‘legitimizing myths,’ or ‘attitudes, values, beliefs, stereotypes, and ideologies that provide moral and intellectual justification’ for group-based inequality.”).

113. Jim Sidanius et al., *Support for Harsh Criminal Sanctions and Criminal Justice Beliefs: A Social Dominance Perspective*, 19 SOC. JUST. RSCH. 433, 436 (2006).

In short, police uphold the social order by maintaining the power of dominant, largely White, wealthy communities at the detriment of the subordinate, poor communities of color.¹¹⁴

IV. TENETS OF DEFUND THE POLICE APPLIED TO THE U.S. MILITARY

Racialized History of the Military. Like policing, the history of the military is steeped in racism.¹¹⁵ During the Revolutionary War, Black soldiers went largely unnamed and unidentified.¹¹⁶ Additionally, many enslaved soldiers took on the duty to serve in place of their White masters, and when enlistment could not match demand, some states even paid the slave owners for the amount of slaves who served on their behalf.¹¹⁷ Regardless of the contribution of Black soldiers in the Revolutionary War, these soldiers were largely re-enslaved after fighting, and the subsequent Constitution maintained their inferiority.¹¹⁸

In 1792, Congress passed the Militia Act, allowing only White men to serve in the military.¹¹⁹ The trend of relying on soldiers of color in times of desperation and then promptly excluding them from service at the first convenience continued through the War of 1812 and the Civil War.¹²⁰

114. See generally Ailsa Chang, *The History of Police in Creating Social Order in the U.S.*, NAT'L PUB. RADIO (June 5, 2020, 4:13 PM), <https://www.npr.org/2020/06/05/871083599/the-history-of-police-in-creating-social-order-in-the-u-s> [<https://perma.cc/7XWL-CEJ9>] (explaining how police are here to protect us; however, historians have demonstrated that in early America, the police would ensure that poor Black and White individuals remained in their home while protecting affluent White people).

115. See *id.* (“[M]inneapolis is an example of a national story, which is that police have had over 150 years in America to improve and they never have.”).

116. See SCHUYLER C. WEBB & WILLIAM J. HERRMANN, HISTORICAL OVERVIEW OF RACISM IN THE MILITARY 2 (2002), <https://apps.dtic.mil/sti/pdfs/ADA488652.pdf> [<https://perma.cc/QWJ2-2KYM>] (articulating how most Black soldiers did not have a name, and some were identified by a pre-determined surname, making it difficult to determine the precise number who served in the military during the Revolutionary War).

117. See *id.* (discussing how enslaved Black soldiers enlisted on behalf of their White masters who just chose not to fight).

118. See *id.* at 3 (addressing the *Treaty of Ghent* to provide for the mutual restoration of properties, which included enslaved Blacks).

119. See *id.* at 2 (expounding that this restriction in militia enrollment was only for men from the age of eighteen to forty-five).

120. See *id.* at 3 (stressing that military leadership promised freedom to enslaved Black people who served during the War of 1812, but most were returned to their owner after the war).

Unsurprisingly, during the Civil War, Black soldiers were treated more harshly and compensated less than their White counterparts.¹²¹

It was not until 1942 that Franklin Roosevelt signed Executive Order No. 8802, which created a policy against employment discrimination across the military.¹²² However, under this policy, the military remained segregated.¹²³ After World War II, President Truman signed Executive Order 9981, desegregating the armed forces.¹²⁴ In the 1960s and 1970s, as true across the United States at the time, race relations became a source of tension in the military.¹²⁵ Consequently, in 1971, the Defense Race Relations Institute, eventually renamed the Defense Equal Opportunity Management Institute, was established as an early diversity initiative.¹²⁶ In its current iteration, the focus of the Defense Equal Opportunity Management Institute appears to be less on race than at its inception.¹²⁷

Resource Allocation Towards the Military. Like policing, the military accounts for vast amounts of resources in the name of protection.¹²⁸ Particularly in relation to other global powers, the statistics are staggering.¹²⁹ President Trump requested \$740.5 billion for national

121. *See id.* (reporting that the lowest ranked White soldier was paid about thirteen dollars per month while Black soldiers, with the same rank, were paid *only seven dollars* per month).

