

Revisiting the Weberian Presumption: Gun Militarism, Gun Populism, and the Racial Politics of Legitimate Violence in Policing¹

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Focusing on police chiefs in three states, this study revisits the Weberian presumption of the state's monopoly on legitimate violence. Seventy-nine interviews with police chiefs in Arizona, Michigan, and California allow for an examination of their understanding of gun policy. Analysis reveals that they selectively embrace two frames of the state's relationship with legitimate violence: *gun militarism* for criminal gun activity associated with black and brown communities and drug- and gang-related crime and *gun populism* with respect to lawfully gun-owning Americans, often marked as white and middle class. Sensitive to state-level sociolegal regimes, gun populism takes the form of *antielitism* in gun-restrictive California, *crime-fighting by proxy* in gun-permissive Michigan, and *co-policing* in gun-lax Arizona. The racial politics of legitimate violence intersect with state-level gun policies selectively to erode police chiefs' investment in the state's monopoly on violence, demonstrating that gun politics is pertinent not only for understanding violence in the United States but also for understanding the racial complexity of U.S. policing.

INTRODUCTION

The state has the prerogative to distinguish between legitimate and illegitimate violence. Yet, there is curious sociological lacuna around this distinctive trait. Sociological scholarship has examined the state's exercise of coercive

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power (especially capital punishment [e.g., Zimring 2004; Garland 2010] and incarceration [e.g., Wacquant 2009; Simon 2014]) and the “irreducibility” of violence as a state phenomenon (e.g., Walby [2013] on Giddens [1985]; see also Mann [1984]; Shaw [2005]). However, the broader question of how the state—as both an apparatus and a collection of actors—constructs and sustains legitimate violence, whether practiced by state or private actors (Carey and Mitchell 2017, p. 129), remains underexplored with respect to domestic police powers (Novak 1996, 2008; Dubber 2005).² If states have the prerogative to distinguish legitimate and illegitimate violence, in what contexts do states—and state agents—embrace versus eschew the *capacity* for legitimate violence among private civilians?

These delineations have been at the heart of contemporary American debates about guns in society, including the penetration of lawful guns into everyday life (e.g., gun carry, whether concealed or open), the vetting of individuals wishing to access guns (e.g., universal background checks), and the appropriate punishments for gun-involved infractions (e.g., enhanced sentencing for gun-involved crime). Roughly 330 million guns are owned by roughly one-third of American households; at least 16 million Americans are licensed by their state of residency to carry a gun concealed and millions more carry under so-called permitless regimes; and 69% of Americans have fired a gun at least once (Burnett 2016; Gallup 2017). Gun debates have taken on heightened relevance in the context of late 20th-century and early 21st-century developments in criminal justice. On the one hand, lawful gun ownership and carrying may respond to anxieties surrounding the criminal justice apparatus’s incapacity to sufficiently exercise legitimate violence to punish criminals; indeed, personal protection has surpassed hunting and collecting as Americans’ primary stated motivation for gun ownership. On the other hand, the War on Crime has intensified sanctions related to illicit gun use, including sentencing enhancements and mandatory minimum sentencing for gun-involved crimes. This contradiction reveals a racial crucible at the heart of gun politics. White American men are disproportionately likely to own and use guns lawfully and find in them a source of empowerment (Carlson 2015;

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² State violence is often equated with the military in scholarly treatments (e.g., Tilly 1985).

Mencken and Froese 2017); African-American men are disproportionately likely to be implicated in gun-involved crimes, whether as victims or suspects (Miller 2010), but they also own and carry guns lawfully (Carlson 2015, 2018).³

This article wagers that race not only shapes gun politics; it also shapes how public policies regarding guns are mobilized by law enforcers to distinguish and empower certain forms of *private legitimate violence* versus *public legitimate violence*. After all, the contemporary U.S. gun context shapes the environment in which police work. On one hand, progun mantras like “I don’t call 911,” “I carry a gun because a policeman is too heavy,” and “I plead the Second [Amendment]” directly indict public law enforcement’s capacity to adequately address crime and insecurity. On the other, the complexity of firearms law—even seemingly simple distinctions, for example, between illegal and legal firearms—allows moral judgments and social inequalities to shape both the descriptive and prescriptive politics of guns. The contours of gun access and use constitute an illuminating case for dissecting legitimate violence as a social phenomenon not because they constitute a clear-cut example of legitimate violence, but because these contours have always been dynamic and contested.

Integrating a public policy feedback framework with sociological scholarship on racial frames, this article explores how police may benefit from the politics of private self-defense in contexts where police are willing to embrace, selectively, civilian legitimate violence alongside their own (or, at least, have accepted that the policy environment in which they operate compels them to do so). This selective embrace is shaped by two racial frames (Feagin 2013) that bifurcate how police understand the relationship between private and

³ Current poll data and scholarship suggest that personal protection is a primary motivation among gun owners that shapes not just gun purchasing habits, but also gun leisure (insofar as sporting events are organized around self-defense, such as International Defensive Pistol Association competitions), gun marketing (which emphasizes guns as objects of protection; Yamane, Ivory, and Yamane 2019), progun politics (where organizations like the NRA emphasize the insecurity of everyday Americans; Melzer 2012; Carlson 2015), and gun law (from the emergence of the No Duty to Retreat Doctrine in the 19th and early 20th centuries [Brown 1991] to contemporary laws like “stand your ground”). Historical scholarship also suggests that the centrality of “the hunter” as a trope of American gun ownership may be more myth than reality. For example, Haag (2016) shows that this trope was popularized by gun manufacturers in the early to mid 20th century: amid Cold War anxieties, it became useful for cultivating firearms skills among boys who might eventually have to go to war against the Soviet Union (Mechling 2014). Dunbar-Ortiz (2018) critiques the notion that early American gun access centered on hunting by noting how private gun access and use was central to early American state building as bands of armed white settlers moved westward to clear the land of indigenous peoples. Bogus (1997), finally, suggests that the earliest proponents of private gun access insisted on the Second Amendment as a means of securing the slave patrol—an early precursor to public law enforcement in the United States.

public violence: *gun militarism*, characterized by an embrace of tough on crime laws aimed at criminalizing implicitly racialized gun offenders and maintaining a gulf between an aggressively armed police force and the community it patrols, and *gun populism*, which describes an antielitist, antipluralist and putatively color-blind embrace of “good guys with guns,” defined by their moral character and law abidingness, as productive contributors to social order.

This article uses empirical evidence from in-depth interviews with police chiefs. Since at least the 1920s, chiefs have served as public spokespersons for articulating stances on gun policy from the perspective of public law enforcement (Morrison 1995). Neither policy makers at the state level nor frontline enforcers at the street level, police chiefs occupy a crucial role as “representative brokers” (Fernandez and Gould 1994) who must navigate the competing demands coming from both outside and within their respective agencies, including conflicting policy mandates for expanded gun rights versus intensified punitiveness. They are likely to be acutely attuned to the complex politics surrounding gun policy, and they are often asked to make authoritative statements about existing and potential legislation. Thus, chiefs are useful interview subjects: they are well-positioned insiders observing how the boundaries of legitimate violence—proxied by lawful gun access and use—are negotiated where state meets society. Their vantage point is a theoretically generative place to understand the social construction of legitimate violence as delineated between private and public actors.⁴

I conducted 79 interviews with active municipal police chiefs (Arizona [$N = 20$], California [$N = 36$] and Michigan [$N = 23$]). Across these three states, I find considerable evidence that “gun militarism” is a widely shared racial frame through which police make discursive claims about legitimate violence with respect to gun activities associated with black and brown communities, largely criminalizing gun use associated with urban gun crime. In contrast, I find that police chiefs articulated a position of gun populism based on a presumption of racial respectability (e.g., Harris 2012), whereby “good guys with guns” were marked off as responsible in ways that reflected white, middle-class respectability. Contrary to their invocation of gun militarism, police chiefs displayed systematic differences across Arizona, California, and Michigan in how they framed gun populism, particularly the ways in which private civilians exercising their gun rights related to police’s understandings

⁴ Of course, police chiefs are not interchangeable with law enforcement at large; most police spend their careers on patrol, while in many agencies, chiefs have not regularly engaged in patrol for years. Further, police chiefs are usually appointed, which means that they are more likely to be sensitive to local and state politics than lower-ranked officers; they may be more likely than patrol officers to emphasize the political context over their own personal gun politics. However, the chiefs I interviewed at times subverted these assumptions, e.g., by chastising local and state politicians.

of their own prerogatives as police. This variation occurs despite important similarities across these states, including economic inequality, racial and ethnic diversity, financial austerity, and a history of tough on crime politics and policies that have resulted in overburdened criminal justice institutions. The three distinct versions of gun populism were sensitive to the state-level policy regimes in which they were embedded: “antielitism” in gun-restrictive California, “crime-fighting by proxy” in gun-permissive Michigan, and “co-policing” in gun-lax Arizona. In all three cases I show that the racial politics of crime, in intersection with state-level gun policies, structure police chiefs’ discursive understanding of the state’s monopoly on legitimate violence vis-à-vis the *private* potential for legitimate violence. In doing so, this article demonstrates that the politics of guns are pertinent not only for understanding violence in U.S. society but also for understanding the contemporary state, particularly the racial boundaries of legitimate violence.

THE SOCIOLOGY OF LEGITIMATE VIOLENCE

Legitimate violence refers to those capacities for and deployments of physical coercion that can be justified by recourse to law, justice, and authority.⁵ This includes, for example, access to the means of violence (such as guns) as well as actual instances of violence (such as particular acts of gun use).

Today the relation between the state and violence is an especially intimate one. In the past, the most varied institutions . . . have known the use of physical force as quite normal. Today, however, we have to say that a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory. . . . Specifically, at the present time, the right to use physical force is ascribed to other institutions or to individuals only to the extent to which the state permits it. The state is considered the sole source of the “right” to use violence. Hence, “politics” for us means striving to share power or striving to influence the distribution of power, either among states or among groups within a state. (Weber [1919] 1946, p. 78)

Scholars have since unraveled Weber’s argument that the “right” to use violence—both the capacity to deploy violence and the ability to do so “legitimately”—is dynamically and intimately connected to the “politics” over which “states” and “groups within a state” struggle. Recall, for example, Black’s (1983) contention that much crime is justice by another name: in contexts where access to legitimate, state-centric channels of redress is limited, individuals take justice into their own hands. Claims by historical criminologists (e.g., Roth 2012) that homicide rates are inversely related to trust in

⁵ There is a useful debate regarding the circumscription of violence; for the purposes of this article, I adopt a narrow definition of violence centered on physical coercion to rethink Weberian assumptions regarding the state.

government institutions are likewise suggestive. Underscoring legitimate violence as a sociological phenomenon, Elias ([1939] 2000) reminds us that violence becomes monopolized by the state through a contingent “civilizing” process of social-psychic and structural processes, as evidenced in arenas as distinct as street violence (Anderson 2000) and gun culture (Carlson 2015; Shapira and Simon 2018).⁶ Further, Weber’s designation of the state as a “human community,” especially when paired with an understanding of the state as interpenetrating civil society (Mann 1986; Foucault 2012), anticipates subsequent scholarship that proclaims that the state has no clear a priori boundaries (Mitchell 1991).

