# Episode 103-- Can you Police the Second Amendment

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SPEAKERS

JJ Janflone, Dr. Jennifer Carlson, Kelly Sampson

JJ Janflone 00:09

Hey everybody, this is legal disclaimer where I tell you that the views, thoughts and opinions shared on this podcast belong solely to our guests and hosts and not necessarily Brady or Brady's affiliates. Please note, this podcast contains discussions of violence that some people may find disturbing. It's okay, we find it disturbing too. Welcome back to Red, Blue and Brady. Today Kelly and I are tackling a very complex conversation, about how gender and race impact how police and the law, more broadly, perceive gun owners. To do so we are talking with an expert, Dr. Jennifer Carlson, author of the book "Policing the Second Amendment: Guns, Law Enforcement and the Politics of Race." Together, we're talking about police chiefs, gun licensing boards, the gun lobby, and so much more. Then in our "Unbelievable but..." segment, Kelly and I are discussing a whole lot of guns that went missing from the sheriff's office. Finally, in our news wrap up, we remember two young men who were tragically killed by gun violence. So I want to start off by you know, on behalf of Kelly and I thanking you so much for coming on. Dr. Carlson, I don't, do you prefer Dr. Carlson, do you prefer Jennifer, Jenny?

D

Dr. Jennifer Carlson 01:31

Jennifer's fine.

JJ Janflone 01:32

Okay, so well, Jennifer, thank you so much for, for coming on the podcast today to discuss not just your book, I think, but your entire body of work, which is so super important, I think particularly in the context of this 2020 world that we're living in. And so I'm wondering if we could maybe start by just having you introduce yourself to our audience?

D

Dr. Jennifer Carlson 01:52

Sure. So my name is Jennifer Carlson, I am a sociologist, I'm a professor at the University of Arizona, and I study all things related to gun policy, gun politics, gun violence, with a particular focus in my recent work, on public law enforcement and policing as it, intersects with gun violence and gun policy.

JJ Janflone 02:13

And as someone who owns both of your books, and has read both your books and put way too many sticky tabs, and gone through it. I'm wondering just like on a personal note, if you could share with our listeners, what got you into this field? Because I think it's so interesting, but there are so few sociologists who do this intersection of like firearms, gender and race in the US. And for me, I'm like, well why aren't, you know, why aren't there hordes of them?

D

Dr. Jennifer Carlson 02:40

Yeah, so that's a really interesting question. It is entirely true that sociologists actually tend to focus more on liberal/left wing politics, social movements, and that sort of thing. And so when I think about how I got interested in this, so I actually, you know, I think that as Americans, gun violence is a thread that is is very front and center and all of our lives, even if we're not directly impacted by gun violence, or our families don't own guns, guns are still sort of in the mix. That being said, though, I actually grew up protected from gun violence and I did not grow up in a gun-owning family. So I don't actually come from this with a very, you know, directly personal tie to guns in America. But I did grow up in a very conservative family, and I was always super interested in sort of asking the sociological questions -- that scholars ask of left wing and liberal movements -- of conservative politics. I could say that I wanted to, I just wanted to understand my dad, in a lot of ways. And so when I was looking for a dissertation topic, it was right around when Obama gets elected, there's all these sort of, headlines about guns flying off the shelf. And being a graduate student, I think, 'Okay, well, this is something, guns in America, this is something that I'm sure sociologists have studied so much.' And I was actually quite shocked to find

that very little research, within sociology, had been focused on American gun culture, American gun politics. And the research that had been done was almost all, sort of, arm's length research, where analysis of print material or that sort of thing was done. But nobody was actually talking to people who are impacted by by guns, or own guns, or that kind of thing. And so that's sort of how I fell into it and I have been fascinated by the politics of guns ever since in the United States.

K Kelly Sampson 04:32

Thanks for that. I think it's it is sort of stunning to hear you talk about the dearth of research in this area, sociology, because it is such a big part of of our world. And I just want to turn to your newest book, which is called "Policing the Second Amendment: Guns, Law Enforcement and the Politics of Race," where you outline two binaries -- illegitimate violence and legitimate violence, and public and private violence -- as it relates to gun violence overall. So I'm wondering if you could unpack those terms for our listeners and share why you felt these four forms needed to be defined? Yeah. So