122. *See id.* at 12 (illustrating how the Marine Corps began recruiting Black individuals for the first time since 1798 after President Roosevelt signed the non-discrimination order).

123. *See id.* (identifying the intent of the non-discrimination order as to create several all-Black defense battalions, which created segregation by separating the White soldiers from the Black soldiers).

124. *See id.* at 14 (explaining that the order signed by President Truman declared there shall be “equality of treatment and opportunity for all persons in the Armed Services without regard to race, color, religion, or national origin.”).

125. *See id.* at 16 (noting that there were many riots in the military during this time because problems from the civilian sector came into the military).

126. *Cf. id.* (detailing how this diversity initiative was created to prepare personnel to teach race relations at the base level to all military members).

127. *See generally id.* at 18 (While this brief history traces the racism within the military, it does not focus on the equally important explicit and implicit racial tones of the military intervention occurring during the wars named. Notably, America is fundamentally founded on a race war between Native people and White settlers).

128. *See Deconstructed, supra* note 3 (articulating “[w]e do not need to be spending more than the next 11 or 12 countries in the world combined, most of whom happened to be our allies, in order to protect the security and prosperity of the American people.”).

129. *See id.* (condemning the billions spent on the U.S. military that accounts for tremendous death and violence around the world—especially the deaths of Black and Brown people).

security for the fiscal year 2021.¹³⁰ The United States has 200,000 U.S. troops stationed overseas in more than 150 countries and 800 former U.S. military bases in 80 countries.¹³¹ The other eleven countries with foreign bases have seventy foreign bases combined.¹³² Further, the Pentagon is the world's largest employer, with three million employees.¹³³ The Chinese military and Walmart follow, respectively.¹³⁴

Some argue that Americans are too deferential and too distanced from military decisions, resulting in too much money being spent unnecessarily.¹³⁵ The result: American military and police spending are unmatched.¹³⁶ Like discourse relating to police funding, the discourse around military spending is one rooted in social priorities.¹³⁷ We are funding a military at the detriment to investing in other social programs.¹³⁸

130. See *Immediate Release: DOD Releases Fiscal Year 2021 Budget Proposal*, U.S. DEP'T DEF. (Feb. 10, 2020), <https://www.defense.gov/Newsroom/Releases/Release/Article/2079489/dod-releases-fiscal-year-2021-budget-proposal> [<https://perma.cc/3ZXH-K5KF>] (explaining how the Department of Defense (DOD) made difficult choices to ensure that the appropriate resources were directed to the highest priorities due to the budget).

131. See Deconstructed, *supra* note 3 (detailing the immensity of the U.S. budget and the destruction that the military has brought around the world).

132. See *id.* (comparing the stark difference between the number of U.S. military bases to the number other countries have).

133. See *id.* (explaining how U.S. Presidents have repeatedly failed to get the budget of the Pentagon under control).

134. *Cf. id.* (contrasting the number of people employed by the Pentagon, the first biggest employer in the world, with the next two biggest employers in the world, the Chinese military and Walmart, to demonstrate that too many funds are being allocated towards the military).

135. See generally Fallows, *supra* note 20 (pointing out that Americans claim to have a lot of respect towards their military but are often indifferent towards the many issues surrounding the military such as those that can either affect military personnel, different branches in the military, or the country as whole).

136. See Deconstructed, *supra* note 3 (criticizing the budgets of both the military and the police departments since too much money is allocated for these departments which is money that could be better allocated towards helping the American people with other issues that the country faces).

137. See *id.* (bemoaning the violence that the military and police departments use. Despite the good and peace they may bring in some people's eyes, the military and police departments are racially motivated against people of color).

138. *Cf. id.* (providing examples of ways the government could reallocate some of the funds that go towards the military into social benefits for the American people. Some of these examples include extending and providing better healthcare, universal childcare, and repairing the infrastructure in America).