As such, Weber’s theoretical insight into the “especially intimate relation” between legitimate violence and the state is prescient for examining the contemporary United States. Scholars interrogating legitimate violence and the state from a sociological perspective—including this article—view the state as a complex of discourses, practices, actors and apparatuses, and they tend to focus on how those state actors—such as public law enforcement, military, or border patrol—most directly involved in the state’s enactment of legitimate violence interface with the coercive acts of nonstate, private actors. Drawing on an ethnography of local security systems in Colombia, Gordon (2019, pp. 3, 17) analyzes the social psychological mechanisms among residents and police by which “extrajudicial violence *and* legal authority can be viewed as legitimate simultaneously” such that “extrajudicial violence [can be] viewed as a legitimate complement to, rather than a replacement for, legal authority.” Likewise, in her ethnography of immigration-restrictionist and proimmigrant activists on the Arizona border, Elcioglu (2017) emphasizes how appraisals of state efficacy embolden nonstate actors to engage in policing and patrol activities that buttress state legitimacy while simultaneously undermining the state’s strict monopoly on legitimate violence. Explicitly extending Elias’s theory of the civilizing process to a “no rules” weapons fighting group, Gong (2015) analyzes how participants interactionally draw lines between legitimate violence (i.e., “civilized” violence)

⁶ Note a broad literature explains how actors, including state actors, understand and justify their engagement in violence through practice (e.g., Milgram 1974; Hunt 1985; Herbert 2001; Weinberg 2016) and narrative structure (Cerulo 1998); while this scholarship provides fascinating insights into how violence is normalized, legitimated, and even rendered consensual, it does not engage the broader question of how public and private forms of legitimate violence relate across contemporary American society and the state, and how these relationships are sustained or challenged. Meanwhile, the gun culture literature, which explains the appeal of guns among Americans, often treats the state as an influence, rather than outcome, in shaping civilian attitudes and practices related to guns (Melzer 2012; Carlson 2015). And finally, the gun policy literature emphasizes the political process among policy elites to explain the production of American gun law (Spitzer [2004] 2015; Goss 2010), but it has not followed the policy feedback loop to question how these policies in turn shape legitimate violence and the state.

and illegitimate violence (i.e., impulsive and undisciplined violence; see also Carlson 2015; Shapira and Simon 2018). While rule of law matters in shaping the limits of legitimate violence for participants, Gong (2015, pp. 611, 613) also found that some members of the group he studied were military and law enforcement personnel who participated to cultivate dispositions regular police training could not. Such insights disrupt the insularity of police subcultures of violence, suggesting that norms surrounding private violence co-constitute public actors' sensibilities surrounding legitimate violence. On the whole, these contemporary studies document how endorsement and authorization of extrajudicial violence shapes, and is shaped by, state legitimacy, and how together they provide contemporary insight into the capacity for legitimate violence across state and society.

Spierenburg (2006, p. 113) reminds us that "in the United States as a whole and throughout most of its history, the social pressures favoring a monopolization of force have been weak in comparison with those in European national societies." This article takes this weakness as a point of theoretical departure for understanding *contemporary* variation in how the zone of capacities for legitimate violence among private actors become sanctioned by public actors. Taking seriously the notion that legitimate violence is defined by the state but not confined to it, this article focuses squarely on public law enforcement—the U.S. state apparatus charged with the organization of legitimate violence and the agents who navigate the politics of guns as a condition of their profession.⁷ Under what conditions do state agents embrace or resist private forms of violence as legitimate, and how do they configure the capacity of private actors for legitimate violence as benefiting them as public actors?

In considering these questions, this article examines variation in how police chiefs understand the relationship between private and public legitimate violence. It extends existing studies by highlighting how racial frames interact with public policy feedback to shape how public actors—such as police chiefs—discursively distinguish between legitimate and illegitimate violence. Rather than a coherent and consistent frame of legitimate violence, police chiefs' understandings of legitimate violence can be organized according to two frames, bifurcated by the racial politics of guns: gun militarism, which emphasizes private violence as *competitive* with police prerogatives, and gun populism, which emphasizes private violence as *complementary* to police prerogatives. These frames become particularly compelling in the context of contemporary developments in criminal justice and law enforcement,

⁷ Though the exercise of legitimate violence is certainly a professional mandate of public law enforcement (Bittner 1973), I recognize that public law enforcement includes an overwhelming set of responsibilities—including, at times, immigration enforcement, school discipline, and welfare provision (Simon 2007).

whereby police find themselves navigating the intensified punishments related to gun *crime* alongside the broadening legal protections of gun *ownership*, *carry*, and *defensive use*.

GUNS AND THE RACIALIZATION OF LEGITIMATE VIOLENCE

The U.S. state's relationship with legitimate violence is intimately bound to its standing as a race-making institution. In conjunction with civil society and market institutions, the state—as a complex of discourses, practices, apparatuses, and actors—has conjured race as a social identity, an axis of inequality, and a narrative frame of social life throughout American history (Harris 1993; Collins 2002; King and Smith 2005; Bobo and Charles 2009; Wacquant 2001; Anderson 2012; Feagin 2013; Omi and Winant 2014; Forman 2017; Kendi 2017). Although “racial formations” and the social institutions they buttress are contingent arrangements in the sense that they are socially constructed (Omi and Winant 2014), the sociology of race reveals the foundational and enduring impact of systems of racial domination—particularly slavery in the United States—in shaping state apparatuses, such as the criminal justice system (Muhammad 2011; Steinmetz, Schaefer, and Henderson 2017; see also Fanon 2007). As compared to whites, people of color are more likely to be stopped, detained, arrested, convicted, and sentenced to harsher terms of punishment. They are also more likely to be killed by police or sentenced to execution. Such disparities are buttressed by long-standing cultural narratives that, on the one hand, racialize criminality and blameworthiness, linking these attributes to blackness (Collins 2002; Bobo and Charles 2009; Muhammad 2011; Anderson 2012; Forman 2017), while on the other, treat lawfulness and innocence as putatively color blind, though their social meaning and social currency are shaped by the interests and prerogatives of the white majority (Harris 1993; Bonilla-Silva 2006; Feagin 2013; Van Cleve and Mayes 2015). While private violence has been recognized as legitimate—informally and formally—throughout U.S. history,⁸ legitimate violence and its boundaries are embedded in this broader politics of race; as Garland's (2005) analysis of lynching shows, such practices,

⁸ Monkkenon (2006, p. 77) notes that over the course of the 19th and 20th centuries, roughly 1.4 million persons were murdered in the United States; in terms of the sociological factors he identifies to explain this disproportionate murder rate is the United States' cult of manliness (Monkkenon 2006, p. 87; see also Brown 1991; Nisbitt and Cohen 1996; Carlson and Goss 2017) and its general tolerance of violence, in both the North and the South, resulting from the institutionalization and aftermath of slavery (Monkkenon 2006, pp. 92, 93). Though fledgling police agencies arrested only roughly half of all murderers, juries were reluctant to convict; the early U.S. criminal justice system broadly expanded the boundaries of legitimate violence to include intrapersonal violence, particularly when many virtue was evoked.

though committed by non-state actors, may nevertheless serve to assert racial domination and white supremacy on behalf of state interests.

Returning to the social and political life of guns in the United States, while federal, state, and local jurisdictions have regulated gun possession and gun use throughout U.S. history (Spitzer 2015), race has often been central to delimiting which people can do what with their guns: in myriad ways, early gun laws and gun customs helped to first construct and then enforce a color line that equated freedom, citizenship, arms bearing, and whiteness (Bogus 1997; Hadden 2001; Johnson 2014; Light 2017; Dunbar-Ortiz 2018). Thanks to custom, law (including the 1850 Fugitive Slave Act), and firearms access, whites had broad ability and authority to aggressively and violently stop, question, detain, and indefinitely confine those of African descent (Greenberg 2005, p. 34). White posses also relied on firearms to pillage and seize land, clearing once-populated areas for white settlement. By calling this process *homesteading*, the national myth has suggested that settlers took up empty land, rather than violently emptying the land of native inhabitants, and white-washed firearms as tools for hunting and occasional self-defense rather than deadly nation building, genocidal violence, and racial subjugation (Dunbar-Ortiz 2018).⁹

Laws regulating guns provide one venue to illuminate the racialization of policing in the United States. Gun laws have been used as a key mechanisms to fortify racial boundaries throughout U.S. history, whether to directly facilitate the subjugation of racially and ethnically marginalized groups (Dunbar-Ortiz 2018) or to situate guns as yet another benefit of citizenship enjoyed by whites to distinguish them from racial minorities (Cottrol and Diamond 1991; Johnson 2014; Light 2017). The notion that “gun rights

⁹ Note that the capacity for legitimate violence across state and society (particularly in the form of gun access) was bound up with state-making throughout U.S. history. Borrowing from the European militia, the earliest policing forms in the United States depended on private citizens organized into night watches, slave patrols, and vigilance committees (Greenberg 2005; Hadden 2001). White settler militias were critical in violently pushing the lines of U.S. sovereignty deeper and deeper into Native lands (Dunbar-Ortiz 2018), whereby legitimate violence took the form of private initiative in pursuit of public interest. Structural changes in the 19th century transformed the organization of this citizen involvement, providing the basis for contemporary forms of public law enforcement *and* private policing. Obert (2018) shows that across industrializing Chicago, the Reconstruction South and western settlement, communities struggled to reinvent order maintenance as social order—whether due to industrialization, emancipation, or frontier expansion—transformed around them. New forms of organized violence emerged from this struggle: public law enforcement, private security firms, and white supremacist militias. Indeed, putatively extralegal policing forms such as lynch mobs violently imposed social and state prerogatives that state agents could encourage if not directly enact (Garland 2005). Paradoxically, then, the mid-to-late 19th century saw the birth of both institutionalized public legitimate violence (i.e., the founding of municipal law enforcement agencies across the United State [Monkkonen 1981]) and codified private legitimate violence [i.e., the emergence of the No Duty to Retreat doctrine; Brown 1991].

are civil rights” has been widely popularized by the National Rifle Association (NRA), but it is also embraced by African-American gun owners who seek out guns as a tool of self-defense, an affirmation of full citizenship, and a vehicle of empowerment (Williams [1962] 1998; Spraggins 1999; Allen 2007; Johnson 2014; Carlson 2015).