D Dr. Jennifer Carlson 05:04

Yeah so I think that we tend to talk about gun violence in these very broad terms and it's, it's striking to do so right. Like when we talk about the fact that roughly 40,000 Americans die by guns every year, it's a stunning, overwhelming fact. When we look at the people who are shot, the people who have maybe not been directly hit with a bullet, but have lost a loved one, when we look at people who have been in active shootings, who have gone through active shooting drills, I mean, the list goes on, just in terms of how just the sheer huge numbers. But when we talk about gun violence, it's actually a very complicated category. And it's not just because different kinds of gun violence, like suicide versus homicide, but also because, sort of, the standing of that violence is really different, in terms of the law. And so really, my book is really trying to focus on something that's pretty unique in the United States, which is that, whereas typically, if we go to the, you know, core sociological thinkers, Max Weber, who really defined the modern state, in terms of its monopoly on violence, or at least its monopoly on the ability to define what constitutes "legitimate violence" And that is something that generally in most states, that means that the state actually controls access to violence. In the US, that's not the case in the same way that say it is in England or Australia, or what have you, precisely because of American gun culture and American gun law. And so talking about, sort of, bringing the state into focus, forces us to think through what kinds of violence are celebrated, are seen as justifiable, are seen as defensible? And this obviously goes way beyond just gun culture. I mean, we can think about war, we can think about all sorts of kinds of violence. But I in the book, I really kind of try and press on this point that it's really important to think through,

sort of, gun violence in these terms, because there's no reason, sort of, operator other than the fact that they're state agents, that the bullet that comes out of a police officers gun, and kills someone, should be seen as a different kind of gun violence, than if that gun is held by a private civilian, a non-state actor. And so talking about both how the state is involved in actually engaging in gun violence, but also how certain kinds of gun violence are seen as, as celebrated, as acceptable. So that's the line between "legitimate" and "illegitimate" gun violence. And so I use that, I think most of the time we would talk about criminal versus non-criminal, but by putting it in terms of legitimate, I think it actually it shifts the conversation from what do we think is bad? And what are we okay, with? What are we? What do we see as acceptable kinds of violence? And I think that's really crucial, because that's, that's a huge part of the makeup of what is the the terrain of guns in the US? And yeah, and private and public violence basically shifts away from the immediate question of legitimacy and focuses on 'Are these state actors?' Is it public law enforcement? Or is it private actors? Is it private civilians? And one of the reasons why that's really important to distinguish is actually because those categories get blurred, and it's important to recognize that those categories get blurred. So for example, off duty police officers are a great example of thinking through how those those terms get blurred. So in my blog, one of the key sources of data is interviews with police chiefs. And one of the questions that I asked all of them was how you carry a gun off duty? How do you think about that gun? What does it mean to you to carry, off-duty? And it was super fascinating to see and hear how police chiefs really blended, sort of, this narrative of thinking about their guns as as tools of social order, of public safety of, you know, all the things that sort of define the police role, but then also slipping into very much sort of these self-defense/family protection narratives that we tend to associate with privately, armed private civilians, in the context of American gun culture. And so that blurring, and it also goes the other way too, right. Like we can see cases, we know cases of gun carriers who see themselves as the defenders of public order, and they're adopting this kind of police-like discourse, and that actually helps to justify their their actions among broader swaths of the public. Obviously, the recent example of this is the 17-year-old who goes on to a protest in Wisconsin, he lives in Illinois, he crosses state lines, and he is given words of appreciation by police, before he ends up shooting and killing protesters. And on a variety of outlets that are in the right, outlets have celebrated him as, sort of, this is someone who went in to do address issues of disorder when social chaos was raining, or whatever the the narrative was. And I think that that is, again, that comes into focus, when we think about sort of this dichotomy between private and public violence, and how it actually is, is blurred in these cases.

JJ Janflone 10:14

And that, to sort of just tease out one of those things, I think one of the things that you do

so well, and this happens in your the book too, "Citizen Protectors," is you show when we're talking about, like, the fuzziness between those lines, I think that people oftentimes think that they're making a very rational, logical, completely fact based decision. And that a lot of times you point out that these are actually very emotionally driven, complicated connections that people are making and having like, say, the interviews with the police chiefs, where someone is saying, "Well, I don't like the idea of everyone having access to firearms," but at the same time "everyone needs to have a gun" is actually I think, really helpful and understanding the conversation. Because I think we've all had conversations like that, right, when we've tried to articulate you know, hey, like, this is what I believe and then you've kind of gotten this, this double sided back in response.

D Dr. Jennifer Carlson 11:03

Yeah, well, and I think that really speaks to a problem with our gun debate, which is that both sides, and I shouldn't say it's a problem with the gun debate. It's a problem with sort of, our capacity as human beings to deal with risks, that we actually don't have the tools to deal with. And we can, we can argue why we don't have those tools, and we can imagine tools that we'd like to have. But at the end of the day, every time we walk out of the door, we are faced with risks. And this is actually a famous article called "More Statistics, Less Persuasion" about the gun debate, which is that it's not simply about facts, it can never just be about facts, because we in some ways, to put it really bluntly, like we can't handle all the facts, we can't. Our processing power, our brains as humans, can't sort of make sense of a very, very complicated world. And so we use culture, we use tropes, we use narratives as a sort of shortcut, to make sense of what we should do when we can't, we can't actually put everything together in this kind of hypothetical, rational way where we're just driven by facts. So I think that's why yeah, it's super important to be attentive to the nuances and sort of the slippages, not to be like, "Wow, this, this person said this and then they said that." It's not a gotcha thing. It's a "wow, we are all trying to grapple with this." And from public law enforcement to, in a variety of different contexts, we're all differently positioned to grapple with the place of guns in American society. And how we do that is, it can't be rational, because it's just it's, it is genuinely complicated. I like to say that if the gun, if there was some, you know, easy solution to the gun debate, we would have already solved it by now, right? It is a genuinely complicated issue.