Highly Targeted Communities: Racialized Military Intervention. American domestic history of racism is mirrored in its foreign military intervention.¹³⁹ The U.S. military plays numerous roles in propping up America's powerful role on the world stage including spreading a capitalist democratic ideology and maintaining American economic interests.¹⁴⁰ American military intervention has been largely framed as a fight against tyranny, from which race cannot be extracted.¹⁴¹ Moreover, “[w]hat few commentators fully observe is that the social contexts of racial(izing) division at home and civil(izing) warfare overseas do not only exist as uncanny parallel universes, they are in important aspects of the same economic, cultural, and political logic.”¹⁴²

U.S. Presidents repeatedly use the promotion of democracy as a rationale for military intervention, as has been the case in Lebanon, Grenada, Panama, Haiti, and Iraq.¹⁴³ Arguably the ultimate concern is only veiled in democracy, but is in fact about American self-interest, given that the United States has ousted numerous democratically elected governments: Iran, Guatemala, Indonesia, Brazil, Chile, and

139. See Walden Bello, *The Racist Underpinnings of the American Way of War*, FOREIGN POL'Y IN FOCUS (July 1, 2020), <https://fpif.org/the-racist-underpinnings-of-the-american-way-of-war/> [<https://perma.cc/28J6-UR99>] (contending that the American military only intervenes with countries of races different from them, but not Caucasians—further expanding on their racism. During World War II, only Japanese American individuals were put in concentration camps, while people of German and Italian descent were not despite also being the axis in the war. This is mainly due to Germans and Italians being Caucasian—just like Americans).

140. See *id.* (detailing the beginnings of the American military which were fueled by the economy and capitalism. To this day, both continue to fuel the military and due to its expansion, have only created more racial structures).

141. See Nikhil Pal Singh, *Beyond the “Empire of Jim Crow”: Race and War in Contemporary U.S. Globalism*, 20 JAPANESE J. AM. STUD. 89, 93 (2009) (claiming that wars and the military in the United States are centered around tyranny and racism, while other countries may be facing deeper humanitarian issues. Such wars are painted as wars against communism, terrorism, fascism, and other forms political ideologies to justify the American military's actions for the perseverance of democracy).

142. *Id.* at 96.

143. See James Meernik, *United States Military Intervention and the Promotion of Democracy*, 33 J. PEACE RSCH. 391 (1996) (“Ronald Reagan defended the US intervention in Lebanon by arguing that ‘If America were to walk away from Lebanon, what chance would there be for a negotiated settlement producing a unified, democratic Lebanon’ . . . Reagan also claimed that the US invasion of Grenada was a ‘military operation to restore order and democracy’ . . . After the invasion of Panama, George Bush stated that ‘. . . the goals of the United States have been to defend democracy in Panama’ . . . [T]he Clinton Administration attempts to restore democracy in Haiti.”).

Nicaragua.¹⁴⁴ All of these countries are considered a part of the Global South.¹⁴⁵ America straddles a paradox of promoting democracy and liberty abroad, albeit violently and only when aligned with American self-interest, while maintaining White supremacy at home.¹⁴⁶

Peacekeeping missions are equally racially marked.¹⁴⁷ These undertakings are inherently paternalistic and historically involve White nations controlling communities of Black and Brown people.¹⁴⁸ These missions have furthered a narrative of the Global North saving the Global South from its own people.¹⁴⁹ These relationships are founded on historical relationships of colonialism that cannot be separated from race.¹⁵⁰ Furthermore, “[humanitarian missions] operate within a racial hierarchy in which civilized First Worlders discipline and instruct

144. See David P. Forsythe, *Democracy, War and Covert Action*, 29 J. PEACE RSCH. 385 (1992) (writing about how America, a democratic country, sees other political ideologies as threats and will use covert military force in an attempt to influence a country into turning democratic. The United States did this to Iran in 1953, Guatemala in 1954, Indonesia in 1955, Brazil from 1961, Chile in 1973, and Nicaragua from 1984).

