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THERE ARE TWO SIDES TO EVERY STORY: EXPOSING BLUE LIVES MATTER BILLS  
IN THE MOMENT OF BLACK LIVES MATTER

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## ABSTRACT

At the same time that the Black Lives Matter movement has generated national conversation on the question of police and state sanctioned violence, police accountability and transparency, Blue Lives Matter bills have emerged. The Twitter hashtag's appearance in December 2014 transformed social media rhetoric into legislation designed to create additional protection for law enforcement. In this thesis, I document the rise of Blue Lives Matter bills between 2016 to 2017, also relying on early appearances of Blue Lives Matter bills in 2015. Using a critical race analysis to explore the implications embedded in the bills, I categorize the different sorts of bills that currently exist to expose patterns and trends across the country. I will analyze what Blue Lives Matter bills are and where these bills currently exist within the United States, explore their language and relation to Black Lives Matter, and articulate the interests the bills serve in protecting officers whose duty is to protect citizens. To date, academics have not yet taken on the issue of Blue Lives Matter legislation. My research attempts to contribute to scholarly literature and begin research surrounding this newly emerged issue.

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## **Chapter 1: Introduction**

### **My First Encounter with A Blue Lives Matter Bill: Pennsylvania House Bill 27**

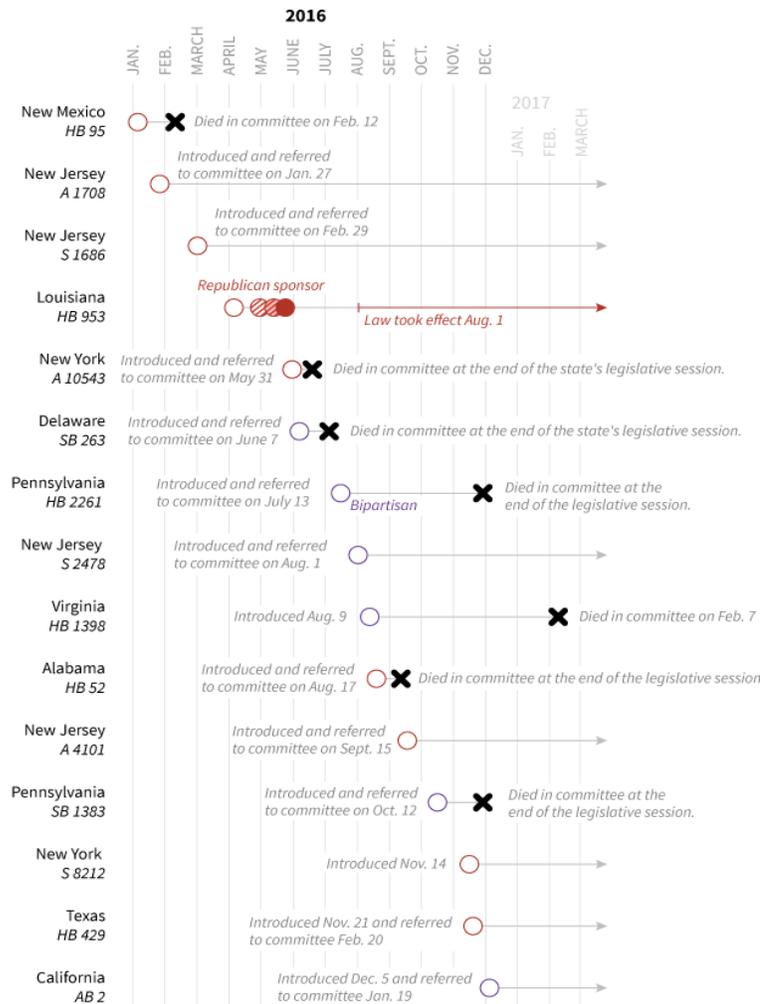
During my involvement with the Penn State chapter of The National Association for the Advancement of Colored People (NAACP), the regional director of several college campuses would occasionally send us information on various issues and events. These issues and events typically affected marginalized communities within Pennsylvania, mostly but not always aimed toward Philadelphia or Harrisburg, and less often toward Pittsburgh and rural areas throughout the state. The regional director in charge of Penn State's chapter alerted us that Pennsylvania House Bill 27 was up for a vote. Her short description of the bill and its importance was enough to make me look into the bill myself. Through discovering this bill, its effects, and power that I had never before heard of, I became interested in the newly emerged Blue Lives Matter bills in Pennsylvania and across the country.

Blue Lives Matter bills, which have no precise definition but have emerged as a response to the Black Lives Matter movement in 2014, seek to defend police officers and those within police enforcement as a counter response to rioting, protests, and demonstrations against police brutality. Moving beyond the hashtag and its social media emergence, Blue Lives Matter is now being institutionalized in bills throughout the country.

# Where 'Blue Lives Matter' Laws Stand

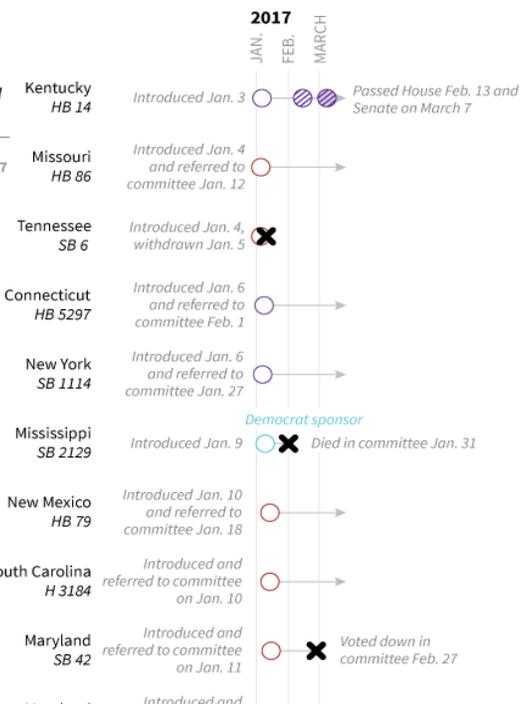
As of March 9, 2017

○ Introduced    ◌ Passed by House    ◌ Passed by Senate    ● Became law    ✘ Failed/repealed/withdrawn



14 states have introduced 33 bills so far in 2017, compared to only 15 bills in all of 2016.

