

LYNCHING: FRONTIER JUSTICE AND MODERN-DAY POLICING

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I. INTRODUCTION

A historically informed patternized analysis allows an objective view of modern-day events. Historians often overlook the lynching of Latinos in the United States. Similar oversight occurs regarding law enforcement’s use of lethal force against Latinos throughout history. The Texas Rangers consider the early 1900s as their ‘darkest hour’ of racially influenced lethal force, where, through the decades, nearly a thousand Latinos were estimated to have been killed. Modern-day law enforcement continues to use lethal force against Latinos, killing 1059 Latinos in just a four year span.¹

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¹ Silvia Foster-Frau, *Latinos are disproportionately killed by police but often left out of the debate about brutality, some advocates say*, THE WASHINGTON POST, June 2, 2021,

In this paper, I will formulate a definition of lynching for patternized legal analysis through a four-part test: an event which (1) involves two or more people, (2) killing an individual, (3) with the pretext of service to justice, race, or tradition, (4) without due process. This definition enables a humanist perspective of what may even be legally sanctioned. The legal fiction of “race” as an exclusive, hierarchical group categorization methodology is subject to analysis using findings under Social Identity Theory. Behaviors of group members surrounding the events of lynching and frontier justice reflect implicitly learned racial trait associations, dehumanization, and perceptual narrowing resulting in racial segregation.

II. “LYNCHING” DEFINED

Scholars apply varying definitions of the word “lynching”, debating over whether the word should be applied more broadly or more narrowly. When applying a narrower definition, the resulting number of lynching events show a high concentration in the Southern United States.² However, when the word is broadly defined, lynching proves to be more widespread across the whole United States.³ The debate over the inclusivity of the definition is due, in part, to the contentious nature of the topic. The word itself is fueled by the desire to distance oneself with the association of the history of lynching in a particular region.

The narrow definition may be seen as problematic. A conservative definition excludes varying forms of collective violence, reserving the label “lynching” toward an iconic and recognizable form. However, this narrow definition allowed historian Monroe Work to focus their research on the events of violence where a town felt entitled to bypass legal procedure.⁴ This may also give valuable sociological insight to legal research regarding the topic, particularly when conducting a historical analysis on the governmental response to the participants in this violence.

https://www.washingtonpost.com/national/police-killings-latinos/2021/05/31/657bb7be-b4d4-11eb-a980-a60af976ed44_story.html

² Ramzi Rami, *Monroe and Florence Work Today*, PLAIN TALK HISTORY, Mar. 8, 2019, <https://plaintalkhistory.com/monroeandflorencework/evaluate/>

³ Katherine Marvin Ragland, *The Attitude of the “Atlanta Constitution” on the Negro Question 1886-1889* (June 1, 1939) (M.A. Thesis, Atlanta University) (On file with Atlanta University and Clark Atlanta University)

⁴ Rami, *supra* note 2.

A broad definition of the word involves scenarios of collective violence wherein the pretext need not include the administration of justice.⁵ One such example includes an individual randomly selected. Another example involves large-scale violence.

The definition of lynching, more commonly used today, is coined the “Tuskegee definition,” which reflects the agreed upon definition developed in 1940 by activists of the NAACP and ASWPL.⁶ The Tuskegee definition holds: (1) There must be legal evidence that a person was killed; (2) That person must have met death illegally; (3) A group of three or more persons must have participated in the killing; and (4) The group must have acted under the pretext of service to justice, race, or tradition.⁷ The Tuskegee definition attempts to place clear barriers between what should and should not be considered lynching. However, in the legal context, the inclusion of the standards of “legal” evidence and “met death illegally” are vague.

For the purpose of my analysis, I will adapt all three of the aforementioned views and apply a definition of “lynching” through a four-part test: (1) an event that involves two or more people, (2) killing an individual (3) with the pretext of service to justice, race, or tradition, (4) without due process. This definition, while broad, enables a patternized analysis of a wide variety of “frontier justice,” which encourages a humanist perspective of what may be legally sanctioned. The inclusion of the due process element is an important distinction in this formulated definition. What constitutes due process is a matter for subsequent analysis. Broadly understood, the legal concept of due process holds that before an individual is deprived of their life or liberty, they are promised a fair and legal proceeding.⁸ What one may consider fair is subject to philosophical inquisition, a belief influenced by culture and perspective. As such, the question remains of whether due process can be achieved when the legal proceedings themselves ignorantly occur within a foundationally problematic context?