145. See *Global South Countries 2021*, WORLD POPULATION REV. (2021), <https://worldpopulationreview.com/country-rankings/global-south-countries> [<https://perma.cc/ZF/P5-A6K7>] (providing a list of the countries that are deemed a part of the “Global South.” Additionally, the “Global South” is not a strictly geographical term. On the contrary, it is an economic political term describing countries that are generally less industrialized and less democratic, often with a history of colonialism).

146. See Singh, *supra* note 141, at 92 (explaining the paradox that America lives under. On one hand, America paints the picture that the military is getting involved in overseas matters to protect other civilizations and fight for their humanitarian rights. On the other hand, America refuses to provide equal human rights to minorities in their own country to maintain White supremacy).

147. See Sally Engle Merry, *Race, Inequality, and Colonialism in the New World Order*, 40 L. & SOC. REV. 235, 238 (2006) (examining the ways peacekeeping missions are more violent and racially motivated than liberating. Many peacekeepers are White men that go to Third World countries to help communities, but instead end up on a power trip and mistreat the same people they were supposed to help, as they are seen inferior due to their living situation and color).

148. See *id.* at 235–36 (summarizing the work of Razack, which touches on the issues of the West partaking in peacekeeping missions to help the Global South. However, such efforts are not as innocent as they may seem since it involves white people taking over an area where minorities live and expecting them to adapt to their way of life).

149. See *id.* (asserting that peacekeeping missions take place as the North believe themselves to be savior of Third World countries when, really these missions are furthering colonialism across the globe).

150. See *id.* at 239 (recognizing that humanitarian missions are not necessarily done without self-interest. These missions are done to paint the picture of White people doing good for Brown and Black people in Third World countries where they believe there is evil in comparison to the United States or Canada. Such rhetoric aids in the expansion of colonialism).

uncivilized Third World peoples in democracy and human rights. This is a story of white innocence and a portrait of good and evil on a global stage.”¹⁵¹ Even framing a mission using language of liberation, while self-soothing, is thinly veiled racialized paternalism.¹⁵² The result is simply the propping of Euro-centric ideals, under rhetoric of self-governance.¹⁵³

The “War on Terror” provides a quintessential example of racially fueled military intervention.¹⁵⁴ September 11, 2001 gave Americans a common enemy: one marked by race and religion.¹⁵⁵ Racialized othering allows for the demonization of the enemy that in turn justifies violence.¹⁵⁶ While the Bush Administration formally declared a war for freedom and democracy against fundamentalism and extremism—the War on Terror was seen, internationally, as a self-interested excuse for “Western aggression and domination.”¹⁵⁷ The international community was skeptical of American claims to fight from the moral high ground.¹⁵⁸

151. *Id.*

152. *See generally*, Randolph B. Persaud, *Killing the Third World: Civilisational Security as US Grand Strategy*, 40 *THIRD WORLD Q.* 266, 280 n.63 (2019) (acknowledging that peacekeeping missions are framed as missions of liberation when actually, they are not).

153. *See id.* (“Related to the assumed absence of the concept of freedom was the thematic of the inability of non-European peoples to self-govern. This is perhaps the most common spiritualisation of Euro-American colonialism and imperialism.”); *see also* Tom Rockmore, *On War, Politics and Capitalism After 9/11*, 110 *THEORIA: J. SOC. POL. THEORY* 74, 79 (2006) (“Yet there is an unfortunate tendency to forget . . . self-appointed Western saviours have directly or indirectly afflicted much of the suffering.”).

154. *See Singh, supra* note 141, at 104 (considering the prisoner’s dilemma that racial minorities are faced with in the aftermath of 9/11, creating “categories of persons without rights enlivened by the narratives and practices of specifically U.S. traditions of racial warfare”).

155. *See* Melissa Vargas Lopez, Comment, *When Police Officers Exceed Their Authority: The Applicability of Domestic Terrorism to Police Officers*, 40 *U. LA. VERNE L. REV.* 64, 84–85 (2018) (describing the face of a terrorist in post 9/11 America: “a Muslim with a turban holding a weapon.”).