### STATES WITH BILLS PROPOSED IN 2017



**Figure 1: Where Blue Lives Matter Bills Stand**

As of March 1, 2017, The Huffington Post reported that three months into 2017, thirty-two Blue Lives Matter Bills have been introduced, causing a 100% increase compared to 2016's total of fifteen Blue Lives Matter bills. The bills were introduced in fourteen states across the United States -- Pennsylvania being one of those, and contributing to the count with three Blue Lives Matter Bills.<sup>1</sup> The Pennsylvania bill with the most success thus far, House Bill 27, was first introduced by Representative Martina White on February 6th, 2017 as the amended former House Bill 1538 (2015-2016 regular session).<sup>2</sup> Pennsylvania House Bill 27, in its short title, is "An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, adding provisions for law enforcement activities by providing for release of law enforcement officer information when firearms discharged or use of force". House Bill 27's memo, written by Martina White, is as follows:<sup>3</sup>

*In the near future, I will be re-introducing legislation regarding the release of information about a law enforcement officer involved in a discharge of a firearm or use of force during the performance of their official duties. The name and identifying information of the law enforcement officer may not be released to the public before the investigation is complete or before 30 days after the incident has occurred, whichever occurs first.*

*At the conclusion of the investigation or 30 days, the information may be released to the public, unless doing so will create a risk of harm to the person or property of the officer or*

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<sup>1</sup> Craven, Julia. "32 Blue Lives Matter Bills Have Been Introduced Across 14 States This Year." The Huffington Post. December 11, 2017. [https://www.huffingtonpost.com/entry/blue-black-lives-matter-police-bills-states\\_us\\_58b61488e4b0780bac2e31b8](https://www.huffingtonpost.com/entry/blue-black-lives-matter-police-bills-states_us_58b61488e4b0780bac2e31b8).

<sup>2</sup> Legislative Data Processing Center. "Bill Information - House Bill 1538; Regular Session 2015-2016." The Official Website for the Pennsylvania General Assembly. November 21, 2016. <http://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2015&sInd=0&body=H&type=B&bn=1538>.

<sup>3</sup> Legislative Data Processing Center. "Bill Information - House Bill 27; Regular Session 2017-2018." The Official Website for the Pennsylvania General Assembly. June 19, 2017. <http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?syear=2017&sind=0&body=H&type=B&bn=27>.

*an immediate family member. In addition, release may be made at any time if the officer provides written consent.*<sup>4</sup>

State House Representative Martina White, a political figure worth maintaining focus on in her efforts to push police protection in the 170th Legislative District within Philadelphia, Pennsylvania, was the first main actor that I stumbled upon who espoused strong - to say the least - views and rhetoric regarding officers' need of protection because of Black Lives Matter's actions, and the media's role in the officers' alleged need for protection. In a newsletter posted on her website for the public and her constituents to have ready access to, Martina White says, "As we've seen throughout the country, police shootings involving police officers have become so politically charged that the officers' lives and their families can be endangered even if the use of force was justified." White said, "We need to balance transparency with some basic protections for our law enforcement officers."<sup>5</sup>

House Bill 1538, which was supported by local Fraternal Order of Police (FOP) Lodge 5 and the state FOP, would have delayed police departments from releasing the names of officers involved in violent confrontations while an investigation is ongoing. Public officials would have been able to release the identifications once 30 days have passed, criminal charges have been filed, or an investigation is completed sooner and the life of the officer and his or her family members are deemed no longer in danger.

"Shootings are increasingly political," White said. "That places the lives of our officers and the lives of their family members in danger. While we need transparency whenever police

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<sup>4</sup> Legislative Data Processing Center. "Bill Information - House Bill 27; Regular Session 2017-2018." The Official Website for the Pennsylvania General Assembly. June 19, 2017.

<http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2017&sind=0&body=H&type=B&bn=27>.

<sup>5</sup> "White Bill to Protect Police IDs Passes Committee." PA State Rep. Martina White - White Bill to Protect Police IDs Passes Committee. November 10, 2015. Accessed April 09, 2018.

<http://www.repwhite.com/NewsItem.aspx?NewsID=25489>.

are involved in a shooting, we owe our officers basic protection from threats. That's why I will re-introduce the legislation in the 2017-18 session."

There is a profound amount of power behind the bills and policies that affect people of color, that affect Black people or those who are disadvantaged in general, that are generally kept out of public domain, conversation, and media coverage. Intentionally, or unintentionally, the effects are essentially the same and have the potential to be detrimental by lack of access to the information, and lack of access in spaces where the policies or laws are made to begin with. Not only are we kept out of decision making processes, but then, those decisions are kept from us until the aftermath is the first time that we are aware of the already in action legislative acts. With Blue Lives Matter bills becoming policy, they now have the power to play a role in our system of mass incarceration. The introduction of law enforcement now being included in state hate crime statutes, later explored in Chapter 3, or whatever the crime may be, disproportionately affects people of color and Black people specifically. This is apparent in the number of ways that Black people have long been the prime target of the criminal justice system<sup>6</sup>. It is a system of protecting privilege and white supremacy that has sustained this country. In the context of this history, it is not a stretch to say that Blue Lives Matter bills across the nation are a rising threat to Black and Brown people. Furthermore, these bills are not an emerging example of racial targeting or racialized exclusion. Racism is never disappearing; it is simply transforming. It is transforming this one way, from state to state.

There is conversation about Blue Lives Matter bills on the Internet, on YouTube, and on Twitter, but the information falls short in academia. Little literature or academic research has

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<sup>6</sup> Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: New Press, 2010.

centered on Blue Lives Matter, and I would imagine this is the case for several reasons. Blue Lives Matter has gained momentum through social media, particularly in December 2014. The phrase may still come up, but the Blue Lives Matter hashtag that once existed has significantly lessened. The hashtag appeared at the height of police officers' murders, which I explore later in defining Blue Lives Matter bills, but now it has a new focus: legislation is being created, billboards are advertising the message across the country, and efforts and energy are being placed in spaces that we cannot see, such as these bills. What was once portrayed as troubling rhetoric and a counteraction to Black Lives Matter is now legislation vilifying the call for police accountability and an end to police violence.

In this thesis, I argue that Blue Lives Matter is a dangerous and powerful form of state legislated racism that must be addressed. I will analyze the characteristics of Blue Lives Matter as well as the bills associated with this agenda, and reveal the racism within such bills across the nation. The goal of my research is to acknowledge these bills in an academic light through a critical race lens, and explore how this research can be used for Black Lives Matter chapters across the country in opposition.