The first laws that explicitly prohibited concealed gun carry in the early 19th century were primarily aimed at outlawing dueling (Cramer 1999). However, in the aftermath of the Civil War and the formal end of slavery (c.f. Blackmon 2008), concealed carry licensing laws attended the rise of Jim Crow. Concealed carry was permitted by a license granted by a governing body, which would evaluate whether the applicant proved “good cause” (Cottrol and Diamond 1991). Effectively, this system created a color line in gun carry: whites could enjoy the strategically superior ability to conceal their firearms, while African-Americans would be required to carry theirs openly. The law opened up new possibilities for the criminalization of boys and men of color. As Blackmon (2008, pp. 81–82) describes, “The crime of carrying a concealed weapon—enforced almost solely against black men—would by the turn of the century become one of the most consistent instruments of black incarceration. The larger implications of disarming black men, at a time when they were simultaneously being stripped of political and legal protections, were transparent.”¹⁰

This history crucially situates the politics of guns as rooted in racial inequality and racialization, whereby lawful gun access and whiteness became intertwined. It also provides the backdrop for the contemporary confluence of racial politics and gun politics: namely, the War on Crime. From the 1960s onward, the War on Crime positioned formal U.S. state apparatuses (especially the police and the prison) more centrally than private civilian guns in the legitimate violence aimed at punitively enforcing racial boundaries. For example, scholars point to “police militarization” (Kraska 2007; see also Balko 2013), which, alongside tough on crime policy initiatives, emboldened law enforcement to aggressively police communities of color coded as dangerous (Omi and Winant 2014; Feagin 2013). Federal gun laws passed during this era often centered on drawing lines between illegal and legal gun possessors (e.g., the 1968 Gun Control Act) and illegal and legal gun users (e.g., the Armed Career Criminal Act of 1984); these divisions hinged on racialized imageries of criminality. Culminating in the 1994 Assault Weapons Ban, the War on Crime represented a period of gun criminalization whereby punishments for certain types of gun possession and gun activities

¹⁰ This trend can be traced to the 1967 Mulford Act, a California law that outlawed loaded open carry in response to the rise of the Black Panthers. The law would effectively disarm black power groups, but leave hunters, armed nativists, and white supremacist groups untouched (Leonardatos 1999).

were aggressively enhanced and enforced.¹¹ Note that this policy impulse is embedded in a particular understanding of the private versus public exercise of legitimate violence: it favors a state monopoly on legitimate violence, whereby police both *protected and expanded* their own access to firearms while *policed and delimited* gun access among the racialized, urban populations targeted by the War on Crime. I describe this (and empirically unpack it) as “gun militarism.”

Gun militarism, however, does not exhaust the myriad possibilities for how the relationship between public legitimate violence and private legitimate violence may be framed. Rather than a threat to stability (as under gun militarism), armed civilians may be imagined as generative of social order. As the counterpoint to gun militarism, I introduce “gun populism,” which is defined by an antipluralist embrace of “the people” and a deep suspicion of elites (Bonikowski 2016; Brubaker 2017; Müller 2017), especially elite lawmakers who aim to regulate gun access in the United States. Access to and enactment of legitimate violence reflects a broadened civic duty that celebrates putatively “color-blind” lawfulness (Bonilla-Silva 2006). This sensibility is embedded in an alternative, and underappreciated, policy impulse foundational to the War on Crime. Since the 1980s, gun laws involving open and concealed carry (such as “shall issue” laws) and the defensive use of guns (such as found in Stand Your Ground laws) have largely expanded gun access and use. As with tough on crime policies, which embolden the state to punish criminal offenders, this set of policies champions the rights of law-abiding civilians over those of would-be criminals, but it does so presuming the state’s incapacities to solve the problem of crime for everyday Americans, rather than its outsized mandate to address it at all costs (McDowall and Loftin 1983; Simon 2003; Carlson 2014, 2015; Steidley 2019).

Gun Militarism and Gun Populism as Racial Frames of Legitimate Violence

The terms *gun militarism* and *gun populism* form the foundation of my theoretical framework for understanding legitimate violence as a racialized social phenomenon that differently spans state and society and varies across different social contexts. I theorize both of these terms as “racial frames” in order to explain how attitudes about legitimate violence are enabled by racial ideologies. According to Feagin (2013, p. xi), racial frames represent “a

¹¹ I use the term “gun criminalization” for two reasons: first, to call attention to the centrality of criminal justice logic in the kinds of restrictive gun policies deemed politically feasible and, second, to suggest that guns—like any other legally liminal object, including drugs and alcohol—can be used as a vehicle of criminalization, above and beyond the threat posed by the material object.

broad and persisting set of *racial stereotypes, ideologies, interlinked interpretations and narratives, . . . visual images, . . . racialized emotions and racialized reactions to language accents*" (emphasis in original). This definition reflects a broad body of scholarship on race and crime control, starting with W. E. B. DuBois (1899), across sociology (e.g., Bonilla-Silva 2006; Feagin 2013), history (e.g., Muhammad 2011; Kendi 2017), psychology (e.g., Payne 2006; Gutsell and Inzlicht 2012), and law (e.g., Harris 1993; Van Cleve and Mayes 2015).

By introducing gun militarism and gun populism as racial frames, I suggest that as part of "rational[izing] and structur[ing] the racial interactions, inequalities and other racial patterns in an array of societal settings" (Feagin 2013, p. xi), racial frames are used to define and demarcate public versus private legitimate violence. On the one hand, gun militarism frames a dispositional embrace of a strict state monopoly on legitimate violence, reflecting "*racial stereotypes, ideologies, interlinked interpretations and narratives*" (Feagin 2013, p. xi) that racialize criminality and blameworthiness (Muhammad 2011). On the other, gun populism frames a dispositional aversion to a strict state monopoly on legitimate violence, reflecting "*racial stereotypes, ideologies, interlinked interpretations and narratives*" (Feagin 2013, p. xi) by embracing putatively color-blind ideals of lawfulness and innocence that are nevertheless shaped by white values, dispositions, and sensibilities (Bonilla-Silva 2006; Feagin 2013; Van Cleve and Mayes 2015). I show that police chiefs nimbly embrace both gun militarism and gun populism, juggling these distinct frames as they reflect and reproduce racialized ideas about legitimate violence. From the perspective of gun militarism, chiefs see gun law enforcement as woefully weak and ineffective, while from the perspective of gun populism, they see gun regulations as excessive, unnecessary, and even harmful.

Explaining Variation in Racial Frames of Legitimate Violence

These frames coordinate personal sensibilities (such as one's own politics of guns) with social structures (such as racial domination) in the context of particular public policy regimes. Public policy scholars emphasize that state initiatives do more than redistribute resources or enact coercion; they influence how new political capacities are shaped, political communities are forged, and political initiatives are imagined, embraced, and implemented (Mettler and Soss 2004; Bruch, Ferree, and Soss 2010; Soss, Fording, and Schram 2011; Soss and Weaver 2017; Epp, Maynard-Moody, and Haider-Markel 2014; Lerman and Weaver 2014). Drawing on a penal field perspective, some scholars have asked how state agents themselves are shaped by public policy environments (Lerman and Page 2012; Page 2011; Moynihan and Soss 2014; Reiter 2016), especially in organizational contexts where limited resources aggravate

workplace stress and encourage improvisation among state agents (Lipsky [1980] 2010; Maynard-Moody and Musheno 2003; Maynard-Moody and Portillo 2010; Shannon and Page 2014). Recognizing how public policies—such as gun policies—shape state agents takes seriously the state as a multifaceted, fractured entity. Further, it suggests that policies do not just cultivate political terrain among the subjects of laws (Mettler and Soss 2004), but also among the frontline enforcers (Moynihan and Soss 2014) who reproduce and/or reshape racial orders.¹²

The public policy feedback perspective is crucial for understanding *variation* in how police chiefs articulate the racial frames of gun militarism and gun populism in different sociolegal contexts. Evidence from Arizona, California, and Michigan suggests that the nationally coherent (if not monolithic) sociolegal regime of criminalization under the War on Crime provided fertile soil for gun militarism to emerge as a compelling, and consistent, racial frame among police chiefs across these states. In contrast, evidence from these three states suggests that the significant differences in policy regimes governing gun use and access shape how police chiefs embrace gun populism, with police chiefs in Arizona articulating gun populism as “co-policing,” California chiefs articulating “antielitism,” and Michigan chiefs articulating “crime-fighting by proxy” (see table 1).

This article welds sociological theories of racial frames to a public policy feedback perspective to provide a window into the racial contours of legitimate violence in the United States. As such, this article updates and expands a postcolonial critique of racialized governance—namely, that colonial power governed via consent for whites but coercion for non-whites (Fanon [1961] 2007)—to bear on the contemporary U.S. context of policing and protection. By tracing the attitudes of police chiefs within particular gun policy regimes and connecting them to macro-level ideas about race and racialization, this article responds to Saperstein, Penner, and Light’s (2013, p. 360) call for research that “explicitly crosses macro-micro-meso divides to reveal whether and how racialization processes work in concert across different domains of social life to shape ideas of racial difference and reproduce the larger system of social inequality.”

METHODS

This article is part of a larger study that examines how state agents make sense of and enforce gun policy. While the gun debate often takes place at

¹² Rather than bifurcating racial orders between “white supremacist” and “transformative egalitarian” orders (as King and Smith [2005] do), I follow Kendi’s (2017) apprehension about racial progress and distinguish the two racial frames—gun militarism and gun populism—not by their normative valence but by their analytical contours.

TABLE 1
THEORETICAL FRAME

Gun Policy Regime	State	Racialized Tropes of Crime and Justice	Racial Frame of Legitimate Violence
Gun Criminalizing	Arizona, California, Michigan	Criminality and blame-worthiness: the “bad guy with a gun”	Gun militarism
Gun restrictive	California	Lawfulness and innocence: the “good guy with a gun”	Gun populism: antielitism
Gun permissive	Michigan	Lawfulness and innocence: the “good guy with a gun”	Gun populism: crime-fighting by proxy
Gun lax	Arizona	Lawfulness and innocence: the “good guy with a gun”	Gun populism: co-policing

the national level, the laws and administrative mechanisms in place to regulate gun ownership, gun carrying, and gun use are fragmented across local, state, and national levels (Spitzer 2015). I focus on police chiefs in Arizona ($N = 20$), California ($N = 36$), and Michigan ($N = 23$) to capture divergent gun policy regimes across the United States. Arizona is “gun lax”: there are few state-level restrictions on gun use and gun ownership, and it represents a small but growing number of states that have abolished gun carry licensing requirements. Michigan is “gun permissive”: residents can legally own handguns and long guns as well as fully automatic guns, although they must register handguns with local police and register fully automatic firearms with the ATF and Michigan State Police. Michigan residents can apply for and, provided they are not disqualified by criminal record or statutory requirements, obtain a five-year concealed pistol license (CPL) for a fee of \$100. Michigan is representative of the majority of states in that it is both regulatory (i.e., licensing systems are in place) and permissive. Finally, California is “gun restrictive”: it heavily regulates and restricts gun ownership and has its own state-level assault weapons ban; there is no statewide system for issuing CPLs on a nondiscretionary basis; and the state maintains and enforces a “prohibited persons” list, in addition to a state-level background check apparatus, to restrict guns from unlawful possessors. California represents approximately a dozen states where guns are highly regulated and highly restricted.