156. *See Singh, supra* note 141, at 98–99 (identifying racism as a common artifact of war, often used to demonize the enemy or justify their killing).

157. *See* Saul Newman & Michael P. Levine, *War, Politics and Race: Reflections on Violence in the ‘War on Terror’*, 110 *THEORIA: J. SOC. POL. THEORY* 23, 36 (2006) (“The ‘war on terror’ can be seen as a generalization and normalization of the state of exception, in which extra-legal sovereign violence meets excessive legality, and in which the state’s obsession with ‘security’ reproduces a situation of internal warfare and insecurity that threatens to displace autonomous political life”).

158. *See* Eric K. Yamamoto et al., *American Racial Justice on Trial—Again: African American Reparations, Human Rights, and the War on Terror*, 101 *MICH. L. REV.* 1269, 1327–28 (2003) (addressing the skepticism of the United States’ claim to taking the moral high ground,

The domestic national security response was indicative of the racism enacted abroad.¹⁵⁹ By declaring the War on Terror, racial and religious harassment, special registration of immigrants, and indefinite detentions were justified against minorities, particularly Arabs and Muslims.¹⁶⁰ American foreign military intervention is arguably riddled with racism and contrary to the equality this country claims to stand on.¹⁶¹

Economic Incentives of Military Intervention. American military action is intricately tied to its economic interests.¹⁶² Simeon Man, author of *Violent Entanglements*, explains “[t]he evolving enmeshment of capitalist and military growth, in fact, generates a multitude of intricate relationships, where militarism avails its considerable resources to suppress anti-capitalist movements globally”¹⁶³ War-making is a lucrative enterprise.¹⁶⁴ About ten percent of American factory output is weaponry that is eventually sold to the Department of Defense for military use.¹⁶⁵ Consequently, American capitalism, tied to American conceptions of freedom and democracy, provides the impetus for lucrative ideological wars.¹⁶⁶ Similarly, a political ideology that understands economic growth as the ultimate marker of well-being will

believing it to be unjustified without considering the American history of human rights violations enacted on American soil against people of color).

159. See Newman & Levine, *supra* note 157, at 23 (recognizing the logic of war as becoming rooted in an idea of security, creating an ultimatum: join the United States in its war on terror or become an enemy of the United States itself).

160. See Yamamoto et al., *supra* note 158, at 1326–27 (listing the civil liberties abused under the guise of national security as a result of the “War on Terror”).

161. See Bello, *supra* note 139 (reflecting on the central role racism has played in “how the United States has waged its wars”).

162. See *id.* (providing an example of how the slave labor of African Americans consolidated the American economy and its capitalist market).

163. See Simeon Man et al., *Violent Entanglements: Militarism and Capitalism*, 133 RADICAL HIST. REV. 1 (2019) (exploring the “symbiosis” of militarism and capitalism).

164. Cf. O’Connell, *supra* note 23 (revealing the magnitude of the U.S.’s armament industry and the vital role it plays in providing a considerable number of American jobs).

165. See Louis Uchitelle, *The U.S. Still Leans on the Military-Industrial Complex*, N.Y. TIMES (Sept. 22, 2017), <https://www.nytimes.com/2017/09/22/business/economy/military-industrial-complex.html> [<https://perma.cc/UT9Q-D94T>] (quantifying the intermingling of American war-making and the American economy).

166. See Tom Rockmore, *On War, Politics and Capitalism After 9/11*, 110 THEORIA: J. SOC. & POL. THEORY 74, 90 (2006) (using slavery to exemplify the mutually supportive relationship American economy and ideology thrive off on, which once condoned and fed perhaps the biggest blemish in American history).

also ultimately pursue war to maintain the economic growth that supports its well-being.¹⁶⁷

The intricate ties of war-making and economic growth are glaring in the U.S. involvement in the Middle East.¹⁶⁸ The U.S. economy's dependency on oil creates and maintains an extremely powerful economic incentive to maintain influence and control over the Middle East countries—increasing accessibility to oil.¹⁶⁹ In order to maintain control, the U.S. deploys military intervention, which is only possible through an economy that supports military growth and strength—commonly referred to as the military-industrial complex.¹⁷⁰