III. SOCIAL PSYCHOLOGY OF LYNCHING

⁵ *Id.*

⁶ Waldrep, Christopher. “Tuskegee, the NAACP, and the Definition of Lynching, 1899–1940,” 127–50, 2002. https://doi.org/10.1057/9781403982711_8.

⁷ *Id.*

⁸ Peter Strauss, *Due Process*, The Legal Information Institute, https://www.law.cornell.edu/wex/due_process

Upon learning of atrocities that display the unsettling depths of human nature, the question often asked is, “how could someone do such a thing?”. The questioner is progressive in their approach. When learning that an atrocity occurred, we should then explore *why* it occurred and prevent it from occurring again. Since humans caused the atrocities of lynching, exploring the foundational components of social relationships and decision-making surrounding their participation and response requires establishing a foundation of the human brain’s ability to adapt and even invest in fiction.

A. “Race” is a Legal Fiction.

“Race” is a socially constructed group categorization according to similar phenotypic expressions of genetic determinants.⁹ Since race is only based on visible human traits, it is not a reliable biological classification. The majority of genetic variation occurs within a race, not between races.¹⁰ Racial “superiority” is fictitious since no race is genetically superior to another when there is no substantial genetic variation between races.¹¹

The social construction of race was solidified and integrated into the structure of the legal system in America during its formative years, with laws constructing chattel slavery on the basis of race.¹² Thus, racial designation became a marker of legal status, and the concept of racial superiority is a legally created fiction. Even still, the legally determined allocation of resources and opportunities according to race creates disproportionate outcomes of wealth and access across generations, further contributing to the belief in the fiction of racial superiority.¹³ The level of interaction with other races affects the ability to perceive outward biases.¹⁴ Lack of social connection decreases the ability to empathize with those outside of one’s own group and

⁹ Vence L. Bonham, Jr., JD, *Race*, National Human Genome Research Institute (July 29, 2022), <https://www.genome.gov/genetics-glossary/Race>

¹⁰ *Id.*

¹¹ Templeton AR. Biological races in humans. *Stud Hist Philos Biol Biomed Sci.* 2013 Sep;44(3):262-71. doi: 10.1016/j.shpsc.2013.04.010. Epub 2013 May 16. PMID: 23684745; PMCID: PMC3737365.

¹² Erika K. Wilson, *The Legal Foundations of White Supremacy*, 11 *DEPAUL J. SOC. JUST.* 1 (2018)

¹³ Pager, Devah, and Hana Shepherd. “The Sociology of Discrimination: Racial Discrimination in Employment, Housing, Credit, and Consumer Markets.” *Annual Review of Sociology* 34 (January 1, 2008): 181–209. <https://doi.org/10.1146/annurev.soc.33.040406.131740>.

¹⁴ Waytz, Adam, and Nicholas Epley. ‘Social Connection Enables Dehumanization.’ *Journal of Experimental Social Psychology* 48, No. 1 (2012): 70-76.

increases the ease of passively denying the humanness of the out-group.¹⁵ This may be seen in failures to admit the existence of injustices by claims such as “colorblindness.”

B. Racial Group Segregation Influences Individual Behavior.

Social Identity Theory seeks to explain the behavior of individuals when forming exclusive groups, such as races.¹⁶ The formation of exclusive groups inevitably leads to preference for one’s own group members through the mutuality of alliance. As a result, in-group loyalty and collaboration are seen as more important than moral concerns for the inclusion of out-group members.¹⁷ Tensions between groups occur when a group experiences threats to their self-image, bringing into question their uniqueness, values, beliefs, or resources.¹⁸ A high identification with one’s group, limited experiences with those outside one’s group, and the existence of hierarchical differences between groups impact the perception of the threat posed by an out-group. High-status groups are more likely to perceive out-groups as threatening than vice-versa.¹⁹

Trait associations are learned implicitly and represent implicit bias.²⁰ These associations serve the high-status group’s need to identify possible threats to their uniqueness and eliminate them. Psychosocial theorists explain the motivation to maintain high-status advantage results in oppressing low-status groups. Even children experimentally assigned to high-status groups on an arbitrary basis (shirt color) are less willing to rectify unjust inequalities or cognitively empathize with others viewed as out-group members.²¹

¹⁵ *Id.*

¹⁶ Bourhis, Richard Y., and André Gagnon. “Social Orientations in the Minimal Group Paradigm.” In *Blackwell Handbook of Social Psychology: Intergroup Processes*, 89–111. John Wiley & Sons, Ltd, 2003. <https://doi.org/10.1002/9780470693421.ch5>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Morewedge, Carey K., Jesse J. Chandler, Robert Smith, Norbert Schwarz, and Jonathan Schooler. “Lost in the Crowd: Entitative Group Membership Reduces Mind Attribution.” *Consciousness and Cognition* 22, no. 4 (December 1, 2013): 1195–1205. <https://doi.org/10.1016/j.concog.2013.08.002>.