The similarities among the states include that each is racially diverse and socioeconomically unequal and characterized by punitive politics of policing and punishment. Despite their differences in many aspects of gun law, all three have robust mandatory minimum schemes for crimes committed in possession of a firearm. More broadly, the politics of crime and punishment

in each state reflects the punitive turn in criminal justice since the 1960s as well as an increasing proliferation of criminal justice practices and sensibilities beyond criminal justice proper. Over the last five decades, these states have leveraged tough on crime policies to address immigration, socio-economic restructuring, and public disinvestment.

Police chiefs are distinct from the general population of public law enforcement, and my choice to focus on police chiefs has both methodological and theoretical implications. First, chiefs have decades of policing experience and can thus provide insight into how gun laws have intersected with policing over time. In addition, their role as administrators and spokespersons for their police agency enhances the likelihood that they will be able to speak to issues of gun law enforcement and gun politics. Chiefs are less conservative than frontline officers (see Morin et al. 2017) and thus appear to be least likely among the law enforcement population to oppose gun control; at the same time, because police chiefs are less likely to be involved in street patrols, permissive gun laws arguably do not threaten their sense of security on the job as they would, say, a traffic police officer's. Finally, because chiefs are typically appointed (all of the chiefs whom I interviewed were appointed by local political administrations), they must negotiate not only their own politics with the politics demanded by their profession but also the politics of the political administrators who appointed them.¹³ Insofar as chiefs must negotiate competing demands coming from policy makers, politicians, and the general public (in addition to their respective agencies), they can be usefully understood as "representative brokers" with regard to gun law enforcement (Fernandez and Gould 1994).

To solicit interviews, I compiled a list of municipalities in Arizona, Michigan, and California, identified police chiefs based on publicly available information, and contacted prospective interviewees. Note that policing is highly fragmented and decentralized in the United States; there are nearly 18,000 public police agencies, including sheriff's departments, municipal police departments, campus patrols, and federal police agencies, and jurisdictions are often overlapping and collaborative. While I denote police chiefs as "state actors" throughout this article, I emphasize that there is no unitary state in the United States but rather a fragmented collection of practices, discourses, institutions, and actors. Any focused study of one state apparatus is necessarily narrow in the U.S. context. In choosing to narrow my study, I sampled chiefs of municipal police agencies because they provide a reasonable comparison across three divergent states; these agencies are also

¹³ My interviewees, especially in California, openly discussed the political pressures they felt, noting that the anonymity and confidentiality I offered allowed them to speak more candidly than they might otherwise. Perhaps reflecting the general conservatism of law enforcement, I heard similar sentiments from Arizona and Michigan chiefs only in jurisdictions they designated politically liberal.

most likely to enforce gun laws, along with sheriff’s departments, as compared to campus patrols (which are more specialized) or federal law enforcement (as most gun laws are state-level rather than federal). Finally, municipal public law enforcement is the primary state apparatus charged with exercising legitimate violence vis-à-vis the U.S. population; indeed, as Soss and Weaver (2017) argue, in many communities in the United States, public law enforcement is the primary means by which private civilians engage with the state.

The interviews took place from 2014 to 2017 in Arizona (2017), California (2015–16), and Michigan (2014–15), a period when issues of police use of lethal force became increasingly salient as a public issue (see table 2 for the geographic breakdown of sampled jurisdictions). Across all three states, the modal police chief was an older white man who had decades of police experience (see table 3). In California, there are roughly 300 jurisdictions; I focused on jurisdictions from San Diego County in the south to Sacramento County in the north. In Arizona and Michigan (excluding the Upper Peninsula), because there are fewer jurisdictions, I contacted every public law enforcement agency with publicly available contact information. This resulted in a total sample of 20 Arizona chiefs (66 Arizona agencies contacted; 30% response rate); 23 Michigan chiefs (104 Michigan agencies contacted; 22% response rate); and 36 California chiefs (208 jurisdictions contacted; 17% response rate). I rarely received a negative response from police chiefs who did not participate in the study; therefore, I have no way of knowing whether chiefs received information about the study and decided against participating or whether my initial contact was screened and/or deleted (in many

TABLE 2
GEOGRAPHIC BREAKDOWN OF INTERVIEWEE JURISDICTIONS

Region	%
Michigan (<i>N</i> = 23):	
Greater Detroit Area	35
Greater Lansing Area	22
Western Michigan	30
Northwestern Michigan	13
California (<i>N</i> = 36):	
Bay Area	19
Greater Los Angeles Area	33
Inland Empire	14
Central Valley	33
Arizona (<i>N</i> = 20):	
Greater Tucson Area	15
Greater Phoenix Area	15
Greater Prescott Area	20
Northern Arizona	25
Southern Arizona	25

Revisiting the Weberian Presumption

TABLE 3
POLICE CHIEF DEMOGRAPHICS BY STATE

State	% Male	% White	Average Age
Arizona	95	95	52
California	97	86	53
Michigan	96	91	55

jurisdictions, the contact method was a generic police contact email or online form). While the chiefs I interviewed hailed from diverse jurisdictions, my sample likely skewed toward jurisdictions that had a greater emphasis on community policing: such jurisdictions are more likely to have an online presence, provide a variety of ways of contacting police, monitor community input and contact actively, and be responsive to community communication. (Furthermore, the high response rate in Arizona, for example, likely reflects a broader cultural emphasis on police-community relationships compared to the more professionalized police forces in places like California.) Such jurisdictions are also more likely to be, if not resource rich, at least not resource strapped; while I interviewed chiefs in many smaller and less well-resourced jurisdictions, at the very least, police chiefs needed the resource of time to meet with me. Finally, my interviews likely skewed away from jurisdictions experiencing scandal or public relations crisis; while I did not contact chiefs who were currently under investigation, I had no way of knowing the internal politics of jurisdictions.¹⁴

Interviews allow researchers to understand not just *how* research subjects feel but also “how it feels to feel that way,” or the “emotional landscape” (to use Pugh’s [2013, p. 49] terms) in which a given culture is emboldened, bent, and sometimes broken by those for whom that culture performs work. Compared to survey methods and ethnography, interviews allowed police chiefs to frame their own politics of guns—whether private or public guns. Interviews were semistructured to cover a consistent range of topics, allow for probing, and enable interviewees to direct the interview as warranted. Topics included policing background, experiences, and attitudes on gun violence and gun policy, including experiences with violence (as victims and perpetrators); the use of guns for self-defense; attitudes on and experiences with enforcing gun regulations; and opinions on gun control measures. I gave each chief the choice of interview location; all but two chose their respective headquarters. Interviews lasted between 30 minutes and two hours. As with all data, interview data are shaped by the context in which they are gathered;

¹⁴ That said, I know that at least one interview was cancelled because the chief had been removed in between agreeing to interview and our interview date; I only knew because his emails were forwarded to an assistant chief who politely declined the interview.

my presence, as well as the research setting, shaped how police chiefs talked about guns to me. Given that I am not a member of the law enforcement community, I relied heavily on my knowledge about firearms, firearms law, and gun politics to establish rapport among interviewees. As per my human subjects review board protocol, I took detailed written notes (no audio recording), which I turned into narratives the day of or day after the interview; I removed all identifying information. I use letters and numbers rather than pseudonyms to identify extended excerpts from chiefs in Arizona (AZ-1, AZ-2, AZ-3, etc.), California (CA-1, CA-2, CA-3, etc.) and chiefs in Michigan (MI-1, MI-2, MI-3). To further ensure anonymity, I follow Moskos (2008) and refer only to pertinent characteristics of a chief (such as state of residency or racial demographics) when introducing an excerpt. I introduce racial or other demographic characteristics of a chief only where analytically pertinent; with the vast majority of chiefs being white middle-aged men, I found that jurisdiction characteristics (urban vs. rural; racial minority vs. racial majority) were generally more pertinent than personal characteristics in parsing out police chief attitudes, and I reference these attributes throughout.

I analyzed the interview data using Atlas.ti. Though I deductively developed codes in tandem with the major themes of the interview guide (e.g., “gun carry,” “gun bans,” etc.), I largely developed the nearly 200-item codebook based on inductive coding and recoding of interviews, adding codes to reflect emergent empirically derived themes. Following an abductive approach (Stryker 1996; Tavory and Timmermans 2014), my coding scheme was also iteratively informed by existing literatures on race, violence, gun politics, and frontline work. In this analysis, I focused on coded data related to “bad guys with guns,” “civilian back-up,” “enforcement,” “good guys with guns,” “limits of police,” “police impact,” “politicians,” “racial imagery,” “regulation over rights,” “rights over regulation,” and “unenforceable laws.” In turn, I draw on existing sociological and criminological literatures on race, policing, and public policy to develop an analytical framework. Note that police chiefs did not use the terms *gun militarism* and *gun populism*; I abductively developed these terms as sociological heuristics to capture the overarching frames with which police chiefs made sense of guns in American society—both their guns and the guns of private civilians.

GUN MILITARISM

Gun militarism describes the racialized and racializing set of stereotypes, ideologies, narratives, justifications, and emotions that shape the appeal of tough on crime gun policies. Rather than an example of overt racism or explicit prejudice, gun militarism is tied up with the color-blind discourses endemic to tough on crime politics, which conflate blackness and criminality by substituting a stylized moral language of “good guys” and “bad guys”

for more explicit racial discourse (Collins 2002; Bobo and Charles 2009; Muhammad 2011; Anderson 2012; Van Cleve and Mayes 2015; Forman 2017). As an analytical term, gun militarism exemplifies the strictest version of the Weberian presumption—namely, that the state monopolizes legitimate violence—but in a racial key, reflecting a public policy feedback loop between on-the-ground police sensibilities and state- and federal-level roll-outs of tough on crime policies.