Lack of Accountability within the Military. The problematic lack of accountability and transparency among police agencies is also evident in the military.¹⁷¹ In 2017, USA Today reported, “[s]ince 2013, military investigators have documented at least 500 cases of serious misconduct among its generals, admirals and senior civilians . . . Yet despite the widespread abuses, the Pentagon does no trend analysis to determine whether the problem is worsening, nor does it regularly announce punishments for generals and admirals.”¹⁷² Like the police, there is also a strong culture of loyalty within the military, creating a similar “wall of silence” to that associated with police.¹⁷³

167. *See id.* at 91 (“[I]deology often favours conflict rather than conflict-resolution, war rather than debate; war generates enormous revenues, and thus increase economic activity in the U.S.”).

168. *See id.* at 76 (attempting to justify why the United States went to war in Iraq, considering ideological and economically motivated goals).

169. *See generally id.* at 79 (showcasing, how “[t]he Iraq War was arguably intended to accomplish a number of related goals linked to neo-conservative political ideology, capitalism or both . . . includ[ing] increasing access to oil . . .”).

170. *See* O’Connell, *supra* note 23 (describing former U.S. President Dwight D. Eisenhower’s concern regarding the “permanent preparations for war” ongoing in America).

171. *See* Tom Vanden Brook, *Senior Military Officials Sanctioned for More Than 500 Cases of Serious Misconduct*, USA TODAY (Oct. 24, 2017, 4:14 PM), <https://www.usatoday.com/story/news/politics/2017/10/24/generals-sex-misconduct-pentagon-army-sanctions-hagel-gillibrand/794770001/> [<https://perma.cc/UGN2-MECB>] (discussing the military’s hushed tones and closed ranks that prevent most cases of military misconduct from public disclosure).

172. *Id.*; *see also* LIONEL NICHOLS, *THE INTERNATIONAL CRIMINAL COURT AND THE END OF IMPUNITY IN KENYA* (Springer ed., 2015) (Impunity undermines the various justice systems, internationally and domestically, created to maintain the rule of law. Consequently, a lack of accountability has the potential to harm both foreign actors and American military personnel).

173. *See* Peter Rowe, *Military Misconduct During International Armed Operations: ‘Bad Apples’ or Systemic Failure?*, 13 J. OF CONFLICT & SEC. L. 165, 183 (2008) (acknowledging the difficulties faced in proceedings initiated against soldiers for misconduct in armed operations)

Detainee abuse is likely the most common form of military misconduct, but given the nature of armed conflict, it is often hard to assess when misconduct has occurred.¹⁷⁴ Identifying misconduct is particularly difficult in the military context because certain norms and responsibilities are inherently not applied.¹⁷⁵

Since September 11, 2001, data indicates an increase in civilian casualties in American military intervention.¹⁷⁶ Additionally, local death tolls are consistently reported as higher than those reported by the U.S. military.¹⁷⁷ The international community generally believes the United States conducted itself with impunity in recent wars with Afghanistan and Iraq, largely citing the Central Intelligence Agency's (CIA) efforts to minimize liability.¹⁷⁸ Generally, countries are responsible for their own military misconduct, but high visibility cases have resulted in calls for international oversight and investigation.¹⁷⁹

Social Dominance and the Military. As with policing, social dominance theory provides a critical lens for understanding the motivations of military intervention.¹⁸⁰ As previously outlined, social dominance theory posits that humans naturally socialize into groups, which arrange into a hierarchy based on control.¹⁸¹ This hierarchy is maintained through legitimizing myths that suggest no other organization

174. *See id.* at 169 (generalizing the issues of how military misconduct occurs).

175. *See id.* at 172 (examining how the role of contractors within the US military creates concerns such as evading traditional Congressional oversight, little incentive for legislators to challenge companies that are large employers and make political contributions, as well as little public awareness about the role of contractors).