²¹ *Id.*

C. Implicit Bias Formation

The human brain processes long-term memory implicitly and explicitly.²² Explicit memory is the conscious awareness of information acquisition; it takes effort. Implicit memory formation is without conscious awareness, resulting from the inherent neuroplasticity of all neural-processing circuits outside of the medial temporal lobe (MTL) memory system, resulting in a wide range of implicit learning phenomena.²³

Repeated exposure to experiences and associations manifests long-term memory formation without conscious awareness by subsequent repetition of synaptic firing patterns.²⁴ Through neurological training, neurons are modified and finely tuned for task optimization.²⁵ The brain can assign trait associations, spatial awareness, and stereotypes simply by sustained exposure and without conscious awareness. One functional purpose of this implicit learning is extracting consistent statistical relationships among stimuli in the environment, like categorical and sequential structures, such as language. The slower, sustained neurological training of implicit learning provides the advantage of greater resistance to synaptic reorganization.²⁶

Individuals acquire implicit biases simply by repeated exposure, even without actively engaging. They are so deeply ingrained in one's worldview they are not easily displaced but rather "overridden" to achieve congruence with their preferred worldview and values. Although the word itself is severe, 'Dehumanization' is merely the neural response commonly aligned with implicit bias, characterized by a lack of emotionally engaged social cognition and an analytic cognitive mode that is detached.²⁷

²² Berlucchi, Giovanni. "Neuropsychology: Theoretical Basis." *Encyclopedia of Neuroscience*, January 1, 2010, 1001–6. <https://doi.org/10.1016/B978-008045046-9.00996-7>.

²³ Reber, Paul J. "The Neural Basis of Implicit Learning and Memory: A Review of Neuropsychological and Neuroimaging Research." *Neuropsychologia* 51, no. 10 (August 1, 2013): 2026–42. <https://doi.org/10.1016/j.neuropsychologia.2013.06.019>.

²⁴ *Id.*

²⁵ Kolb, Bryan, and Robbin Gibb. "Brain Plasticity and Behaviour in the Developing Brain." *Journal of the Canadian Academy of Child and Adolescent Psychiatry = Journal de l'Academie Canadienne de Psychiatrie de l'enfant et de l'adolescent* 20, no. 4 (November 2011): 265–76. <https://pubmed.ncbi.nlm.nih.gov/22114608>.

²⁶ *Id.*

²⁷ Jack, Anthony I., Abigail J. Dawson, and Megan E. Norr. "Seeing Human: Distinct and Overlapping Neural Signatures Associated with Two Forms of Dehumanization." *NeuroImage* 79 (October 1, 2013): 313–28. <https://doi.org/10.1016/j.neuroimage.2013.04.109>.

D. Underlying Social and Emotional Influences Impact Logical Reasoning

“Race” is a legally created method of group categorization based on one’s physical appearance. As previously discussed, implicitly learned trait associations on the basis of race are acquired without conscious awareness. It then follows that one may also not be consciously aware of the implicit biases’ influence on the totality of their worldview. The arduous manner in which these biases are neurologically ingrained hold that they are equally as difficult to unlearn.

With a lack of social proximity to other races, any implicit bias is unlikely to be challenged and corrected, leading to perceptual narrowing. The perceptual narrowing is also impacted by how one perceives the world experiencing their very existence. One’s worldview becoming narrowed impacts their ability to accurately determine injustices experienced by out-group members, and the tendency toward dehumanization due to lack of social proximity elicits an emotional confirmation that the inaccurate determination is “reasonable.”²⁸ This becomes particularly problematic when a high-power group maintaining barriers creating economic and racial exclusivity is tasked with decision-making responsibility, such as the legal profession.²⁹

IV. HISTORICAL ANALYSIS

Little is known by mainstream historians of the history of Latinos being lynched in America. Historical accounts of these lynchings are often obscured by the word choice describing the event.³⁰ Other factors compounding this issue include name misspellings, language differences, and lack of recordkeeping in more recently settled lands.