## Chapter 2: Black Lives Matter

### Stephon Clark

March 18th, 2018 was the night that an unarmed Black man's cell phone mistaken for a gun would cost him his life, ended after only twenty-two years, in his grandmother's backyard.<sup>7</sup> The initial call came from a report in the Sacramento Meadowview area that a suspect was vandalizing cars in the neighborhood. When approached by officers, Clark fled to his grandmother's backyard and "Gun! Gun! Gun!" were the words officers yelled out before the two officers fired twenty rounds in less than five seconds.<sup>8</sup> Private medical examiner Dr. Bennet Omalu released his findings indicating that Stephon Clark was shot three times in his lower back, twice near his right shoulder, once in his neck and once under an armpit.<sup>9</sup> Body camera videos reveal that after Stephon Clark was already on the ground, officers continued to fire. If this was not disturbing enough, Dr. Omalu's examination reports that Clark was shot in the back eight times, not even facing officers to be an immediate threat.

This is a story that has shaken the nation, shattered the hearts of the Sacramento community, and permanently altered the lives of those who personally knew Stephon Clark. Stephon Clark's story, now defined by his death rather than his personhood, is an example of why the Black Lives Matter movement exists.

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<sup>7</sup> Cobb, Jelani. "Stephon Clark and the Shooting of Black Men, Armed and Unarmed." *The New Yorker*. April 05, 2018. Accessed April 09, 2018. <https://www.newyorker.com/news/daily-comment/stephon-clark-and-the-shooting-of-black-men-armed-and-unarmed>.

<sup>8</sup> Kaste, Martin. "After Stephon Clark Shooting, Questions Remain About Police Use Of Force." *NPR*. April 04, 2018. Accessed April 09, 2018. <https://www.npr.org/2018/04/04/599525838/after-stephon-clark-shooting-questions-remain-about-police-use-of-force>.

<sup>9</sup> Robles, Frances, and Jose A. Del. "Stephon Clark Was Shot 8 Times From Behind or the Side, Family-Ordered Autopsy Finds." *The New York Times*. March 30, 2018. Accessed April 09, 2018. <https://www.nytimes.com/2018/03/30/us/stephon-clark-independent-autopsy.html>.

The Black Lives Matter movement is most notably marked by the killings of Trayvon Martin and the subsequent acquittal of his killer, community watchman George Zimmerman, and Michael Brown, and his killer, police officer Darren Wilson. Inspired by the 31-day takeover of the Florida State Capitol by POWER U and the Dream Defenders,<sup>10</sup> Black Lives Matter took to the streets for 17-year-old Trayvon Martin's death in February 2012. In August 2014, Michael Brown's murder, protests in Ferguson, and the exposure of systemic injustices previously operating in Ferguson has become noted as the catalyst to the movement. The 'What We Believe' section of Black Lives Matter's official website states that BLM began as a call to action in response to state-sanctioned violence and anti-Black racism, also stating their intention from the very beginning: to connect Black people from all over the world who have a shared desire for justice to act together in their communities. "The impetus for that commitment was, and still is, the rampant and deliberate violence inflicted on us by the state"<sup>11</sup>.

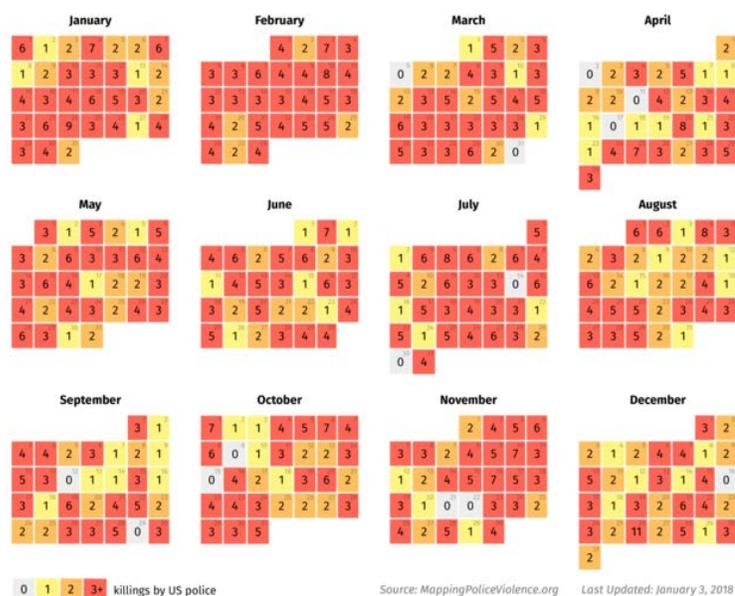
The Federal Bureau of Investigation (FBI) data on police killings by ProPublica in 2014 indicates that a white police officer kills at least two Black people each week. Although police violence affects each race, Black men and women are affected disproportionately. In 2017 alone, 1,147 people in the United States were killed, 25% being Black despite being only 13% of the population. Mapping Police Violence also indicates that there were only 14 days in 2017 when police officers did not exert deadly violence onto a person in the United States.

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<sup>10</sup> "What We Believe." Black Lives Matter. Accessed April 08, 2018. <https://blacklivesmatter.com/about/what-we-believe/>.

<sup>11</sup> "What We Believe." Black Lives Matter. Accessed April 08, 2018. <https://blacklivesmatter.com/about/what-we-believe/>.

**There were only 14 days in 2017 where police did not kill someone.**



**Figure 2: Only 14 Days**

The racial order, best defined as a hierarchy, designed to produce trauma and discrimination according to one's perceived race-ethnicity, has long placed Black people at the bottom. The United States has established, and maintained the racial order by many modes of control over centuries. Scholars have connected the Jim Crow era and lynchings, with today's excessive police brutality. *The New Jim Crow*, as an example, outlines the similarities between today's mass incarcerations with the past treatment of Black people as second-class citizens. My work with The Civil Rights and Restorative Justice Project entailed gathering evidence and attempting to piece together lynching cases between 1930 and 1970. Stomach churning pictures of lynching mobs and groups of white people smiling and posing with lifeless Black bodies were all I saw for months. The most mind-blowing aspects of my work were seeing the connections between the cases of the past and police brutality cases today. Many of the cases I examined had little to no justice for the victims. The lynchings were justified by the state or law enforcement, or both. Information was inaccessible, not solely because of the period, but because the FBI,

Department of Justice, politicians and national leaders were often unhelpful or unresponsive. By the end of my work, it was apparent that Black lives did not matter to a white dominated society then, and cases such as Stephon Clark's killing shows that Black lives continue to not matter to society to this day.