 JJ Janflone 12:46

And one of the things I think, maybe not uncomplicates it, but certainly I think better defines and like, hey, like, we always need to start by defining our terms, right, that lays out what's happening are basically two different narratives that you you put under two

different headings. So one of them is "gun militarism," and then the other is gun populism" And I mean, and the way that the book is laid out, to kind of separate things into these two buckets, although there is some overlap, I think is really, really helpful. So I do recommend all of our listeners, go by it, read it, it's good. But I'm wondering if, for the moment, you could tease those terms out just just a little bit more.

D Dr. Jennifer Carlson 13:21

Yeah, yeah. So, so much of I think this this gun debate is really about language and how we, how we define what the problem is, and how we understand not just the solutions that we might, we might want to pursue, but also the solutions that have been pursued, like what actions have actually been taken, and how do we make sense of that not just in terms of rates of gun violence and laws passed, but also this, this American history that, it's very difficult to read American history and, and be attentive to guns and not see how white supremacy, settler colonialism, class conflict, how guns are implicated, sometimes in very surprising ways, in all of those things. And so what I try to do in the book is argue against the terms of the current gun debate, which is gun control versus gun rights. And I know that not, you know, not all sides agree with necessarily would present them in that, themselves in that way. But that's generally how the the media, and sort of popular discourse sort of sees this as, that these two sides that really have no common ground. This is of course, the narrative of gun politics in the US, you have no common ground and you know, a win for one is a loss for the other. And so what I argue is that if we actually look at ideas about legitimate violence, ideas about who should have access to guns, whose gun use is seen as defensible, and we focus on the axis of race, we actually come up with a really different sort of binary, in terms of the the gun debate, and that's where the terms 'gun militarism' and 'gun populism' come in. And so They're not so much about one side versus the other, because as I try to unravel in the book, both sides have actually kind of gone, there's been, there's been moments for both sides to embrace these different debates, or different sides or different kind of relations to legitimate violence, but in in very different ways. I focus a lot on, sort of the, how the NRA has navigated gun militarism and gun populism in one of the chapters of my book. But basically, what these come down to is an understanding of what is the relationship between the state and how gun violence, sorry, guns in private hands. And so gun militarism is this, kind of, idea that the state should be geared at disarming the population, that they, that guns should not be in the hands of private civilians, and that the sort of police response should also include arming up the police. And so it's gun militarism, because it's really, if we look historically, embedded in the war on crime, it's embedded in the war on drugs. So Daryl Gates, who was the LAPD chief of police, he is sort of one of the front runners of this that I use to illustrate gun militarism. And so many of your listeners may be aware of, he was one of the big advocates for an Assault Weapons Ban, both in California, but also at the national

level. And so he was sort of the, you know, the face of police support for, "police support for gun control." But if you actually look at, sort of, his motivations and how he understood gun control, totally different than sort of how gun violence prevention advocates today, think about gun control. For him, it was absolutely focused on dealing with urban gun crime. So already sort of thinking about, you know, already, like with those words, you probably can anticipate where I'm going with this, in that, you know, it was very much galvanized by racialized tropes of "super predators" of "thugs," even though "super predator" -- actually was a term that came into use a little bit after Daryl Gates's time -- but these kind of, you know, "drug dealers," "gangbangers" these kinds of racialized imaginaries of, and racist imaginaries, of the the people who perpertrated urban gun violence. And so it wasn't focused, though, even on private civilian victims, but on how this gun violence was impacting police, that police were getting gunned down in the street, that police didn't have the weaponry to face off , you know, these urban, this "urban threat." And so really, you know, that when we think about, sort of, the police's willingness to embrace the Assault Weapons Ban at the federal level, that actually is really embedded in this very, you know, in the racial politics of the war on crime. And so that's where sort of gun militarism kind of comes into play and historically. Gun populism, though, is really different. It is focused less on the question of disarmament, and removing guns from private civilian hands that are presumed to be, you know, criminal, and more focused on getting hands into the gun, getting guns into the hands of the "good guys." And so this really came out with respect to the threat of active shootings. So when I asked chiefs, when the conversation turned to active shootings, it was it was really fascinating to hear them talk about the threat of gun violence in the context of active shootings, because it was so different from how they talked about gun violence associated with Black criminality. So whereas and I know, listeners, I'm sure are familiar with sort of the 'warrior mentality' in policing, this sort of idea that you're the, you have to 'charge the enemy,' you have kind of this this warrior-like way of going about policing. But that was totally thrown out the window with regard to active shootings. I've heard things like police officers saying that they would be ashamed, devastated if they were, that they didn't have their firearms, for example, off duty, and they somehow found themselves in the context of an active shooting. Words and emotions that were just lightyears away from how they talked about gun violence in the context of, or in an urban context. So that kind of conversation opened up a really different way, a place for for guns in the hands of private civilians, in the eyes of police. And so police chiefs would talk about how much their role has shifted toward thinking about first response and and themselves as first responders. And a lot of this has to do with the police response to to Columbine, and how that changed policing. But to really kind of make a long historical story much shorter, what they kind of came out of that with was this idea that anybody can help, anybody can be a first responder, and that is crucial when all that matters is stopping an active shooter. And whoever is on the scene can make the difference between between life and death. And so