Though perhaps not intended to be overtly discriminatory, archived newspaper clippings reporting lynchings tell a story of societal tolerance of racially motivated brutality. By briefly analyzing

²⁸ Rodes, Robert E. ‘Transcending Class: A Jurisprudence for Social Justice.’ H. L. REV. 111, No. 7 (1998): 2123–28. <https://doi.org/10.2307/1342494>.

²⁹ Vernellia R. Randall, *The Status of African American Males in the Legal Profession: A Pipeline of Institutional Roadblocks and Barriers*, Race, Racism, and the Law (May 25, 2012), <https://racism.org/articles/law-and-justice/practice-of-law/1474-legal-profession>

the choice of wording in reports of lynching, some insight is gained into the possible effect on its reader, including the perpetuation of the dehumanization of Latinos.

For example, the varied reporting of the lynching of Antonio Rodriguez on November 3, 1910, stands as a clear example of the dehumanizing narrative obscuring Latino lynching.³¹ In all three reports of his death, the agreed facts are that when Antonio Rodriguez was held in a jail, a mob of townspeople surrounded the jail and retrieved him in the night. At some point, he confessed to committing murder, and they burned him to death in the jail parking lot. A newspaper from Pennsylvania describes the aftermath: “The mob spirit having burned out with the life of Antonio Rodriguez, a Mexican.”³²

While words are just a simple choice, such storytelling is a display of the sentiment and response of the majority of voting Americans. This phrase simultaneously describes the unfathomable torture of a man, denies him his humanness, and reminds the reader to relegate him only to his race.

The choice of wording here may be a result of the writer’s own implicit bias affecting the reception of the information of Antonio Rodriguez’s death and the manner with which they felt they should describe it in writing. Regardless of the existence of implicit bias on behalf of the writer, it is clear the writer expected the reader would have specific implicit biases toward Mexicans. This is evident by the addition of the qualifier “a Mexican” in the article.

Absent the application of any stereotype, the additional qualifier itself is clearly out of place. Without reference to a stereotype, it does nothing to support its preceding information, neither clarifying it nor explaining the circumstances of the event. This becomes clearer if the qualifier were to be replaced with any other descriptor. If the phrase read “Antonio Rodriguez, a man” this would lead the reader to imply that his being a man provides contextual information to his death or how to interpret the manner of his death. Its addition relies solely on the implicit bias of the reader to interpret its meaning. The intention of the writer in adding this qualifier becomes clearer when compared to the entire passage.

Conflicting reports regarding the timing of Antonio Rodriguez’s alleged confession describes it as occurring either before the mob began torturing him or after the mob began torturing him. However,

³¹ Lynching in Texas Staff, “Lynching of Antonio Rodriguez,” *Lynching In Texas*, accessed Aug. 1, 2022, <https://lynchingintexas.org/items/show/353>.

³² *Id.*

including this information at all relies on the expectation that the reader will limit inquiry to whether the purpose of the mob forming was in the pursuit of justice, and will not inquire as to whether justice was actually achieved.

Other examples of dehumanization in this passage are evident in the manner in which the writer refers to Antonio Rodriguez. Of a total of 9 references, the writer refers to him by name only twice. The writer makes an equal number of references to him as a murderer as they refer to him as being Mexican.

The inclusion of dehumanizing descriptions of Antonio Rodriguez ensures the reader will fail to cognitively associate his depiction with recognizable human traits, suppressing their ability to feel empathy for him. The use of the references ‘murderer’ and ‘Mexican’ in equal number will likely serve to strengthen the implicitly learned trait associations of a reader primed toward such associations on a subconscious level.

V. LAWFUL “FRONTIER JUSTICE”

A. *Texas Rangers and the Porvenir Massacre*

Tensions and violence continued to rise within the developing state of Texas shortly after the American occupation. The Mexican Revolution impacted the tension surrounding settlements, land division, and water rights.³³ Inevitably, resource and land distribution favoring Anglo settlers over longtime Mexican-American landowners encouraged some developing “outlaw” bandit groups to issue the *Plan de San Diego*, calling for the death of all male Anglo settlers over the age of 16.³⁴

The Texas Rangers patrolled the Mexico-Texas border, growing in number and resulting in growing violence, but diminishing in professionalism.³⁵ The explicit and implicit racial biases of white settlers, coupled with fear and advantage within the legal system, set the stage for the legally condoned massacre of what historians estimate

³³ Minster, Christopher. "The Mexican Revolution." ThoughtCo, Feb. 16, 2021, [thoughtco.com/the-mexican-revolution-2136650](https://www.thoughtco.com/the-mexican-revolution-2136650).