*“The killing of Stephon Clark by officers of the Sacramento Police Department is another glaring example of the dehumanization of Black lives by law enforcement; a state bodyguard intended to protect and serve ... We will continue to demand justice for not just Stephon, but for all lives that have been unjustly taken at the hands of law enforcement. It's time to end state sanctioned violence against Black communities and for our lives to be truly valued.”*

*-Black Lives Matter Sacramento Chapter Statement on the Murder of Stephon Clark*

### Chapter 3: Defining Blue Lives Matter Bills

The phrase Blue Lives Matter is a response to the Black Lives Matter movement from those involved in law enforcement, policing, and those with political power who seek to advance and maintain the power that a badge, position or title in policing carries. Blue Lives Matter seeks to undermine and invalidate, and dismiss, the call for Black Lives to be recognized and treated as human. Beyond just rallying, the actual political agenda and grassroots organizing that has been taking place in communities because their brothers, fathers, mothers, sisters, and loved ones' lives have been taken. Communities have been disrupted and the generational trauma of violence and racial disposability has failed to cease in the 'post-racial' society that we supposedly live in. Blue Lives Matter is a phrase that still echoes in cities and areas around the world. It represents and frames Black people as threats, criminals, and worthy of fear, when indeed we are the ones who lack political power and are oppressed in society.

The question remains, however, what does a 'Blue life' consist of? Police officers' duties are to protect, serve, and enforce order in communities to keep the public safe and enhance the lives of citizens who rely on them. 'Blue lives' have the power to harass, stop and frisk, and violate Black bodies in ways of the opposite to protect, serve, and enforce order, yet enforcing order begs the question *to whose rules and standards?*

To make clear, I would like to make the distinction between bills introduced as Blue Lives Matter bills and bills that I deem Blue Lives Matter bills. Those who introduce the bills in a particular state give the title of 'Blue Lives Matter' to this legislation. However, if a bill is not given the name Blue Lives Matter but still has the characteristics of one, then it still constitutes as a Blue Lives Matter bill. This distinction in labeling is important. In order to resist oppression, it matters to have a word or definition for what is oppressing you. For bills that have not been

given the title ‘Blue Lives Matter’, it is essential to have a way to still label those bills. I found through my research that the bills that provide additional protection for law enforcement officers but are not called ‘Blue Lives Matter’ bills might still function still function as them. Therefore, I provide a set of characteristics that I have observed many of the bills to possess, but are not absolutely seen in each. I will provide an example of how these characteristics are seen in specific bills and are a pattern seen in a number of Blue Lives Matter bills. I define a Blue Lives Matter bill as Bills that seek to protect law enforcement officials<sup>12</sup> and provide additional protection, which is justified by the perceived targeting or killing of law enforcement because of their profession.

#### **Four Characteristics of Blue Lives Matter Bills**

I have identified four characteristics of Blue Lives Matter bills that are common within the bills. A Blue Lives Matter bill may not possess all characteristics, nor may they be easily identifiable, but are features seen throughout most to begin describe how they function.

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<sup>12</sup> Here I use ‘law enforcement officials’ to mean: any active or retired city, parish, or 11 state law enforcement officer, peace officer, sheriff, deputy sheriff, probation or 12 parole officer, marshal, deputy, wildlife enforcement agent, state correctional officer, 13 or commissioned agent of the Department of Public Safety and Corrections, as well 14 as any federal law enforcement officer or employee, whose permanent duties include 15 making arrests, performing search and seizures, execution of criminal arrest 16 warrants, execution of civil seizure warrants, any civil functions performed by 17 sheriffs or deputy sheriffs, enforcement of penal or traffic laws, or the care, custody, 18 control, or supervision of inmates. This is taken from the House Bill 953, in the new Louisiana hate crime act.

### **Insulation of Law Enforcement Officers**

The first and main features of Blue Lives Matter bills are to insulate law enforcement officials, and lessen the consequences of their actions – wrongful or that have potential to be perceived as wrongful. The word protection has several meanings highly dependent on the context being used, and I use insulation to demonstrate that general protection and safety for the well-being of officers is not controversial. The insulation for law enforcement officials to harm others, kill others, and perpetuate racist practices is the injustice, which Blue Lives Matter bills make possible. This feature is the most identifiable, and helps to recognize the problems with Blue Lives Matter bills and accountability. An example of this insulation is presented in Texas Senate Bill 12 and Senate Bill 30.

### **Targeting Police Officers**

Almost all Blue Lives Matter bills refer to perceived targeting or killing of police officers as a reason for the bills. In Senate Bill 12, for example, the reference is to the “five officers were killed following a rally in Downtown Dallas.”<sup>13</sup>

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<sup>13</sup> *On July 7, 2016, Micah Xavier Johnson fired upon police officers in Dallas, Texas, killing five officers and injuring nine others. Two civilians were also wounded. Johnson was cited as being angry over police violence against African Americans and anger toward police officers.*

### **Reference to Race or Black Lives Matter**

This characteristic may be the least identifiable, or blatantly in one's face. I would like to note that Blue Lives Matter bills do not include much coded language in the actual language of the bills. They frame the bills in a way that is not racially offensive, but focuses solely on the officers. However, it is in outside sources and articles, press releases, and co-sponsors' own statements that demonstrate the true motivate and intent in their legislation.

A press statement on SB 12 issued May 28, 2017 states, "Ironically, the rally was staged in protest of numerous officer-involved shootings that have taken place in recent years; and was held just days after the deaths of Alton Sterling in New Orleans (7/5/16) and Philando Castile in Milwaukee (7/6/16)."<sup>14</sup>

### **Bipartisan**

Dallas Senator Royce West (D), in his defense of SB12 stated, "We know that there are a multitude of issues as it relates to law enforcement," West said. "Let me be real clear that whether you're a Democrat or a Republican, we support law enforcement."<sup>15</sup> Many Blue Lives Matter bills are bipartisan, and receive support from both sides. SB 12 had unanimous support in

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<sup>14</sup> "The Texas State Senate – Press Items: Senator Royce West." The Texas State Senate – HOME. Accessed April 12, 2018. <http://www.senate.texas.gov/press.php?id=23-20170528a>.