As the War on Crime gained momentum in the 1970s, 1980s, and 1990s, fueled by spiking violent crime rates and racialized fears about black criminality (Wacquant 2001; Alexander 2012; Forman 2017), gun policy became a central focus for public and police debate. After the 1960s, tough-on-crime gun laws would become the unifying mantra across the increasingly polarized gun debate, resulting in enhanced sentencing and mandatory minimums for those who commission a crime while in possession of a firearm. They are also entailed in the expansion of firearm and firearm paraphernalia prohibitions for those deemed unfit because of criminal records, mental health issues, drug use, and other issues.¹⁵ At the state level, Michigan passed a two-year mandatory minimum bill for crimes committed while in possession of a firearm in 1976. That same year, Arizona passed a law so that “anyone found to have used a firearm while committing robbery, kidnapping, rape, various forms of aggravated assault, or resisting a police officer was no longer eligible for a suspended sentence, probation, parole, or other release from custody before serving a mandatory [sentence]” (Lowenthal 1993, p. 79). In 1978, Arizona further expanded the scope of this sentencing apparatus to include “dangerous” offenses as well as repeat offenders. While the trend toward mandatory minimum sentencing guidelines transformed penal codes across the United States, perhaps the most infamous example of this brand of tough on crime gun sentencing arose in California in the 1990s. Known as the “use a gun and you’re done” law, the 1997 measure added enhancements of 10 years, 20 years, and 25 years to life, respectively, for “using” a gun, firing a gun, or killing or seriously injuring another person with a gun in the commission of a crime. On the heels of the state’s “three strikes” law (1994), this measure was billed as the most onerous gun law

¹⁵ While I focus on state-level gun laws, note that the federal government enacted its own mandatory minimums with respect to illegal gun possession. In 1984, at the behest of the NRA-backed president Ronald Reagan, the U.S. Congress enacted the Armed Career Criminal Act, which meant that while federal guidelines stipulate a maximum sentence of up to 10 years imprisonment for illegal possession of a firearm, offenders with three or more prior convictions involving violent felonies or drug felonies must serve a minimum of 15 years in prison. Starting in 1986, federal sentencing guidelines expanded the penalties for firearms-involved crime, with 5-, 7-, 10- and 30-year mandatory minimum sentences for possessing, brandishing, or discharging a firearm during the commission of a crime, as well as 25-year mandatory minimum sentences for subsequent offenses.

in the nation and passed “with little fanfare or controversy,” according to the *Washington Post* (Claiborne 1998).¹⁶

Today, police chiefs across Arizona, California, and Michigan endorse these tough on crime policies that disarm and punish criminal gun offenders. Reflecting the impact of gun policy on police sensibilities in intersection with the racial politics of the War on Crime, police chiefs articulated three sentiments: first, that gun crime required a uniquely “tough” approach because it reflected criminal propensity, unlike drug crime (the other key target of mandatory minimum sentencing); second, that courts are generally overburdened in addressing criminal activity and thus tougher sanctions are necessary; and finally, that as politicians retool and roll back the War on Crime, they are jeopardizing public safety, especially with respect to gun crime.

First, although police chiefs voiced ambivalence if not outright rejection of tough on crime policies in the context of drugs, they were nearly unanimous in their support for these policies in the context of guns. Guns were “different”; after all, gun violence impacts hundreds of thousands of Americans directly and indirectly every year, and by one estimate costs the United States \$229 billion dollars every year (Follman et al. 2015). Thus, gun crime warranted nondiscretionary, punitive consequences from the criminal justice system:

I am a fan of mandatory minimums. . . . I'd rather have mandatory minimums than come across the story of someone who falls between the cracks because judges are too generous. Even if it can be too punitive at times. Now . . . I don't think someone should be going to prison forever for drug convictions. But firearms, I think, are completely different than drugs. Guns are about public safety, and the mandatory minimums are about incapacitation. With drugs, you have a medical issue, a psychological issue. You can prevent and address the issue without being so punitive, through counseling. But that's not the case with guns. (MI-1)

I am all in favor of enhancements for violence. You should go to jail. I don't care about subsistence dealers. . . . It's the people who hurt people—put them on an island, parachute them in food, and let them figure the rest of it out. (CA-1)

Yes [I support mandatory minimums] for gun violence. . . . I would not necessarily say that for all crimes, but for violent crime in particular, I think mandatory minimums are a good thing. (AZ-1)

One chief told me that his “top priority . . . would probably be the administration of justice and punishment. Put teeth in the existing laws. And direct

¹⁶ A decade later, California's Department of Justice began tracking persons illegally in possession of firearms with the Armed Prohibited Persons System, a tracking system that makes it bureaucratically possible to prosecute the “felon with a firearm” law, which stipulates that convicted felons, anyone convicted of specific misdemeanors, and narcotic drug addicts may face additional sentencing, an extended loss of gun rights, and—for legal immigrants—possible deportation.

the majority of resources at *that*” (CA-2). Here, “justice” and “enforcement” are rallying cries with a very specific meaning: severe punishment that includes disarming and incarcerating criminals, thickening the line between police and the people against whom police enforce tough on crime gun laws.

Second, police chiefs’ support for mandatory minimum, sentencing enhancements, and other forms of punitive sentencing guidelines reflected a widespread presumption about the inefficacy of the criminal justice system in adequately punishing offenders. As one California chief said, hyperbolically, “How about—let’s enforce the laws! 99% of the time, if someone is arrested, they have 10 different gun violations! But we’ve just weakened the punishment—it’s just a farce. Because you arrest someone 10 times, you get one conviction, and you have to get 10 convictions to get sentenced. It’s dumb! You have felonies turned into misdemeanors turned into infractions—all through plea bargaining” (CA-3). An Arizona chief offered this endorsement of tough on crime gun laws: “Look at San Salvador. If you get a DUI, and you are caught, you are killed, there’s a sign posted about you. Yeah, it’s brutal, and I’m not advocating that, but I think we need to start prosecuting the shit out of criminals, and I think that would do a lot to take care of gun crime. . . . I think if we said ‘automatic 15 years for crime committed with a gun,’ you’d see a big decline in the use of firearms” (AZ-2).¹⁷

A Michigan chief expressed frustration by detailing how plea bargaining had created a library of absurd charges, including “attempted CCW [concealed carrying of a weapon]”:

I am all for mandatory minimums. So, take this offense: attempted CCW. Do you know what that is? How do you “attempt” CCW? Well, I will tell you what it is. You have your first HYTA [a conviction that is expunged due to age-related eligibility]. Then you have your second HYTA. Then you have a plea down, from CCW to attempted CCW. And then you have a CCW. And then only on the fifth time do you have the mandatory minimums kicking in, and the convictions go federal. (MI-2)

Rather than recognizing criminal behavior as the product of social, psychological, and political vulnerability (Garbarino 2015; Vargas 2016) as is often the defense of white criminal offenders (Heitzeg 2015; Lassiter 2015), chiefs generally insisted that repeat criminals needed to be “scared straight” (to paraphrase AZ-2) by adopting harsh laws associated with more apparently ruthless governments (i.e., El Salvador).

While Arizona, California, and Michigan chiefs emphasized plea bargaining, California chiefs cited a third concern: what they saw as state legislators’ roll back on the War on Crime following the U.S. Supreme Court’s 2011 decision in *Brown v. Plata*. While these laws have helped produce mass

¹⁷ This claim appears to be based on a widespread “urban legend”: El Salvador abolished the death penalty in 1983 except for war crimes.

incarceration as a central axis of racial inequality and made but a small impact on crime rates,¹⁸ California chiefs claimed their state's tough on crime policies had led to historic crime lows:

I can confidently say that we did experience historic lows thanks to Three Strikes and a 10-year sentence enhancement for using firearms. It definitely changed people's minds. Now, it might have just made them run harder from the police [laughs], but it definitely had an impact! (CA-4)

Over the last 34, 35 years since I've been in law enforcement, I think we are going backward. In terms of sentencing, we now have nine felonies that we have turned into misdemeanors. And we see property crimes skyrocketing, significantly increasing. And I think the same thing will happen if we do that for violent crime. So it's not so much about punishment, but about what works. Look at the stats: when we put people behind bars, we keep crime lower. (CA-5)

However, "what works" was marked by race: punitive gun laws that targeted the hardened criminals were attractive not simply because they appeared criminogenically prudent but also because they resonated with the racial politics of crime. Across jurisdictions, police chiefs expressed support for mandatory minimums and other tough on crime gun policies through racial typologies of people. One told me, "I am not worried about the people who just want an assault weapon for the hell of it, or a military guy who had an M16 and wants one because it reminds him of his old gun. I'm worried about the gangster who brings in guns and then it gets into the hands of people who have hatred for America" (CA-6). The "gangster" and "people who have hatred for America" are conflated and deemed acute public safety issues, while the person "who just wants an assault weapon for the hell of it" and the "military guy" are figured as harmless, lawful gun owners. Another California chief: "I just think about all the guns that are illegally owned. Gangsters, people on probation, illegal immigrants" (CA-7). A Michigan chief insisted: "The urban terrorists are gang members" (MI-3). And an Arizona chief said "gangbangers and crooks" manipulate existing gun laws: "You have cases where [a gun offender] will say, *I didn't do it!* And then you prove [that they did], and then suddenly it turns into, *Well, it was self-defense!* But that's the gangbangers and the crooks" (AZ-3).¹⁹ Chiefs' statements were peppered

¹⁸ Estimates for the impact of punishment on the crime rate range from 10% to 30% (see Uggen and McElrath 2013).

¹⁹ A complete review of chiefs' articulations of race and racism is beyond the scope of this article. It is worth acknowledging, however, chiefs did not exclusively rely on color-blind tropes throughout my interviews; though much rarer, they did explicitly evoke racial identities in different contexts. When they did so, chiefs used explicit racial identities (1) to acknowledge racism in policing; (2) to forward "culture of poverty" arguments regarding racial disparities in crime; and (3) to abdicate responsibility with regard to racial inequalities. For example, one chief explicitly acknowledged racial disparities related to gun violence, throwing his hands up at a problem he can see but feels incapable of fixing:

with what Omi and Winant (2014) label “racial code words,” or putatively race-neutral discourses that convey implicit racialized expectations and presumptions. Racial code words are discursive tactics that animate color-blind racism: though color blindness rejects explicit racial prejudice and animus (both normatively and descriptively with respect to contemporary race relations), racial code words allow color blindness to frame racial inequality, oppression, and discrimination as individualized problems of bad behavior and moral laxity (Bonilla-Silva 2006; Harris 2012; Van Cleve and Mayes 2015). Scholars of criminalization have overwhelmingly shown that terms like “gangster,” “terrorist,” “superpredator,” “drug dealer,” and the like reflect and reinforce racial distinctions regarding blameworthiness and criminality (Collins 2002; Bobo and Charles 2009; Muhammad 2011; Anderson 2012; Van Cleve and Mayes 2015; Forman 2017). Reducing complex problems of racial inequality to singular acts of criminality produced a reductive, but putatively color-blind, line between good guys and bad guys. Justifying tough on crime gun laws by implicitly racializing criminals deserving of harsh gun laws as irredeemable bad guys, police chiefs drew racial boundaries around legitimate violence.

Resonating with a public policy feedback perspective, my evidence thus far suggests that Arizona, California, and Michigan police chiefs have consistent attitudes with regard to gun militarism; operating in similar socio-legal contexts, these chiefs articulate similar stances with regard to the relationship between gun policy and the specter of urban gun violence. A deeper look at two particular contexts where the line between licit and illicit activity is blurred—namely, felony murder and gun storage laws—further elucidates both the racial politics of gun militarism as well as the impact of state-level policy regimes. In both of these contexts, police chiefs across Arizona, California, and Michigan drew on racial tropes of urban gun violence to justify criminalization, but reflecting a public policy feedback perspective, the specific distinctions they drew varied in ways that reflected the sociolegal contexts in which they operated.