³⁴ Don M. Coerver, “Plan of San Diego,” *Handbook of Texas Online*, accessed August 01, 2022, <https://www.tshaonline.org/handbook/entries/plan-of-san-diego>.

³⁵ Harris, Charles H. Harris; Sadler, Louis R. (2007). *The Texas Rangers and the Mexican Revolution: the bloodiest decade, 1910–1920* (Albuquerque: University of New Mexico Press).

to be thousands of Mexican Americans and Mexican citizens at the hands of Texas Rangers.³⁶

Some historians argue this dark period of the Texas Ranger's history is a result of the increased numbers of Rangers and subsequent lowering of hiring standards.³⁷ Military stationed on the Texas frontier often notified superiors of the uncontrolled conduct of the Texas Rangers.³⁸ Following a legislative hearing led by Jose T. Canales, the Rangers were found to have committed numerous civil and criminal violations, but little reformation was instituted as a result.³⁹ The Texas Rangers still maintained legal authority to use lethal force without due process of law and retained qualified immunity.

At two in the morning on January 28, 1918, Texas Rangers and members of the U.S. Army woke the citizens of a small farming village in Porvenir, Texas, taking 15 men and boys and executing them.⁴⁰ The surviving family members fled their homes, and the next day soldiers burned the town to the ground. The accounts of the surviving family members tell a story of the failures of the legal system and how trauma can be hidden by regulations and "reasonableness."

Survivor Juan Flores describes what he witnessed of his father's murder, "We were all crying, but what could we do? To whom could we complain? We couldn't say, 'let's go tell the American troops' but how? Since they had been just as bad."⁴¹ Juan Flores' mother later committed suicide in 1935 as a result of the trauma of the event.

The Rangers and military initiated the massacre following a store robbery and reports that some men in Porvenir wore a shoe brand sold in the store. The store was the closest location where Porvenir residents could buy clothing and supplies.

No due process by any historical or moral standard was granted to these victims, yet few of the Texas Rangers involved were dismissed from their positions following the Canales hearings.⁴² The involvement

³⁶ PORVENIR, TEXAS (PBS documentary aired Oct. 2019).

³⁷ *Id.*

³⁸ *Id.*

³⁹ Harris, Charles H. Harris; Sadler, Louis R. (2007). *The Texas Rangers and the Mexican Revolution: the bloodiest decade, 1910–1920* (Albuquerque: University of New Mexico Press).

⁴⁰ Lynching in Texas Staff, "Lynching of Manuel Morales," *Lynching In Texas*, accessed July 31, 2022, <https://lynchingintexas.org/items/show/854>.

⁴¹ PORVENIR, TEXAS (PBS documentary aired Oct. 2019).

⁴² Ribb, Richard Henry. "José Tomás Canales and the Texas Rangers: Myth, Identity, and Power in South Texas, 1900–1920." Order No. 3035964 The University of Texas at Austin, 2001. Ann Arbor: ProQuest. Web. 20 Apr. 2018.

of the military was concealed for decades until the archeological discovery of military shell casings at the site of the massacre.⁴³

B. Modern American Police – Lethal Force Against Latinos and the Public Response

“Frontier justice” represents an abstract concept of punishment inflicted just outside of the reach of the law. Police in America have the unique position of enforcing the law without having studied it and are often entitled to use force against citizens in circumstances the law has yet to contemplate.

Law enforcement is funded by communities to protect them from crime; however, police have no affirmative duty to protect citizens.⁴⁴ Another purpose of funding law enforcement is to address violence; however, police are entitled to punch an individual, shouting at police to stop hurting another citizen, and arrest the individual they punched with assault.⁴⁵

The Second Amendment to the Constitution grants citizens the right to keep and bear arms; however, police may kill a citizen without repercussion if it is objectively reasonable they felt threatened by an armed or unarmed citizen.^{46, 47} Studies show roughly 19% of officers have post-traumatic stress disorder, a symptom of which includes an exaggerated startle response.⁴⁸

In essence, police are entitled to enforce what they understand the law to be or what they believe to be reasonable, and the Court’s review of their enforcement establishes case law which then informs future police conduct. The law is defined based on conduct after it has been committed. That is to say, police inflict punishment just outside of the reach of the law.