<sup>15</sup> Silver, Johnathan. "\$25 Million Proposal Would Fund Bulletproof Vests for Patrol Officers in Texas." The Texas Tribune. January 12, 2017. Accessed April 12, 2018. <https://www.texastribune.org/2017/01/12/texas-state-sen-royce-west-files-bulletproof-vests/>.

the Senate and passed the Texas House by a vote of 141-1.<sup>16</sup> A number of reasons and attributes could explain why these bills receive overwhelming support within the state House and Senate. One explanation is that state legislators genuinely feel that law enforcement protection (however they perceive protection) is essential and worth supporting. An alternative explanation could be that state legislators have too much to lose and do not want to publicly disavow police officers or law enforcement.

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<sup>16</sup> "The Texas State Senate – Press Items: Senator Royce West." The Texas State Senate – HOME. Accessed April 12, 2018. <http://www.senate.texas.gov/press.php?id=23-20170528a>.

## Chapter 4: Categorizing Blue Lives Matter Bills

To provide context to the multiple ways that Blue Lives Matter bills function, I categorize the bills. Although some bills may have characteristics described in the previous chapter, I focus on two categories that most Blue Lives Matter bills fall under – Hate Crime bills and Transparency/Media bills.

### Hate Crime Bills

#### Louisiana House Bill 953

In May 2016, Louisiana became the first state to successfully pass a Blue Lives Matter bill. Governor John Bel Edwards (D) signed the bill in late May, providing a statement of his support of the bill. According to the statement, House Bill 953 establishes additional protections and enhanced penalties under Louisiana's hate crimes law for police officers, firefighters and first-responders who are targeted as victims because of their profession. Written within the bill, law enforcement is defined as:

*"Law enforcement officer" means any active or retired city, parish, or 11 state law enforcement officer, peace officer, sheriff, deputy sheriff, probation or 12 parole officer, marshal, deputy, wildlife enforcement agent, state correctional officer, 13 or commissioned agent of the Department of Public Safety and Corrections, as well 14 as any federal law enforcement officer or employee, whose permanent duties include 15 making arrests, performing search and seizures, execution of criminal arrest 16 warrants, execution of civil seizure warrants, any civil functions*

*performed by 17 sheriffs or deputy sheriffs, enforcement of penal or traffic laws, or the care, custody, 18 control, or supervision of inmates.*

Statements by State Police Superintendent Col. Mike Edmonson Edmonson were released as well, highlighting the overwhelming support of HB953 from both Republicans and Democrats in the state House and Senate. “For those individuals who choose to target our heroes, the message formalized in this legislative act should be clear and the consequences severe,” Edmonson said in a statement. “On behalf of first responders throughout Louisiana, we thank the legislature and the governor for helping to make this law a reality.” Within the House the bill passed 91 to 0, and the state Senate approved it 33 to 3. Interestingly, Governor Edwards is the son of a sheriff.

The change to Louisiana law would mean that those convicted of felony hate crimes against police officers could face a maximum fine of \$5,000 or a five-year prison sentence. A hate-crime charge added to a misdemeanor carries a \$500 fine or six months imprisonment.

Characterizing actions targeting police officers, firefighters and emergency medical service personnel as hate crimes has been the most widely seen form of Blue Lives Matter bills since its early emergence. Other states have adopted similar language and introduced hate crime law amendments, such as the states of Texas, Kentucky, Colorado, California, Maine, and more. In some states, hurting a police officer can be an “aggravating factor” to an assault or battery charge. Killing a police officer, in many states, can be an aggravating factor or circumstance that makes the crime eligible for the death penalty. The state of Louisiana already automatically classifies cop-killing as first-degree murder — a charge that could result in the death penalty if

convicted — even when it’s not premeditated. Assaulting or battering a police officer also comes with a harsher charge.

Allison Padilla-Goodman of the Anti-Defamation League stated, “Hate Crimes are designed to protect people’s most precious identity categories, like race, religion, gender, sexual orientation, disability, ethnicity, and gender identity. Proving the bias intent is very different for these categories than it is for the bias intent of a crime against a law enforcement officer.”<sup>17</sup> And rightfully so, critics of the emerging hate crime category of Blue Lives Matter bills have given their opposition weight by retorting that being Black is an immutable trait, one with history of discrimination, unlike ‘Blue’ lives.

The Anti-Defamation League, which was instrumental in writing the first hate crime laws in the 1980s, has opposed Blue Lives Matter legislation in part because all 50 states, as well as the federal government, already have enhanced penalties for killing a police officer, says Michael Lieberman, an ADL director. According to the National Conference of State Legislatures, at least 37 states include increased penalties for assaulting an officer. Lieberman adds that hate crimes protection would only further burden prosecutors because they would have to explicitly prove that a police officer was targeted for his occupation.<sup>18</sup>

Hate crimes is by far the largest category of bills that Blue Lives Matter is categorized into, passed and proposed. This category of Blue Lives Matter bills has received a number of criticisms; largely pointing to the use of hate crime statistics and who they actually affect the most: Black people. More than half the 4,229 racially motivated crimes were against black

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<sup>17</sup> "ADL OPPOSES “BLUE LIVES MATTERS” BILL AND URGES SENATE TO VOTE AGAINST IT." You Are Being Redirected... May 2, 2016. Accessed April 12, 2018. <http://neworleans.adl.org/news/adl-opposes-blue-lives-matters-bill-and-urges-senate-to-vote-against-it/>.

<sup>18</sup> Sanburn, Josh. "Iowa Police Shooting Renews Call for Blue Lives Matter Law." Time. November 03, 2016. Accessed April 12, 2018. <http://time.com/4413732/iowa-police-shooting-blue-lives-matter/>.

people, while 20 percent were against whites, the report shows. Additionally, Jews were targeted in more than half the 1,538 crimes that were motivated by religion.<sup>19</sup>

‘Blue lives’ do not exist in a way comparable to the lives of Black people, nor is being ‘Blue’ an immutable trait that deserves standing alongside the category of Blackness. Blackness is a trait that predestines people to oppression in the United States.

Loyola University New Orleans College of Law professor Dane S. Ciolino calls the legislation unnecessary, noting that the Louisiana criminal code is “littered with unnecessary and redundant provisions, so this is nothing new.” This statement points to how the bill is unnecessary because the protection it affirms and actions it sanctions are already prohibited by law.

House Bill 953 has been in effect since August 2016.