that opens up, kind of, this space for police to see armed private civilians as, qne it varied across the states that I looked at, but certainly not antithetical to what they do as police. Now to bring the race piece back, though when thinking about gun populism, it very much was based on sort of this idea of the law-abiding civilian or the law-abiding citizen, as sort of a citizen that fulfilled the imaginary of you know, the white middle-class American, right. And so nobody obviously came out and said that. And so this is where thinking about racial code words and thinking about how things are framed, thinking about what it means that when police would talk about this sort of abstract armed civilian, they would talk about the rancher, the teacher, the normal people at 22 Cottage Lane, sort of these markers of white middle-class respectability. So yeah, so that is kind of in a long nutshell, the distinction between gun militarism and gun populism.

K Kelly Sampson 20:41

In hearing you define gun militarism and gun populism and also illegitimate and legitimate violence, it really helps, I think, define the sort of phenomena we see where you can have someone like Philando Castile, be shot and killed, in part for being a licensed gun owner. While at the same time you have people pushing this narrative of 'go out and get a gun, because that's the way you keep your family safe,' so I just so appreciate the way that you help us see the water that we're swimming in. Because I mean, sometimes we know it, but we can't always define the terms like you do. And kind of along that theme of really understanding the landscape, your book directly interacts with three subject groups, police chiefs, gun boards, and the NRA, and the ways in which gun owners and non-gun owners interact with those groups. And one of the big central themes to the first grouping, police chiefs, is the question 'Who do the police believe should get gun access?' And you talked a little bit about the way the police think about that. But I'm wondering if you could explain to listeners, how all three of these groups, police chiefs, gun boards and the NRA have an impact on the question of who should have gun access, or do you have a viewpoint on that?

D Dr. Jennifer Carlson 21:48

Yeah, that is such a big question. And I think it's a question that, oddly enough, we don't, in some ways, that's the only question we ask, right? Like, how, how can we, you know, our debates about universal background checks, and how do we think about this apparatus in the US that allows people, or prohibits people, from buying a gun. We talk about it this very high level, but we oftentimes don't sort of look at the on-the-ground machinery that actually makes makes those things possible. Like we hear about it when we hear someone "slip through the cracks" with the background checks or what have you. But there's kind of this presumption, it seems, that laws as they're passed, will be implemented accordingly.

And I think one of the biggest lines that the National Rifle Association has used in that regard, is this very universalizing language of gun rights that this is this, I mean, they talk about gun rights as the 'first civil right,' they feature in their print and online material and videos, and so forth, the sort of broad appeal to have guns, as tools of safety and security, for broad swaths of Americans from various socioeconomic backgrounds. And so, you know, there's kind of this assumption, especially with shall-issue legislation, which is the laws that allow people to get concealed pistol licenses on a not, presumably a non-discretionary basis. So you apply, you check all the boxes, and assuming you, you have correctly filled out the form and you aren't prohibited, you will get this license. And one of the questions that we have not asked enough, I think is whether, even if we take that system on its face-value, whether it's even working as the National Rifle Association, I think, imagines it to be working, or people who believe in the system imagined it to be working. And that's where, and so I'll actually focus in answering this question on the gun boards that I studied. So most decisions about gun licensing, because, and this is a big part because of the National Rifle Association sort of working to seal gun records, so it's not possible, for example, for a journalist or researcher to FOIA gun records to see, for example, what, you know, is there a racial disparity in terms of who gets disqualified or not from a gun license or gun registration or what have you. And so the only opportunities to actually get anything near this process, and to see this process on the ground are gun boards. Gun boards are actually very uncommon. They actually no longer exist in Michigan, which is where I did my research. But up until recently, gun boards were basically this public administrative forum, where people who had some issue with their concealed pistol license would be called to this board and asked to, they were given the chance to appeal or address the issue. So this could be people who applied and had their license/ their application rejected. It could be people who had their licenses revoked, it could be people who had their licenses suspended. And so to get the license or to get the license back, they would go to these boards. This was incredibly eye opening, I think. And I think you know, what was really sort of stunning about this, about observing these gun board meetings, which I did over the course of months (in Metro Detroit, so in Oakland County and in Wayne County) was just whether you are hardcore gun rights advocate, whether you are really in favor of strict gun control, wherever you lie on this debate, there will, there was something that you would have found shocking and probably horrifying, about what happened in this in these proceedings. It was not a case where racial disparities were subtle. It was a case where racial disparities were really clear, both in terms of who was coming to the gun board and call to the gun board. So people who had police contact, we know that there's racial disparities in who has contact with the police because of over-policing of urban communities. So there would be, you know, more, just a disproportionate number of African Americans called to the board, as well as a disparate treatment of people who have their licenses, suspended, revoked, rejected and how they were a disparate treatment in terms of how their licenses were processed. So to give you a