176. *See* Sylvaine Wong, *Investigating Civilian Casualties in Armed Conflict*, 64 NAVAL L. REV. 111 (2015) (investigating civilian casualties in armed conflicts and comparing U.S. military investigations with alternatives under international humanitarian and human rights law).

177. *See id.* (reporting that the United Nations Assistance Mission in Afghanistan (UNAMA) issued its Mid-Year Report on Protection of Civilians in Armed Conflict, finding that 3,268 civilians were killed or injured from January to June of that year—a 31 percent increase from a year prior).

178. *See id.* at 122 (implying that U.S. national investigations are perceived as more biased, secretive, and focused on military strategy and preservation of the military force rather than accurate reports).

179. *Cf. id.* at 112 (citing that, “recent failures to find wrongdoing in major civilian casualty incidents have sparked human rights advocates to push for greater scrutiny of military forces through international investigations.”).

180. *See* Sidanius et al., *supra* note 113, at 435 (noting that humans invariably socialize into groups arranged within a hierarchy of dominance and subordination).

181. *See* Hutchinson, *supra* note 103, at 32 (rationalizing that “social dominance theory” can nuance the understanding regarding racial discrimination).

is possible.¹⁸² Modern borders are a clear example of group formation, as they are founded on complex relationships of hierarchy themselves.¹⁸³ These countries exist in a hierarchy in which the United States wields military force and coercion as a means of maintaining global dominance.¹⁸⁴ The myth of American exceptionalism and untouchable global military power maintains this status, as well as narratives around economic globalization.¹⁸⁵ U.S. military intervention and international economic pursuits cannot be fully understood outside racial frameworks.¹⁸⁶

CONCLUSION

The recommendation is clear: defund the institutions brutalizing communities of color with impunity.¹⁸⁷ Yet, given the vast roles the police and military play in the current social order, domestically and globally, the obstacles to defunding are innumerable.¹⁸⁸ Nevertheless, the potential is also vast, partly because of today's dire circumstances.¹⁸⁹ Akbar writes, "[T]he power of abolition is its combination of a deep critique and hopeful horizon"¹⁹⁰

The staunch critique of a culture built on racism, driven by capitalism and expanded by militarism is not new.¹⁹¹ In some of his conveniently lesser-known work, Martin Luther King spoke of the giant triplets of

182. *See id.* (indicating how dominant groups create false narratives to keep themselves in control).

183. *Cf. id.* (equating modern borders to social dominance theory through resource-mongering and exclusion of outside groups).

184. *See generally id.* (inferencing that since modern borders can be seen as a social dominance theoretical practice, the United States would be the dominant group).

185. *See generally id.* at 47 (implying that the social dominance theory, has led the U.S., especially military, to legitimize their "myths" or "attitudes, values, beliefs . . . and ideologies" of their hierarchical position in the global economy and military power).

186. *See Bello, supra* note 139 (referencing the two original sins of the U.S. military and how they have shaped military action over time).

187. *See Akbar, supra* note 8, at 1819 (calling for divestment of the police because "[t]he power[s] and authority of the police are fundamental to the modernization of anti-Black violence.").

188. *Cf. id.* at 1782–83 (reiterating efforts made in police reform, such as "diverse hiring, implicit bias trainings, civilian review boards, and criminal indictments of police.").

189. *See generally id.* at 1783 (concluding that the fundamental policing problems come from rooted historical and ideological issues).

190. *Id.* at 1825.

191. *See generally* Deconstructed, *supra* note 3 (referencing the calls for defunding the police while understanding the interconnectivity between the police and the military).

racism, materialism, and militarism.¹⁹² Dr. King said, “[W]e as a nation must undergo a radical revolution of values When machines and computers, profit motives and property rights, are considered more important than people, the giant triplets of racism, extreme materialism, and militarism are incapable of being conquered.”¹⁹³ We are in the midst of an opportunity to radically reinvest.

192. See Martin Luther King, Jr., Reverend, Riverside Church, New York City: Beyond Vietnam: A Time to Break Silence (Apr. 4, 1967) (recognizing three commonly occurring systems of oppression).

193. *Id.*