### **Transparency/Media**

The lack of transparency in PA’s HB27 has one purpose: to keep the public out of ‘police matters’, and to legalize the discriminatory language against Blackness and Black Lives Matter.

Pennsylvania House Bill 27 amends Section 1 Part I of Title 44 of the Pennsylvania Consolidated Statutes by adding Chapter 5, Law Enforcement Activities, which includes two subchapters Preliminary Provisions (Reserved) and General Provisions. Subchapter A, Preliminary Provisions (Reserved), is reserved with no information to show in the bill’s general provision.

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<sup>19</sup> Gurman, Sadie. "Hate Crimes Rose for 2nd Year in a Row in 2016, FBI Reports." AP News. November 14, 2017. <https://apnews.com/5cbff69c85094bd583d763a09c794119>.

Subchapter B highlights the bill's General rule, which states that [Except as provided under paragraphs (2), (3) and (4)], "if an official investigation has been initiated into the discharge of a firearm or use of force by a law enforcement officer during the performance of the law enforcement officer's official duties that results in death or serious bodily injury of an individual, the name and identifying information of the law enforcement officer may not be released to the public" by a public employee of the law enforcement officer's employing agency, the agency conducting or participating in the official investigation, or a person acting on behalf of a public employee or an agency under the bill's subparagraphs.<sup>20</sup>

The second part of the general provisions states that at the conclusion of the investigation if the law enforcement officer is charged with a criminal offense arising out of the discharge of the firearm or use of force, which may only be released by a public employee of the officer's employing agency, the agency conducting or participating in the official investigation or a person acting on behalf of the public employee or agency.

Part three of the bill states that except during any period in which the release of the information can reasonably be expected to create a risk of harm to the person or property of the law enforcement officer or an immediate family member of the law enforcement officer, a public employee of the officer's employing agency, the agency conducting or participating in the official investigation or a person acting on behalf of the public employee or agency may release the name or identifying information of the law enforcement officer thirty days after the discharge of the firearm or use of force, or after completion of the official investigation.

PA HB 27 goes on to state that the name or identifying information of the law enforcement officer may be released if the law enforcement officer consents in writing to the

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<sup>20</sup> Located in Appendix A.

release of the information or disclosure is made pursuant to court rules. Section 511 does not apply, however, to the Office of Attorney General or a district attorney's office.<sup>21</sup>

Representative Martina White shared that the proposal of the thirty-day gag rule is in response to Philadelphia Police Commissioner Charles Ramsey's 2015 policy to name police-involved shootings in 48-72 hours. "The 72 hours that is currently the rule in the city is really an arbitrary number," White said a day after she announced the bill at a news conference in the Philadelphia police union hall, according to *The Morning Call*. Several articles have labeled this a policy reversal because it has been the long established policy of the department to shield the names of officers involved in shootings.<sup>22</sup> Charles Ramsey's policy is in line with recommendations from the Department of Justice delivered to Philadelphia earlier in 2015.<sup>23</sup> <sup>24</sup> The Department of Justice report that Commissioner Ramsey points to revealed, "Philadelphia's police department has much work to do to mend the 'undercurrent of significant strife between the community and the department'."<sup>25</sup>

While the so-called liberal mainstream media has no problem displaying juvenile, derelict, scurrilous images of Black people depicting people of African descent as the usual menaces to society, there tends to be a much more objective, or at the very least, more balanced

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<sup>21</sup> *Located in Appendix A.*

<sup>22</sup> Allyn, Bobby. "Building Trust, Or Danger? Debate Over Naming Officers After Shootings." NPR. September 12, 2015. <https://www.npr.org/2015/09/12/439464990/building-trust-or-danger-debate-over-naming-officers-after-shootings>.

<sup>23</sup> Esack, Steve, Pamela Lehman, and Matt Coughlin. "Bill Would Protect Identity of Cops Involved in Shootings." September 04, 2015. <http://www.mcall.com/news/nationworld/pennsylvania/mc-pa-naming-cops-in-shootings-20150903-story.html>.

<sup>24</sup> Allyn, Bobby. "Building Trust, Or Danger? Debate Over Naming Officers After Shootings." NPR. September 12, 2015. <https://www.npr.org/2015/09/12/439464990/building-trust-or-danger-debate-over-naming-officers-after-shootings>.

<sup>25</sup> Shuford, Reggie. "Pennsylvania Is on the Verge of Enacting a Bill That Could Hide the Identities of Cops Who Use Excessive Force." American Civil Liberties Union. January 18, 2017. <https://www.aclu.org/blog/criminal-law-reform/reforming-police-practices/pennsylvania-verge-enacting-bill-could-hide>.

and nuanced coverage of white individuals who are either suspected of or found guilty of wrongdoing. In the case of House Bill 27, there could be no coverage at all.<sup>26</sup>

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<sup>26</sup> Weissinger, Sandra Ellen, Dwayne Mack, and Elwood Watson. *Violence Against Black Bodies: An Intersectional Analysis of how Black Lives Continue to Matter.*, pg. 21, New York, NY: Routledge, 2017.

## Chapter 5: Conclusion

Blue Lives Matter bills work to undermine, dismiss, and invalidate Black Lives Matter. The bills would not be existent without Black Lives Matter, and Blue Lives Matter creates an appropriation of the Black Lives Matter movement. I make these claims while remaining mindful that not all police officers are white and not all victims are Black. Whiteness represents an ideology and systemic operation regardless of who is the actor. It is the role of a police officer in this society that is the key problem in Blue Lives Matter bills and its racial implications, not necessarily and solely the race of the officer. It is not one law enforcement officer alone that perpetuates this cycle of violence. As these bills expose, it is the policies and politics of others in power who seek to maintain a system of injustice.

Cultural critic Chauncey DeVega has directly made the case that if history is any accurate indication, it is African Americans who should be terrified of white Americans. Historically speaking, due to the great structural power imbalance, white people have little to fear from Black people.<sup>27</sup> The street thug, gangsta, Black brute has for far too long dominated the media landscape. These are the sorts of images that firmly etch themselves in the minds of the larger public and all too often result in negative responses from others, including law enforcement, that Black men are “violent, rapacious, unhinged, and dangerous and need to be put under control by any means necessary”.<sup>28</sup> Physical presence and protests are dangerous in the eyes of legislators and representatives, as the language surrounding Blue Lives Matter indicates.