really clear example of this, one of the things that can get your license sent, or get your filem or what have you, your case sent to gun board was if you had, if you were arrested, or if you had some kind of domestic violence related incident that police were involved in. Whites and African Americans were called the gun board for this reason, but only African Americans, not only were, I would argue, publicly shamed, but also had their partners come in and quote unquote, "testify," I say, quote, unquote, because it wasn't a real court proceeding. And that's really interesting, too, because it was an administrative process, there was a lot more leeway for the gun board member, the gun board officials who, by the way, were all current or almost all current or retired police officers and law enforcement, there was a lot more leeway for them to process these cases. And so yeah, there were, there was a lot of disparity in terms of the way that these boards were used as, sort of, public forums for for shaming African American claimants. Another really dramatic difference was the issue of how people with a concealed pistol license should interact with police. So in Michigan, where I did this part of the research, it is required when you are stopped by law enforcement, if you have a concealed pistol license, and you are carrying a firearm, to disclose that you are carrying a firearm to that officer. And so people who did not disclose were then refer often referred to gun board. For whites who did not disclose they were generally informed, like, okay, your license is going to be, you know, suspended for this amount of time, come back, and we'll reinstate it. For African Americans, they were given a lecture on how basically they should understand themselves as a visible danger to to officers, that officers are understandably afraid if there's a gun involved, you know, if there's a gun involved in a police stop that is in private civilian hands, and so they should be doing everything they can to put the officer at ease. And this was not something that was widely discussed with regard to white claimants who had failed to disclose their, their gun carrying status. So it was pretty surprising, just in terms of how stark these differences were. And yeah, really drove home, this idea of we need to be focusing not just on what the policy say, but also how the policies are actually implemented.

JJ Janflone 28:16

And I will say, even as someone who who's worked now in gun violence prevention for a while, and consider myself fairly well educated, I was so surprised by your content on the gun boards. And I want to make really clear to our listeners, like you're not, you're not overselling the level of, sort of, racist and misogynistic nonsense that was happening at the ones that you reported on. In particular, I think sort of to slide, you know, back to something we were talking just a few minutes ago, that that use of like these very paternalistic style speeches from white members on the board to particularly the the black men and women, in the crowd, about their responsibility. And like this, almost as if they, the board, were presenting a gift, as opposed to right. And it was it was really, I don't know, it was something that I found incorrect. I shouldn't have found it as shocking as I

did. But again, the way then, when you were talking about people in the world, the way that then they rationalize all of those decisions as perfectly fitting within their particular views of the Second Amendment in the role that firearms play in the US, I think just shows them, as you've talked about, our inability to properly have this conversation.

D Dr. Jennifer Carlson 29:26

Yeah, and I think that, to some extent, when I -- and this is partly based on the side remarks that these gangboard administrators would make and and so forth -- I wouldn't say that how they acted and executed gun law was even necessary. You know, obviously, they had opinions about gun policy and gun politics, but it was almost like gun policy was the tool, the tool that happened to be there, as part of this broader machine of criminal justice and legal process that disproportionately disciplines and coerces people of color in this country. And I think it's a real conundrum for any side of the debate to, sort of, face that reality and think about well, how, what does that mean then in terms of thinking about, thinking about the state? Thinking about police have historically been very prized allies for both sides of the gun debate, both sides of the gun debate, I think, you know, and we, when we see this in a variety of ways, over the past several decades have sort of vied for the police as allies in these disparate agendas. And, you know, I think that that that's a question of what is what does it mean to do that? And how does that does that actually solve the the fundamental issues that are at stake in this debate? I think that's something that I feel like we're starting to grapple with that in a in a deeper way, especially this last summer with what's happened with the murder of George Floyd and how, just how that's impacted public discussions and debates about all of these issues. But it's, it's a really important conundrum that faces every social movement, every group that wants to, you know, do you work within the system versus you work without the, you know, outside of the system? But when you're thinking about sort of this massively powerful and impactful system of criminal justice and legal process more broadly, it's a very, it's not something to be taken lightly. I mean, this is this is something that has huge, huge impacts on people's lives. So, so yeah, I think that that's, it's it's super important to think through, how to think through the state and the police, in terms of in terms of this debate.