⁴³ *Porvenir Massacre Archaeology Most Revealing*, Rim Rock Press (December 16, 2015), <http://www.rimrockpress.com/blog/index.php?entry=entry151216-162435>

⁴⁴ *Castle Rock v. Gonzales*, 545 U.S. 748 (2005).

⁴⁵ *Wardlaw v. Pickett*, 1 F.3d 1297 (D.C. Cir. 1993).

⁴⁶ U.S. CONST. AMEND. II.

⁴⁷ *Graham v. Connor*, 490 U.S. 386, 109 S. Ct. 1865 (1989); *see also* *Thompson v. Hubbard*, 257 F.3d 896 (8th Cir. 2001).

⁴⁸ Covey, Thomas J., Janet L. Shucard, John M. Violanti, Jeff Lee, and David W. Shucard. “The Effects of Exposure to Traumatic Stressors on Inhibitory Control in Police Officers: A Dense Electrode Array Study Using a Go/NoGo Continuous Performance Task.” *Electrophysiological and Neuroimaging Studies of Cognitive Control: Evidence from Go/NoGo and Other Executive Function Tasks* 87, no. 3 (March 1, 2013): 363–75. <https://doi.org/10.1016/j.jpsycho.2013.03.009>.

“Back the Blue” is an activist campaign focused on building community support for police officers, combating the diminished reputation resulting from data showing a disproportionate number of incidents involving lethal force against citizens of color.⁴⁹ The database mapping police violence found that Latinos are killed at a disproportionately higher rate compared with whites in 24 of the nation’s 50 largest cities.⁵⁰ Racial categorization itself creates an issue of proper record keeping of Latinos killed by police, as a result of improper categorization of white-passing Latinos and Afro-Latinos as white and black, respectively.⁵¹

“Back the Blue” as a *response* to social pressure asking to address the disproportionate use of lethal force on citizens of color, neither addresses the initial concern nor proposes a solution to mitigate it. Whether intended as a response or not, the simple acknowledgment of an ideological separation in American culture between concerns for citizens of color and the “Back the Blue” campaign is dependent on the implicit understanding that having concern for citizens of color means one cannot also support the police.

VI. CONCLUSION

Overt racial harm perpetuates through generations by claims of “colorblindness,” providing one with a virtuous self-concept while simultaneously failing to rectify racial injustice. A legal system maintaining membership exclusivity by failing to broadly reject barriers to diversity will likely remain unable to address the continued violence against citizens of color.⁵² The violent enforcement of what police officers believe the law entails will continue to create actual law,

⁴⁹ *Back the Blue*, ACT for America (July 31, 2022),

<https://www.actforamerica.org/activism/back-the-blue>.

⁵⁰ Julie Tate, Jennifer Jenkins and Steven Rich, *Police Fatality Database*, The Washington Post (July 29, 2022), https://www.washingtonpost.com/graphics/investigations/police-shootings-database/?itid=lk_interstitial_manual_37

⁵¹ Silvia Foster-Frau, *Latinos are disproportionately killed by police but often left out of the debate about brutality, some advocates say*, The Washington Post (June 2, 2021), https://www.washingtonpost.com/national/police-killings-latinos/2021/05/31/657bb7be-b4d4-11eb-a980-a60af976ed44_story.html

⁵² Merritt, Deborah Jones and Cornett, Logan, *Building a Better Bar: The Twelve Building Blocks of Minimum Competence* (December 1, 2020). AccessLex Institute Research Paper No. 21-02, Ohio State Legal Studies Research Paper No. 624, Available at SSRN: <https://ssrn.com/abstract=3793580> or <http://dx.doi.org/10.2139/ssrn.3793580>

and the boundary of this new frontier is drawn by sacrificing citizens of color.

Willful ignorance and filtered recordkeeping leaves behind key aspects of historical evidence. What feels comfortable fails to draw parallels between overt race-conscious violence of the past and disparate harm of the present. The result is gaslighting of entire races under the belief there is no historical evidence supporting a claim of continued harm. So long as we continue to ignore the parallels between historical events and concerns raised by marginalized groups under the comforting belief they are overexaggerating, we will continue to recreate them.