“A couple years ago, we had 19 shootings in 18 days. It was really bad. And they were all arrested, they are all doing time. But the reality is, you know, they might be doing 7 years, 10 years, but eventually—whether if its in a few years’ time or longer—they are going to come back to the community and they are going to go back into the same violence. And I get it: I get that there’s a lot going on, the fact that they are all African-American, but I’m not trying to solve the world’s problem. I’m just trying to deal with the fact that 10 out of 12 of them will shoot someone else when they come out” (CA-8). In highlighting how racial code words implicitly shaped the racial politics of police chiefs’ attitudes, my goal is to hone in on the persistent patterns across interviews in order to make sense of how police chiefs systematically understand the boundaries of legitimate violence, not the totality of how police chiefs understand race in policing.

Felony Murder

Felony murder is a legal doctrine that describes killings that result from the commission of a felony. Under the felony murder rule, a suspect can be held responsible not just with the underlying felony but also with murder. Felony murder provided chiefs a context to mark out the limits of self-defense for individuals imagined as criminals: involvement in certain kinds of illegal activity designated defensive violence, in the minds of the majority of chiefs, not as self-defense but as felony murder. Given that the police chiefs I interviewed were broadly supportive of gun rights, I almost always ask a question to push their embrace of self-defense: Does a drug dealer have the right to self-defense? Chiefs, like one in California, generally answered in the negative: "It's not self-defense. Any death incident to the commission of a felony in California is a felony murder. That's the felony murder rule. There are some cases, where you have someone say, *I was getting mugged!* Well, then you drill down and realize, that's the *what* but that's not really the *why*" (i.e., there was a criminal element going on) (CA-1). An Arizona chief agreed: "It's felony murder. I believe so. It would be illegal—what they were doing? If they hadn't done all of the illegal things leading up to that, there would have been no shooting" (AZ-4). Note that while these concerns are often framed in terms of legality, the felony murder rule covers a much narrower set of circumstances than articulated by police chiefs: it makes a person criminally liable for murder if a co-conspirator kills someone or if a death is a reasonably foreseeable consequence in the commission of a violent felony.²⁰ To illustrate further, when I asked one California chief about whether he has had any justifiable homicides in his jurisdiction, he affirmed, "We've had them. We had one with a jewelry store where the merchant was armed, and shot back [on a group of armed robbers]—one of the guys died in the front of the store in the parking lot, and we tracked [the co-conspirators] down and charged them with felony murder" (CA-2).²¹ Here, the category of felony murder allows this chief to align himself—legally and morally—with an armed citizen defending his business; not unlike mandatory minimums and sentencing enhancements, self-defense operates here as an additional means of criminalization, above and beyond the original felony. In virtually all of my discussion with chiefs about felony murder, felony murder was articulated as much as a moral as well as a legal category: police chiefs routinely adhered to a one-drop rule of criminal involvement, whereby drug dealing, gang banging, and other crimes

²⁰ Note that California has further narrowed its felony murder rule since my interviews had taken place; see <http://www.latimes.com/politics/la-pol-ca-felony-murder-signed-jerry-brown-20180930-story.html>.

²¹ Given my pledge to police chiefs that I not reveal their identities, I could not determine the veracity of this story, or its outcome, but the charge of felony murder in such circumstances would be unusual.

associated with urban violence both indicated criminal depravity and negated a right to self-defense.

Even chiefs who entertained the possibility of self-defense for those otherwise involved in criminal activity at times conveyed the legal and moral precariousness of criminal lives. For example, one Michigan chief noted the grey space opened up by self-defense law and the felony murder rule:

I do think they should be charged if they are involved in illegal acts. I think they forfeit the right [to self-defense]. But, we had one case where a guy was getting beat up by a drug dealer. It was some kind of deal gone bad. Well, the son, who was not to my knowledge involved in any kind of illegal activity, he gets a gun and shoots the guy because he sees his father getting beaten, and he kills the drug dealer. And that guy [the son] wasn't charged. And that's a tough one, because he wasn't really involved, but it happened because of drug dealing. (MI-4)

This case presents the chief with a “tough one” insofar as it cannot be reduced to a bad guy with a gun versus a good guy with a gun. He reasons that the proximity of the son to an illegal activity rendered him suspect, and his actions were intended to protect his father, who was involved in criminal activity; yet the son also played the part of a good guy with a gun by acting in defense of his father and killing a drug dealer—not an otherwise innocent civilian.

On the whole, chiefs' deployment of the felony murder rule as a moral category to make sense of self-defense shows how racial ideologies and public policies intersect, especially across states: chiefs in California (a state with a long-standing felony murder rule) were most likely to see self-defense as revocable, whereas chiefs in Michigan (a state where the felony murder rule was abolished in 1980) evidenced the most ambivalence about revoking self-defense. Arizona occupies a middle ground, retaining felony murder by statute. In all three of these cases, chiefs' articulation of felony murder reflected the intersection of color-blind categories of racialized criminality with state-specific policy contexts.

Safe Storage

Gun storage raises public safety concerns regarding the potential for unauthorized access, posing a thorny question: At what point do negligent gun owners become criminal gun owners? The issue of gun storage thus provides a context to unravel the moral terrain that chiefs navigate with regard to delineating a legal gun versus an illegal gun. Chiefs saw a bright line between negligence and criminality, and they used tropes of urban gun violence to sharpen this bright line, though how they did so varied by state policy context.

According to chiefs who supported safe storage laws that render the unsafe or unsecure storage of firearms a criminal offense, the regulation of

the gun storage habits of *lawful* gun owners was a means of regulating *criminal* gun access. This legal mechanism allowed for a moral distinction between the good guys with guns and the bad guys with guns. In assigning blameworthiness in the context of stolen guns, chiefs tended to be clear-cut about the deliberate criminality of “stolen guns” but were more ambivalent regarding the “irresponsible” gun owner. Consider this representative California chief: “When it comes to getting weapons off the street, gang members know where to steal guns. They steal guns from homes. . . . There was a gun we seized that we ran—and it was listed as belonging to an 80-year-old man in a city two or three hours north of here. And it’s not registered as missing, so either he doesn’t know its missing, or he’s passed away” (CA-5). In this excerpt, the chief acknowledges a role played by hapless gun owners, but he squarely situates the onus of responsibility by appealing to racialized tropes of criminality—the “gang members” who “know where to steal guns.”

Michigan’s chiefs similarly drew a bright line between the good guys with guns and the bad guys with guns, and, like their California counterparts, they could entertain the possibility that the loosening of concealed carry regulations might funnel guns into criminal networks. However, Michigan chiefs were more likely to reject additional regulation of “lawful guns.” One representative Michigan chief explained, “We come up with all these laws for people who have lawful guns; they are the one[s] with the restrictions. But it’s the person with the stolen gun: they aren’t carrying just for protection. I guarantee it’s for illegal actions or for protecting illegal actions” (MI-5). Instead of safe storage regulations, chiefs favored more severe punishment of gun criminals. As this chief continues: “If someone is caught with an illegal gun, they should be punished. . . . Yet, we want to limit people who carry properly, then we don’t prosecute the people who are committing the crime of illegal possession?” (MI-5).

Likewise, Arizona chiefs drew a stark line between the “irresponsible” gun owner and the gun-toting “criminal.” However, perhaps because of the multiple means for criminals to acquire guns, they were even less interested in addressing safe storage through regulation of gun owners. As one Arizona chief, who reflected other chiefs in the state, noted, “I’m pragmatic. There are a gazillion guns out there, and we are not going to do away with guns. So what I say is—we need education, awareness. . . . I think we need to not give up, but focus not on the symptoms but the underlying cause of gun violence—and I think we do that with targeting at-risk groups, including gangs” (AZ-5).

As with felony murder, contrasts across Arizona, California, and Michigan reflect distinctions in those state’s gun laws. Police chiefs’ openness to regulating gun owners, alongside punishment of gun criminals, reflects California’s standing as one of only four states that requires that firearms be

stored with a locking device under certain circumstances. Michigan, in contrast, does not regulate gun storage, leaving harsh criminal punishment of stolen guns as the primary mechanism of enforcement. But despite these differences, chiefs in California and Michigan alike emphasized the need for harsh punishment of criminals as more important than regulation of gun owners. Such stark lines could be drawn under the presumption that—given California’s and Michigan’s stricter background check systems—stolen guns were a primary means by which those with criminal intent could acquire guns. That, however, is not the case in Arizona, where private gun sales provide a legal market for gun purchasers looking to avoid a federal background check that might otherwise bar them from acquiring a gun. Reflecting the policy environment in which they operated, Arizona chiefs were even less interested in addressing safe storage through regulation of gun owners, instead promoting “education” for gun owners and “targeting” of gun criminals such as “gangs.” Though the specific ways in which they negotiate the line between lawful and unlawful guns in the context of safe storage and gun theft varies, in all three states chiefs use racialized tropes—particularly that of gangs—to draw lines around who is deserving of sanctioning by the state and how.

Summary: Gun Militarism

Regarding tough on crime gun laws, police chiefs forwarded a frame of legitimate violence that centers on an aggressively divided, and racially inflected, police–criminal suspect relationship: gun militarism. Police chiefs in my sample worked in vastly different jurisdictions in terms of crime, demographics, and urbanity; 45% of my sample of interviewees had direct experience in urban policing. Chiefs who worked in high-crime, high-minority jurisdictions (whether urban, suburban, or rural) were more likely to provide examples inflected by the local demographics of crime (California chiefs were more likely to discuss Latino and Asian gangs, e.g.).²² Such specificity was nevertheless frequently subsumed by overarching and long-standing tropes of racialized criminality (Collins 2002; Bobo and Charles 2009; Muhammad 2011; Anderson 2012; Forman 2017). Chiefs who lacked more direct experience were more likely to appeal to general, color-blind tropes, for example, of “the drug dealers that drive through from Detroit” (MI-6), “the gangbangers who still have their Roscoes [guns] in LA” (CA-4), and the “gang members in Chicago” (AZ-6; Carlson, forthcoming). Nevertheless, color-blind tropes provided chiefs across jurisdictions and across states a means of articulating urban gun crime in implicitly racialized terms, at times varying with the specific policy context that chiefs were compelled to navigate.

²² Gangs and drug-related violence are not exclusively confined to urban settings, and chiefs in rural settings provided examples of both in their jurisdictions.

GUN POPULISM

Alongside gun militarism, I observed another racial frame, which I call “gun populism,” as police chiefs articulated their stances on particular gun policies. A contested term, *populism* is used to make sense of disparate political projects across the left and right. Scholars define populism as a political repertoire that justifies particular political claims and arrangements according to an antipluralist construction of “the people” rallied against cultural, economic, and/or political “elites” (Bonikowaski 2016; Brubaker 2017; Müller 2017). Accordingly, I develop the term “gun populism” to refer to police chiefs’ claims about police authority and police-civilian relations that emphasize police working *with* those they police. Unlike gun militarism, which deepens the divide between police and private civilians with respect to legitimate violence, gun populism blurs the line by recognizing certain forms of private violence as legitimate, often in an effort to protect “the people” from threats from below (e.g., physical violence as well as political, economic, and cultural threats posed by marginalized groups) and above (e.g., political, economic, and cultural elites’ support for gun regulations).