 JJ Janflone 30:29

And I think what's also present there too is just this, the role that the NRA, or the gun lobby more broadly, plays within all of these conversations, right? Because we've had the NRA be deeply involved with police and you know, pushing the idea that police are going to get 'out-gunned.' They definitely need guns, they need firepower, yet at the same time, will go against police unions that push back on some of that rhetoric and say, "Well, no,

they're incorrect now." And at the same time, I think in, when it comes to private gun ownership life, which you know, a lot of law enforcement officers (disclosure: my dad is a retired officer), they own their service weapon, and then they own other guns and things of that nature. That what the gun lobby or the NRA will push there privately, is a rhetoric that is very highly based on really disgusting racist rhetoric. And so I think when you combine that and you twist that all, it's a really complex knot, and I'm wondering if we can try to even untangle that just a little bit.

D Dr. Jennifer Carlson 32:26

So, so unraveling that knot is super complicated, but there are moments where you can just kind of get some traction on some pretty straightforward examples of how yeah, how the web has been weaved. So one example that I like to use to illustrate just how complicated this can be, or or maybe not complicated, but how counterintuitive this can be, is the example of the Assault Weapons Ban and how it impacted police in California. So as I mentioned earlier, Daryl Gates, LAPD police chief, he is pushing the Assault Weapons Ban first, you know, in California, then at the federal level. This is definitely seen as something that police are in favor of, at the time. And what happens as, sort of, politics shift, as the war on crime shifts, as the emergence of active shootings unfolds, as California gun politics unfold. What happens is something really interesting, which is that law, in some ways, I would argue, backfires in terms of police support. And here's how it does that: police are able to own assault weapons, AR-15s or whatever, the banned weapons under that California law, while they're active duty. So there, they may have pistol rifles, but they can also use their own money, their own private funds, to purchase a gun that they would not otherwise be able to purchase, had they not, if they were not active duty. So they might end up doing this, it might officially a service gun, they may obviously shoot it off, you know, off duty, but they have this gun they paid for it. And what happens though, when they retire is that they get slapped with what the NRA and gun rights advocates would see as this is a version of "gun confiscation," they have to give that gun back because they are, the gun that they own, that they shot with, that they may have carried it as a patrol rifle, they have to give that back because upon retirement that Assault Weapons Ban, they no longer have that exemption. So you can imagine that police are not exactly happy about this, they're probably not going to, they may not be reimbursed by their their departments, because their departments don't have money to buy the guns. And so now you have this situation where a police, instead of seeing the Assault Weapons Ban as something that really helps them as public law enforcement. They almost feel like they're in sort of a bait-and-switch kind of situation, where they're able to have a gun, and one day they retire and the next day they can't have a firearm, that firearm. And that might seem inconsequential to someone who is not sort of, embedded in gun culture, who doesn't really care about guns, but I can guarantee you

that for the people who care, that is a galvanizing, a galvanizing experience. And I heard police actually being very personally affected by the way this law was written. And so that's an example of, sort of, how laws that you write them use you to think about, you know how to implement them in a way that makes sense. And they can nevertheless actually cultivate exactly the opposite sentiment that sort of drove them to be passed in the first place.

K Kelly Sampson 35:22

In laying all of this out. I mean, I know I'm saying an obvious point, because you are a sociologist, and this is what you do. But it's just so impactful, the way that you really help us understand how identity and culture play, in ways of doing it may not think about. And another place where I think that comes through, I mean we mentioned earlier is, Philando Castile, and his life and you actually open the book talking about his death. And so I'm wondering, how do you feel his his death encapsulates the themes of the book. You know, for example, if the Second Amendment truly stipulates the bearing of arms for all responsible citizens, and protection of the state as legitimate, and how important is this question of unequal citizenship across ability, race, socioeconomic status, and gender in driving who gets to lay claim to legitimate violence.