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<sup>27</sup> Weissinger, Sandra Ellen, Dwayne Mack, and Elwood Watson. *Violence Against Black Bodies: An Intersectional Analysis of how Black Lives Continue to Matter.*, pg. 21, New York, NY: Routledge, 2017.

<sup>28</sup> Weissinger, Sandra Ellen, Dwayne Mack, and Elwood Watson. *Violence Against Black Bodies: An Intersectional Analysis of how Black Lives Continue to Matter.*, pg. 21, New York, NY: Routledge, 2017.

In understanding the historical and present day state policies and local legislation, Black people may begin to feel hopeless. We may feel hopelessness with good reason. We are a people, however, that have proven to be far from indifferent. I do not wish to imply that Black Lives Matter has not spoken up before I have or already created policy agendas to address these reoccurring systemic occurrences in statewide and local government, but addressing Blue Lives Matter bills in a new way must be the next step.

Blue Lives Matter bills have swept across the nation, and their legacy still stands. In some states, they have already been passed as law and their effects will begin to show over time. For other states, these bills were short-lived and died in committee. The message that Blue Lives Matter bills sends stands as the most powerful contribution to this all. Blue Lives Matter seeks to dismiss the valid and legitimate requests of Black Lives Matter to recognize Black Lives as worthy. With a new perspective and understanding of the power that surrounds Blue Lives Matter legislation, my hope is that Black Lives Matter will have legislation introduced. A response to Blue Lives Matter bills in an equally powerful and systemic way is essential in challenging the power structures that exist, and grassroots organizing is not enough. The patterns, characteristics and categories observed in Blue Lives Matter bills may have two functions for Black Lives Matter or Black activists moving forward: to resist and challenge these bills, or to use them as a starting point to structure and frame their own. Therefore, the power and effort to combat violence on Black bodies is with our own bills. Mumia Abu-Jamal states in his book *Have Black Lives Ever Mattered?*:

Existing political structures, silent in the face of the perpetual violence have failed us, and cannot be made to serve our interests.

It's time to learn from this, and build for our future necessities.<sup>29</sup>

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<sup>29</sup> Abu-Jamal, Mumia. *Have Black Lives Ever Mattered?*. San Francisco, CA: City Lights Books, 2017. pg, 121.



1 of the firearm or use of force.

2 (3) Except during any period in which the release of the  
3 information can reasonably be expected to create a risk of  
4 harm to the person or property of the law enforcement officer  
5 or an immediate family member of the law enforcement officer,  
6 a public employee of the officer's employing agency, the  
7 agency conducting or participating in the official  
8 investigation or a person acting on behalf of the public  
9 employee or agency may release the name or identifying  
10 information of the law enforcement officer:

11 (i) thirty days after the discharge of the firearm  
12 or use of force; or

13 (ii) after completion of the official investigation.

14 (4) The name or identifying information of the law  
15 enforcement officer may be released if:

16 (i) the law enforcement officer consents in writing  
17 to the release of the information; or

18 (ii) disclosure is made pursuant to court rules.

19 (b) Penalty.--A person who violates this section commits a  
20 misdemeanor of the second degree.

21 (c) Exception.--This section shall not apply to the Office  
22 of Attorney General or a district attorney's office.

23 (d) Definitions.--As used in this section, the following  
24 words and phrases shall have the meanings given to them in this  
25 subsection unless the context clearly indicates otherwise:

26 "Law enforcement officer." Has the meaning given to the term  
27 "peace officer" in 18 Pa.C.S. § 501 (relating to definitions).

28 "Serious bodily injury." As defined in 18 Pa.C.S. § 2301  
29 (relating to definitions).

30 "Use of force." Any application of force by a law

1 enforcement officer against another individual.

2 Section 2. This act shall take effect in 60 days.

## Appendix B

## Louisiana 2016 Hate Crime Act

HB NO. 953

ENROLLED

1 robbery; purse snatching; extortion; theft; desecration of graves; institutional  
2 vandalism; or assault by drive-by shooting.

3 \* \* \*

4 E. As used in this Section:

5 (1) "Emergency medical services personnel" shall have the same meaning  
6 ascribed to it by R.S. 40:1075.3.

7 (2) "Firefighter" means any firefighter regularly employed by a fire  
8 department of any municipality, parish, or fire protection district of the state of  
9 Louisiana.

10 (3) "Law enforcement officer" means any active or retired city, parish, or  
11 state law enforcement officer, peace officer, sheriff, deputy sheriff, probation or  
12 parole officer, marshal, deputy, wildlife enforcement agent, state correctional officer,  
13 or commissioned agent of the Department of Public Safety and Corrections, as well  
14 as any federal law enforcement officer or employee, whose permanent duties include  
15 making arrests, performing search and seizures, execution of criminal arrest  
16 warrants, execution of civil seizure warrants, any civil functions performed by  
17 sheriffs or deputy sheriffs, enforcement of penal or traffic laws, or the care, custody,  
18 control, or supervision of inmates.

## BIBLIOGRAPHY

Abu-Jamal, Mumia. *Have Black Lives Ever Mattered?*. San Francisco, CA: City Lights Books, 2017.

"ADL OPPOSES "BLUE LIVES MATTERS" BILL AND URGES SENATE TO VOTE

AGAINST IT." You Are Being Redirected... May 2, 2016. Accessed April 12, 2018.

<http://neworleans.adl.org/news/adl-opposes-blue-lives-matters-bill-and-urges-senate-to-vote-against-it/>.

Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: New Press, 2010.

Allyn, Bobby. "Building Trust, Or Danger? Debate Over Naming Officers After Shootings."

NPR. September 12, 2015. <https://www.npr.org/2015/09/12/439464990/building-trust-or-danger-debate-over-naming-officers-after-shootings>.

Camp, Jordan T. and Christina Heatherton. *Policing the Planet: Why the Policing Crisis Led to Black Lives Matter*. London;New York;: Verso, 2016.

Craven, Julia. "32 Blue Lives Matter Bills Have Been Introduced Across 14 States This Year."

The Huffington Post. December 11, 2017. [https://www.huffingtonpost.com/entry/blue-black-lives-matter-police-bills-states\\_us\\_58b61488e4b0780bac2e31b8](https://www.huffingtonpost.com/entry/blue-black-lives-matter-police-bills-states_us_58b61488e4b0780bac2e31b8).

Dunham, Roger G. and Nick Petersen. "Making Black Lives Matter: Evidence-Based Policies for Reducing Police Bias in the use of Deadly Force." *Criminology & Public Policy*

16, no. 1 (2017): 341-348.