In what follows, I detail gun populism as a racial frame of legitimate violence that recognizes private legitimate violence alongside public legitimate violence. It is evident in the willingness of police chiefs to align themselves with putatively law-abiding gun-owning Americans, who are often implicitly (though not exclusively) imagined as white and middle class. As with gun militarism, gun policy provides an occasion for police chiefs to articulate, and justify, a distinctive racial arrangement of legitimate violence in color-blind terms, though in this case the emphasis is on tropes that reference white, middle-class Americans. Note that in all three cases, my focus is on the contexts in which police chiefs confer legitimacy on private capacities for violence. Because of the distinct sociolegal structures across these states, this means that the focus is on slightly different legal issues. In California, the emphasis is on gun ownership, while in Michigan and Arizona the emphasis is on gun carry. As such, Arizona, California, and Michigan police chiefs embrace and align themselves with armed civilians, with Arizona chiefs most enthusiastic and Michigan and California chiefs more hesitant. Considered together with and in contrast to gun militarism, this analysis suggests that the state’s relationship with legitimate violence entails a reflection of the bifurcated racial politics in which gun policy is understood.

ANTIELITISM: GUN POPULISM IN CALIFORNIA

In a 2013 whitepaper, the California Police Chiefs Association (CalChiefs) noted, “California has some of the strictest firearms regulations in the

nation. These regulations have served law-abiding Californians well and clearly have not interfered with firearms ownership by responsible Californians” (California Police Chiefs Association 2013, p. 1). Despite some variation, however, all but a handful chiefs I interviewed in California showed marked confusion, conflict, and cynicism with regard to gun regulation; few embraced gun control as a policy agenda across the board and without reservations. Discussing the politics behind the 2013 CalChiefs whitepaper on gun policy, a chief who worked in California before moving to Arizona recalled, “There was such a fight. . . . [We considered] restricting magazine capacity, urging the feds to do more on background checks, dealing with ghost guns, strengthening the background checks, expanding the time for waiting to purchase a gun. . . . But nothing I ever experienced was as divisive as the issue of firearms among police chiefs. . . . Some chiefs left the organization. They quit because they said CalChiefs was too restrictive” (AZ-7). Rather than police consensus in favor of gun control, the politics of guns in California appears to have generated skepticism among chiefs, and California chiefs used gun policy to articulate a distinct strain of gun populism: antielitism.²³

Specifically, gun policy provides an opportunity for police to assert jurisdiction vis-à-vis what they see as misguided policy makers, or what Verma (2015) labels “counterfeit experts” (see also Page 2011). Though they embraced tough-on-crime measures described above, almost all California police chiefs articulated apprehension about other kinds of gun policy as a means of asserting their legitimacy as crime fighters over and against policy-makers, whom they saw as ignorant and elitist (Bittner 1973; Herbert 2001). Police chiefs—even those sympathetic to the overall project of gun regulation—were almost universally wary of California policy makers. One chief referenced an ill-fated urge among politicians to “do something” in the aftermath of gun tragedies: “After [the mass shooting in] San Bernardino, you just see all these politicians grasping at straws so they can show that they did something” (CA-9). Others showed outright disdain: “And you know—a lot of legislators just answer to the people who elect them. A lot of them couldn’t even pass a civil exam. Most Americans couldn’t” (CA-4).

California chiefs reasoned that because “politicians . . . don’t know how [law enforcement] works intricately,” they “put law enforcement in a bind” as they passed new regulations (CA-10). Chiefs cited the sheer number of

²³ As in Arizona, Michigan, and most police jurisdictions throughout the country, California chiefs bemoaned a lack of resources and support from state government. However, whereas in Arizona and Michigan this concern was directly linked to support for armed private civilians, in California this concern was generally voiced as a critique of lawmakers.

gun laws as leading to contradictory, complex, and possibly unenforceable laws, even in well-funded contexts.²⁴ California gun policy did not embolden chiefs and commit them to the project of gun regulation, it encouraged the opposite: cynicism.

What I think needs to be done is wipe the books clean. So much of it is piecemeal, and most officers don't even know the law at the entry level—they rely on cheat sheets or senior officers. And we are doing the best we can—and you know, we'll arrest people and then do the research—and then release or charge on the arrest. . . . It's like you need to be a specialist to regurgitate the law. . . . We have 60,000 or so statutes—we are inundated. Then there's about 500 to 700 new laws per year. So really, what are we doing? And why? (CA-11).

Others described California gun laws as “an enforcement nightmare” that “practically [requires] a law degree to understand the 115-plus pages on ARs [assault weapons]” (CA-12) and that are making “our lives miserable” (CA-10). Unless the regulatory apparatus can be wholly redrawn—the books wiped clean—chief CA-11 appears to acknowledge that police might “do the best we can” by arresting first and researching later.

Alternatively, other chiefs sympathized with officers who underenforced California gun laws: “You'll have the farmer who doesn't realize he has high capacity magazines and the law changed, and he can't have them. Well, he really doesn't know. And so you have officers who see that, and they might not bother enforcing it. Because we're in triage mode. We have to think about what's worth it” (CA-13). This excerpt presents gun owners as mainstream, “salt-of-the-earth” sorts typecasted by their virtuous employment (i.e., the “farmer”). It also implicitly intimates a particular racial and class status through a color-blind trope: the “farmer” evokes Thomas Jefferson's yeoman republicanism, which lionized early white settlers as “real” Americans by virtue of their ethic of self-sufficiency and self-reliance (Foley 1997; Pierce 2018).

Such grievances can be also appreciated within California's broader policy environment. Whereas criminal justice actors, especially California's prison guard union, played a key role in pushing forward a tough on crime agenda in the early 1990s (Page 2011; Reiter 2016; Zimring et al. 2001), police found themselves at odds with new policies introduced in the 2010s to reign in carceral spending and compel the state to comply with Eighth Amendment standards prohibiting “cruel and unusual punishment” (Simon 2014). The chiefs I interviewed were particularly incensed about realignment (AB109; Petersilia 2013) and reduced sentencing initiatives, such as Proposition 47 (Kail 2016). One explained that California's push toward

²⁴ Though perhaps motivated by the politics of their position as chiefs, this assessment is not an inaccurate take on California laws passed since the 1990s; see Zimring et al. (2001) on California sentencing laws.

decriminalization and decarceration appeared “incongruent” with California’s elaborate gun laws: “I have been very vocal on this, and I will tell you exactly what I told Governor Brown. . . . I find it very incongruent that in a state where you are pushing for more gun control laws that we would also be deemphasizing criminal gun behavior” (CA-14). Another chief was more blunt in his critique of the politics of California crime control:

They don’t know what they [legislators] are doing if they think any of that [banning assault weapons] has an effect on crime. . . . if you really want to do something, start locking people up. . . . Because, either it’s going to make people think twice, and if it doesn’t, who gives a shit? Because at least they are off the street for those 10 years! Now, I’m on my soapbox, but in California, we have more than enough freaking laws! But, it’s all these liberals who just want to keep people out of jail. It is asinine! (CA-15)

With the exception of tough-on-crime mandatory minimum and sentencing enhancement gun laws, all but a handful of chiefs saw gun control laws as a distraction from the mandate to be tough on crime (Simon 2014; Aviram 2015). Amid a policy environment that had largely veered toward rethinking and even reducing mass incarceration, gun policy allowed California police chiefs to assert a moral high ground with respect to policy makers.²⁵ The willingness of California police chiefs to voice their “politically incorrect” (CA-16) thoughts on guns with me was likely a result of their frustration: I provided a forum for them to air anonymously what they often claimed they would otherwise say only behind closed doors.

Certainly, these sentiments aligned with gun militarism: chiefs were chagrined at the prospect of decriminalizing criminal gun behavior. But these chiefs also articulated gun populism by voicing concerns about criminalizing the good guys with guns. Consider one chief’s take on California’s gun laws: “It’s more restrictions, it’s more difficult for the manufacturer, and that’s our business plan for gun control” (CA-17). Sensing ambivalence, I asked whether he supported this “business plan.” “Good question,” he responded, pausing for a few beats, “I don’t know. I don’t personally have a problem in terms of banning those guns. And it works. Because manufacturers are opting out [of the California market].” I prompted him by asking why he had paused. “Well, it goes back to: How far are we going to take it? Now, if you have a magazine that has more than ten rounds, you are a criminal. And you could have someone who moves from out of state . . . but as it says on the Department of Justice’s website: ignorance of the law is not a defense! I’ve just dealt with so many people who just didn’t know. They

²⁵ Though law enforcement made these remarks in the context of a one-on-one interview, they resonate with what scholars have analyzed as “status competitions” among criminal justice stakeholders (Gusfield 1986; see also Page 2011).

didn't even know to register. . . . So that's what gives me pause" (CA-17). Other chiefs articulated the targets of California gun laws as morally deserving individuals caught up in overzealous criminalization by more explicitly deploying racialized discourses about criminality and innocence: these laws "punished the whole class" for the misdeeds of Johnny-come-lately ("If Johnny is late, punish the whole class? But we do exactly that with these [gun] laws"; CA-2); "harsh gun bans" are forced onto "the masses" while criminals enjoy leniency (CA-7); and the laws threaten to "creat[e] the propensity to act outside of the law for people who would have otherwise been law abiding but who are now criminals" (CA-4). Reflecting this dynamic, the monikers chiefs used to describe the effects of gun laws on civilians broke down on implicitly racial and class lines. That is, the chiefs used racial code words: criminals are associated with poor racialized men who nefariously evade the law in phrases like "the gangs [who] still have their Roscoes" (CA-4), while the civilians who unduly bear the regulatory brunt of California gun laws are typecast in terms associated with white, middle-class status: "normal people" (CA-18), the "rancher with a gun" and the "teacher with a gun" (CA-6), and "the farmer" (CA-13).

Police chiefs' willingness to advocate certain civilians' firearms possession undermines research depictions of a highly insular police subculture. In contrast to scholarly understandings of racial profiling, which involve intrusive police practices targeting people marginalized along race and class lines (Epp et al. 2014), these cracks in the so-called blue wall suggest racial *privileging*, whereby individuals advantaged along race and class lines may be met with underenforcement.

If chiefs bristled against California gun laws because they criminalized the "wrong" people, those wrong people did not just include law-abiding civilians—they also included police. Put differently, California's policy apparatus troubled police as enforcers of gun laws *and* as the objects of gun law enforcement. Although the regulation of guns usually sparks a conversation about civilian access, these laws may also shape what police can or cannot do with their weapons—a clear example of (unintended) public policy feedback. In my interviews, several chiefs expressed that the gun bills proposed by California lawmakers are too often silent on exemptions for police. One chief recounted an early debate over Los Angeles city's local magazine ban: "The way it was originally written made no sense. It would have been illegal for officers from other places to go into LA city. It would have made it so that reserve officers couldn't go in. They exempted LA police, but there were all these other issues. And retired cops who have to qualify every year, they would have also been affected" (CA-18).