D Dr. Jennifer Carlson 36:11

Yeah. Yeah, the case of Philando Castile, and his murder, I think absolutely encapsulates this racial double-standard in terms of who can be armed, not in terms of the law. So the law is, and this is something that sociologists have talked about a lot. We live in sort of a colorblind regime where the law does not make explicit reference to race it in some cases, even outlaws racial disparities, of course, defining them very narrowly. But we generally think of the law as sort of a gender-neutral, race-colorblind sort of apparatus. And yet, when we see how law actually plays out, we can see that it is anything but. And that's not just in terms of guns and violence, but in terms of housing, education, all sorts of different arenas of social life. And so what the case of Philando Castile, I think really drives home is -- well, it drives home a lot of things -- it drives home, sort of how colorblind rhetoric regarding gun rights does not, does not actually protect men of color, who who wish to legally own and carry guns. It shows that implementation is crucial, that it's not just about what the law says, it's about how law is implemented. And so there's a great body of sociology that basically argues that policymakers aren't just the people in Washington, or the people in state capitals, but they're also the people on the ground, who are actually enforcing laws. Because that's, that's what policy actually is. It's not what's written, it's what actually is done. And the other thing was the the Philando Castile case, and I think that this is kind of how I open the book -- is that there was this this odd sort of moment

after he was killed, and then after his killer was, was acquitted -- where the debate looks different for a moment. For a very short moment, you had the New York Times saying, you know, this is, you know, what does it mean for gun rights if a black man can be killed for lawfully carrying a gun, and his killer can, who happens to be law enforcement, can walk away. You had people like David French, and the National Review, actually talking about this was, there was a miscarriage of justice in this case. And so there's this moment that almost appears like we could have a different kind of conversation, where race could be central to how we talk about guns and gun violence in the United States, and then that just evaporates. And, and that moment is lost. And so that's where kind of the book comes in, is asking this question of how is it that, what happened that that conversation was actually so impossible? What are the deeper historical, social, cultural roots of the impossibility of that conversation? And so yeah that's, it really does present so many of the conundrums of the place of guns, in relation to race and law enforcement in the United States.

K Kelly Sampson 39:01

And hearing you talk about the unintended impact of the Assault Weapons Ban on police, or the sort of issues arising from Philando Castile's murder, what I'm going to call it, by a police officer, and the need to really think about policymaking, not just the legislators or executives, but the people on the ground, people who have a direct role in applying policy. I'm just wondering what advice you would have for listeners who many of whom are people who really care about preventing gun violence and saving lives and are advocating, or even JJ and I, around how can we apply some of the frameworks that you mentioned, to really understand the scope of what we're trying to do when we're advocating for policy?

D Dr. Jennifer Carlson 39:47

Yeah, I think that one of the key, sort of I mean, if there's one point that I hope readers get from the book is that we cannot talk about the politics of guns and the politics of police as separate. We can't just have a conversation that moves forward about one of those issues, and think that we've really gained ground, without also attending to the other issue. They are deeply intertwined. And they are, and that's historically, socially, culturally, legally intertwined. One example that I like to bring up is Stand Your Ground. It was a law passed with the motivation to focus on the use, the use of defensive violence by private civilians. It is now, in Florida, has been deemed applicable to police as well. So even policies that are and yeah, there's there's tons of examples of, sort of, how these lines get blurred across the politics of guns and the politics of the police. And so I think that that is where, that's number one, is thinking through how these things are intertwined. And

always keeping both in mind when thinking about how to talk about debates, how to think about or talk about this debate, how to think about gun policy, and also think about the consequences of the policies that we embrace. I think that there is a tendency, there's always kind of a human tendency to think, 'Okay, we'll embrace this policy,' it'll make everything better. And then we can walk away and say, you know, we've done our good deed. And that's every. I mean that's just, I think, human nature. And it's, it's always more complicated than that. It's always more complicated. So we have to think about not just the policies that are passed, but also how policies are implemented. And then the last, but actually, the most important thing I would say, is, I think a big reason why this conversation that hasn't been more front-and-center, has probably been a result of who's at the table, so who's at the table to actually have the conversation? So I, I'm a white woman, I totally acknowledge that my racial privilege allows me to say things, and write about things, and have access to research topics. For example, I think, it's hard for me to imagine that the fact that I was, that I'm a white woman didn't have some, even if ever-so subtle and implicit impact, on how I was able to gain access to the spaces that I was able to access with my research. And so I think that yes, okay, great. But there's also a problem in that this conversation tends, like, I'm not the one, I want to push this conversation and do everything I can. But the people who really need to be pushing, or at the front and center of having this conversation, are the thinkers, activists, the people on the frontlines of all this, the people of color who have been at the center of these dynamics. And I think that if those voices had been centered in the 1980s and 1990s, we have a really, really different gun debate. And I probably wouldn't, I definitely wouldn't be writing the book that I just wrote. And so I think that's the, I mean, that is actually the most concrete thing that I think can be done, and, and should be done, and needs to be urgently done. And I would say, you know, that's for all issues, but particularly this issue. I don't, I don't have all the answers, but I know that where we've been looking for answers hasn't been sufficient, hasn't been satisfactory, hasn't given us, it hasn't given us the answers.