Gurman, Sadie. "Hate Crimes Rose for 2nd Year in a Row in 2016, FBI Reports." AP News.

- November 14, 2017. <https://apnews.com/5cbff69c85094bd583d763a09c794119>.
- Hooker, Juliet. "Black Lives Matter and the Paradoxes of U.S. Black Politics: From Democratic Sacrifice to Democratic Repair." *Political Theory* 44, no. 4 (2016): 448-469.
- Izadi, Elahe. Louisiana's 'Blue Lives Matter' Bill just Became Law: The State's Hate Crime Law Now Includes Police, Firefighters and Emergency Medical Workers as Protected Classes. Washington: WP Company LLC d/b/a The Washington Post, 2016.
- Jackson, Sarah J. and Brooke Foucault Welles. "Ferguson is Everywhere: Initiators in Emerging Counterpublic Networks." *Information, Communication & Society* 19, no. 3 (2016): 397.
- Judis, John B. "Is the Police-Brutality Debate Helping Republicans?" *National Journal* (2015).
- Khan-Cullors, Patrisse, Asha Bandele, and Angela Y. Davis. *When they Call You a Terrorist: A Black Lives Matter Memoir*. First ed. New York: St. Martin's Press, 2018.
- Legislative Data Processing Center. "Bill Information - House Bill 27; Regular Session 2017-2018." The Official Website for the Pennsylvania General Assembly. June 19, 2017. <http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?syar=2017&sind=0&body=H&type=B&bn=27>
- Lewis, Edmund W. "Blue Lives Matter?" *The Louisiana Weekly*, 2016, sec. 90.
- Lowery, Wesley. *They can't Kill Us all: Ferguson, Baltimore, and a New Era in America's Racial Justice Movement*. First ed. New York: Little, Brown and Company, 2016.
- Lynch, Caitlin G. "Don't Let them Kill You on some Dirty Roadway: Survival, Entitled Violence, and the Culture of Modern American Policing." *Contemporary Justice Review* 21, no. 1 (2018): 33.
- Nelson, Jill. *Police Brutality: An Anthology*. 1st ed. New York: W.W. Norton & Co, 2000.

"Police Have Killed 264 People in 2018." Mapping Police Violence. March 23, 2018.

<https://mappingpoliceviolence.org/>.

White, Martina, Representative. PA State Rep. Martina White - White Releases Statement on Black Lives Matter Protest Outside Officer's Home. August 25, 2017.

<http://www.repwhite.com/NewsItem.aspx?NewsID=267990>.

Reynolds, Jason and Brendan Kiely. *All American Boys*. First ed. New York: Atheneum Books for Young Readers, 2015.

Ritchie, Andrea J. *Invisible no More: Police Violence Against Black Women and Women of Color*. Boston: Beacon Press, 2017.

Silver, Johnathan. "\$25 Million Proposal Would Fund Bulletproof Vests for Patrol Officers in Texas." The Texas Tribune. January 12, 2017. Accessed April 12, 2018.

<https://www.texastribune.org/2017/01/12/texas-state-sen-royce-west-files-bulletproof-vests/>.

Somin, Ilya. *Fair Weather Federalism and the Blue Lives Matter Act*. Washington: WP Company LLC d/b/a The Washington Post, 2016.

Weissinger, Sandra Ellen, Dwayne Mack, and Elwood Watson. *Violence Against Black Bodies: An Intersectional Analysis of how Black Lives Continue to Matter*. New York, NY: Routledge, 2017.

White, Martina, Representative. PA State Rep. Martina White - White to Reintroduce Legislation to Protect Police IDs. November 21, 2016. Accessed March 23, 2018.

<http://www.repwhite.com/NewsItem.aspx?NewsID=265326>.

## ACADEMIC VITA

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#### Education

Majors: Political Science, African American Studies, Philosophy

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Thesis Title: There's Two Sides To Every Story: Exposing Blue Lives Matter Bills in the Moment of Black Lives Matter

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#### Work Experience

Civil Rights and Restorative Justice Project 06/2017-08/2017

*Intern, Northeastern University School of Law, Boston, MA*

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Contribute to the development of a nationwide archive on racial violence and lynching cold cases in the Jim Crow South

African American Studies Department 05/2016-08/2016

*Research Assistant, University Park, PA*

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Facilitated two professors in the African American Studies department in anthropological research concerning environmental racism and Black women during the Civil Rights Movement

Language and Literacy Education 08/2015-12/2015

*Teaching Assistant and Writing Tutor, University Park, PA*

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Provided tutoring and academic support to the Comprehensive Studies Program

#### Grants Received:

Rock Ethics Thesis Research Award 04/2017

Africana Research Center Research Grant 12/2017

#### Awards:

The Mary Lee Hobbs Steel Emerging Leader Award 04/2017

AF AM Studies Scholarship in Excellence and Leadership 04/2017

Young, Gifted and Black Award (Pittsburgh, PA) 10/2017

Black Student Union Black Women Rock Academics Award 03/2018

Craig and Maxine Millar Award Service and Leadership Award 04/2018

Professional Memberships:

Phi Eta Sigma National Honors Society	03/2015
National Society of Collegiate Scholars	09/2015
Paterno Fellows Program	07/2016
Phi Sigma Alpha National Political Science Honors Society	10/2016

Presentations:

Rock Ethics Institute Student Fellows Colloquium	09/2017
Rock Ethics Institute Student Fellows Colloquium	04/2018

Community Service Involvement:

The Youth Empowerment Program (YEP) <i>President and Founder, University Park, PA</i>	09/2015-05/2017
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Established a mentoring program between local high school students and students of color; Assist in helping the local youth advocate for social justice and community change

NAACP Penn State Chapter <i>Vice President, University Park, PA</i>	04/2015-05/2017
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Pioneered a flood relief drive for Louisiana flood victims with several hundred food items and toiletries; Spearheaded a sit-in demonstration on campus against national police brutality; Created a letter and petition with over 150 signatures to Pennsylvania Senator Pat Toomey on gun violence

Pennsylvania Democratic Party <i>Organizing Fellow State College, PA</i>	08/2016–11/2016
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Recruited, trained, and coordinated volunteer operations for the campaign to register, persuade, and motivate voters; Canvassed and made calls for the party

Language Proficiency:

Spanish (Proficient)