JJ Janflone 43:06

Jennifer, I have so many more questions. I want you to stay on the podcast for forever. I'm really sad that I can't go back to school and have you as a professor, or we can have the "Red, Blue and Brady and Jennifer" podcast because, I just, there's so much here to unpack. And, you know, we didn't even get to talk about your other book "Citizen Protectors," which has so much. It's so good, and I think directly also relates to so many things we were talking about today. So this is my shameless, you know, please come back again, another time so we can get this conversation going.

D Dr. Jennifer Carlson 43:36
Yeah, thank you so much for having me.


JJ Janflone 43:41
This is another one for "Unbelievable but" that when I saw this headline, I went, "pardon?" This is coming out of Philadelphia, so we have Pennsylvania story. 210 guns went missing from Philadelphia sheriff's office.

K Kelly Sampson 43:54
Yeah, I saw this. Missing is a interesting word there.


JJ Janflone 43:59
Yeah, so there was a confidential complaint in 2019 that claimed that 15 long guns, and normally those rifles, went missing from the Philadelphia sheriff's office. People went in to investigate, and discovered that between 1977 and 2015, over 200 firearms disappeared from the inventory, and the armory, of the sheriff's office. So of those, at least 101 weapons, that had been sent to sheriff's deputies, could not be accounted for.. 109 guns that had been taken through Pennsylvania State law that's called the Protection from Abuse Act (sometimes it's called a PFA) had also disappeared. And that a lot of it though, honestly, they say is because it was it was done through super physical disorganization. They're talking about how guns were just at some point, just like, piled on the floor and poor record keeping. And so it seems like there was a new sheriff that was hired post-2015 that has has managed this and sort of came in and went, 'Hey, there shouldn't be firearms, you know, piled on the floor.' You know, especially because some of them were still found loaded. So they're, they're managing those but that a lot of them may have just, sort of, just disappeared over time.

K Kelly Sampson 45:12
Yeah, I was like missing was doing a lot of work in those sentences, you know. Like there's, there is a human element to not being responsible and not keeping proper track and not properly securing when it comes to guns going "missing." So I thought that was interesting and also disturbing. Like most unbelievable buts.

JJ Janflone 45:41

Firstly, on November 22, 2014, Tamir Rice -- who was, at the time, only 12 -- was shot and killed in Cleveland, Ohio by a white police officer. Tamir had been playing with a pellet gun, which the officer stated he thought was a real firearm. A surveillance video of that shooting went viral, gaining worldwide attention and making Tamir one of the symbols of the early Black Lives Matter movement. In the years that followed, both of the officers who were involved in that shooting were cleared of all criminal charges. But one of the officers was fired in 2017, for an unrelated offense. Following her son's death Tamir's mother, Samaria, founded the Tamir Rice Foundation, which facilitates and runs after school art and culture programs for young adults, while also advocating for police reform via community engagement, with things like policing oversight committees and group trainings for youth on how to interact with police. Just two years earlier on November 23 2012, 17-year-old Jordan Davis was shot and killed in Jacksonville, Florida, when a man confronted him about how loud his music was. When he was placed on trial the shooter used a quote, unquote "Stand Your Ground" defense, which as we've talked about on this podcast, says a person does not have to retreat before responding to a perceived threat with force. Following his death Jordan's mom Lucy McBath ran for, and was elected, to the House of Representatives, where she continues to fight for legislation around gun safety, she says could have saved her son's life. Now want to share with the podcast? Listeners can get in touch with us here at Red, Blue and Brady via phone or text message. Simply call or text us at 480-744-3452 with your thoughts, questions, concerns, ideas, whatever. I've been getting a lot of messages from you all lately, and it's been really nice to hear from you. So please keep that up. Now, want to support this podcast and Brady's efforts in preventing gun violence? As we move into the holiday season and the end of the year, we're participating in Giving Tuesday. It's called a "global generosity movement," if you're not familiar with Giving Tuesday, and this is a day that's all about unleashing the power of people and organizations to transform the world. That's why a group of Brady donors have generously offered to match every dollar donated to Brady up to $50,000. If you enjoyed this podcast, and you want to help end the epidemic of gun violence, please consider making a donation. Every dollar you get before midnight on Tuesday, December 1, goes directly to Brady's efforts to end gun violence and to save lives. You can join in simply by clicking the link in the description of this episode and just in advance, I thank you so much for your support. Thanks for listening. As always, Brady's life-saving work in Congress, the courts and communities across the country is made possible thanks to you. For more information on Brady or how to get involved in the fight against gun violence, please like and subscribe to the podcast, get in touch with us at Bradyunited.org or on social @Bradybuzz. Be brave and remember, take action, not sides.