This stake in California gun laws extends to very personal concerns about gun access, which both illuminates chiefs' ambivalence about gun control

and reminds us that police (like the general public) may hold conflicting stances on gun policies as their personal, political, and professional commitments pull them in different directions. One chief noted that his lack of “passion” about guns reflects his access as a police officer: “If I couldn’t carry, I would be a lot more passionate about this [gun rights]. I’d feel like I’m being prevented from protecting my family, and people know that cops don’t show up . . . in the streets, there are not as many rules, and people may need that. Street cops may see it that way, too, and I don’t necessarily disagree” (CA-2). Echoing progun discourse that circulates among gun carriers (Carlson 2015), this chief cites police inadequacy as a justification for the “need” to carry a firearm (see Black 1983). His statement is suggestive of how gun policy itself shapes police chiefs’ attachment to firearms: accustomed to carrying a firearm, this chief asserts that he would be politically galvanized if he could no longer carry.

Other chiefs suggested that police *are* affected by California’s gun laws, especially when they retire and relinquish some of the gun access to which they were accustomed. In California, major firearms restrictions, including waiting periods, ammunition regulations, and safe storage requirements, are often written with explicit police exemptions (on-duty, off-duty, and even retired police). For example, the Roberti-Roos Assault Weapons Control Act of 1989, revamped in 1999, bans assault weapons in California. However, while active “peace officers” are eligible to purchase and possess otherwise banned weapons, retired police must relinquish these banned weapons. One chief lamented, “It makes no sense—police have their own personal AR’s and carry them when they are on duty, but as soon as they stop being cops they have to turn them back in. But they are their personal guns. It doesn’t make any sense” (CA-13).

Another chief, when asked what he’d change about California gun laws, was bluntly personal in a way that revealed his acute sensitivity as a cop with regard to regulations: “I’m worried that when I leave law enforcement, because I live in California, and I can’t leave [the state because of my wife]—I won’t be able to buy what I want to buy. Because right now I can buy anything” (CA-19).

A policy feedback perspective highlights increasing sympathy between police and certain armed civilians as an unintended consequence of California gun laws: allowing police exemptions for guns while on active duty did not deepen police consensus in favor of gun control; it compelled some police to empathize with some of the civilians they policed. Further, my interviews with Arizona chiefs suggested that retired California police are, indeed, leaving the state for more gun-lenient pastures. A half dozen of the Arizona police chiefs I interviewed had experience in California law enforcement; as one in a rural area north of Phoenix observed, “This area

is full of cops from California. They all come here because they don't want to have to deal with California gun laws—and California in general—so they move here, or Montana. We have so many retired cops in this area" (AZ-8).

The case of California reveals that police are not simply street-level bureaucrats "making" public policy on the ground (Lipsky 2010); gun laws transform police into political actors as they negotiate—whether symbolically or instrumentally—capacities for legitimate violence within and beyond the state. Specifically, police chiefs articulate an antielitist stance against lawmakers and legislators looking to disturb or disarm a stylized version of "the people": the farmer, the rancher, and other tropes that implicitly suggest white, middle-class lawfulness. In contrast to their endorsement of tough on crime laws, California police chiefs articulated gun populism not just to voice discontent regarding particular gun policies and the legislators who penned them but also to articulate a constituency of lawful Americans aligned with public safety, whether they be police or everyday civilians. This articulation of gun populism intertwined with California's gun laws and the broader politics of race to connect guns to ideas about lawfulness and criminality.

Amid California's restrictive gun laws, police chiefs blurred the lines between themselves and civilians as *gun owners*. But in Michigan and Arizona, where gun laws are less restrictive, police chiefs blurred the line between themselves and civilians as *gun users*—and imagined a much more proactive, and even collaborative, role for armed civilians in the pursuit of public safety.

CRIME-FIGHTING BY PROXY: GUN POPULISM IN MICHIGAN

In June 2014, Detroit Police Chief James Craig appeared on the cover of the NRA's magazine *America's First Freedom* with the words, "We're not advocating violence. We're advocates of not being victims." An African-American chief who had worked in jurisdictions as different as Los Angeles, California, Portland, Maine, and Cincinnati, Ohio, Craig saw the desirability of concealed carry among Detroiters as a simple calculus: crime victims do not have time to wait for police in a violence-prone city lacking police resources. Craig was far from an outlier. Chiefs across the state agreed, including those with and without experience in the city of Detroit; one police chief who had started his career in Detroit was laudatory: "Chief James Craig really embraces concealed carry, and I think that's courageous. I applaud him because he says a lot of things that other chiefs wouldn't say" (MI-7).

Chief Craig's statements reflect a persistent finding among the Michigan chiefs I interviewed, namely, that they understood gun carry among private civilians as a form of crime-fighting by proxy; they understood the capacity among civilians for private legitimate violence as supplementing public

legitimate violence. Accordingly, Michigan chiefs insisted that even the best-resourced police cannot protect all victims at all times and thus opted to devolve some prerogatives onto private civilians as part of their overall crime-fighting mission. In this strain of gun populism, chiefs selectively embraced ordinary civilians as crime-fighters: as a public policy, concealed carry licensing did not just vet would-be gun carriers, it also allowed police chiefs to deploy the gun license as a color-blind indicator of good character and moral standing. Accordingly, Chief Craig's words—given that he oversaw policing in the African-American-majority city of Detroit—intimate that the good guy with a gun was a porous category with respect to race insofar as the concealed pistol license served as a color-blind indicator of respectable character (see Harris [2012] on the “politics of respectability”).²⁶

Police—including police chiefs—had not always endorsed licensed concealed carry in Michigan, especially the new shall issue law that required all qualified applicants be granted a license.²⁷ On the eve of the implementation of the state's concealed carry law, some law enforcement officials joined gun control groups, while incoming Wayne County Prosecutor Michael Duggan and Governor Jennifer Granholm marshaled the support of some law enforcement in an unsuccessful drive to block the law's implementation (Bell 2000). A decade and a half later, police chiefs recalled the period as fraught: “There were the fear mongers at the beginning. . . . I was mildly concerned at the time, but nothing came to fruition” (MI-4). “When the law changed, my personal belief was that we were going to have tons of problems. I was shocked that we didn't. I really thought it was a bad idea” (MI-8). One chief noted, “It meant more training with officers so that they could understand what to expect with the new law. . . . The people who are carrying illegally, well, they are going to do it regardless, so that didn't change” (MI-7).

As these statements reveal and as a public policy feedback perspective would suggest, chiefs in Michigan learned to incorporate concealed carry into their understanding of police work. Specifically, Michigan chiefs alluded to a distinct moral calculus that might be termed “system exposure” (in contrast to Brayne's [2014] concept of “system avoidance”). Emphasizing the training requirements and background check process, police chiefs viewed a civilian's willingness to undergo “the process” to obtain a concealed pistol license as, in and of itself, a marker of fitness. The public policy around concealed carry licensing shaped how chiefs drew lines between

²⁶ Indeed, observations of gun board licensing in metro Detroit (Carlson 2018) reveal the concealed pistol license itself as a mechanism to discipline African-American men according to controlling images of the thug and the deadbeat dad.

²⁷ Before 2001, licenses were only granted to those who could demonstrate to a gun board that they had “good cause” to carry a gun.

lawful civilians and criminal suspects, and law enforcement became more comfortable with a well-armed populace. “In 2001, it was a little unnerving, but you grow into it. I mean, you go into a room with armed people, and it’s unnerving, but then you see their badges or licenses, you know that because of that, they have training, or at least that’s what you presume” (MI-9).

System exposure helped chiefs deal with their knowledge that the system was fallible: “No bureaucracy is perfect. Human error is possible, and we’re always vulnerable to that. But it’s not likely. And a criminal isn’t looking for permission for illegal activities” (MI-10). This chief settles his uneasiness, however, by noting that a civilian’s willingness is its own sort of license. Other chiefs made similar statements: “If people are even willing to approach the system, they are probably citizens who are responsible” (MI-11); “I don’t care if people carry if they go through the process. They are probably responsible, and if they aren’t, it’s drinking at the bar, not shooting up a daycare” (MI-6). One said explicitly, “What you are going to find is that police are generally okay with guns because they are very comfortable with guns. And they forget that other people aren’t as comfortable or proficient as they are. . . . The average citizen does not have the training of law enforcement” (MI-12). Thus, this frame depends on a stylized gun user: whereas under gun militarism (and its focus on the bad guy with a gun), armed private civilians inspire fear and trepidation, under gun populism, the good guy with a gun is afforded the benefit of doubt amid existing vetting schemes. Accordingly, the concealed pistol licensing process was cited as making citizens—although not as well trained as police—reasonable police proxies in the absence of public law enforcement.

Though not without hesitation (especially, as discussed below, in comparison to Arizona chiefs), Michigan chiefs framed license-seeking armed private civilians as fundamentally different than the imagined criminal, because they saw the licensing process as a positive credentialing process. In contrast to the negative mark of a criminal record (Pager 2003), seeking a license marked would-be gun carriers as good guys by virtue of their willingness to undergo “the process” and obtain some minimal level of training. This sorting is part of a color-blind logic: it amplifies racial disparities without explicit recourse to racial identity or racism. While concealed pistol licenses are granted to all qualifying applicants, men of color are disproportionately ineligible because of their disproportionate share of felony convictions (Shannon et al. 2017; see also Carlson 2015, 2018; Shapira et al. 2018).²⁸ The loosening of concealed pistol licensing laws has obscured the

²⁸ Racial disparities in licensing rates reflect both racial differences in demand *and* systematic differences in how licenses are processed for African Americans versus whites (Shapira et al. 2018). States releasing public gun licensing data show that African Americans are armed at rates equal to (e.g., Michigan, suggesting that demand overwhelms

historical color line distinguishing legal and illegal gun access (Bogus 1997; Cottrol and Diamond 1991; Dunbar-Ortiz 2018; Hadden 2001; Johnson 2014; Light 2017) by reframing the color line around lawfulness and legality.

Deemed “probably responsible,” licensed gun carriers are imagined by chiefs as enhancing personal protection and serving as a stop-gap covering police limitations. As chiefs grew comfortable with credentialed individuals carrying firearms, they also began to see them as proxy crime fighters. One chief worked through this logic as I asked what he thought about civilians carrying guns:

That’s a hard one. Because it depends on the citizen, and we have to get it right in terms of how we screen citizens. I don’t know if we have the answers. But when we get it right—we have a well-trained citizen who is armed and familiar with the operation of a firearm, they understand firearms safety, and they can save lives and help people in a situation that needs that. On the other hand, if training is not adequate, if people just do the bare minimum—and then plus you have mental issues—well, they can hurt people. (MI-13)

Maintaining that “crime prevention is the sole responsibility of the people. Police facilitate it. . . . But it is the people who have allowed [crime] to permeate their neighborhood,” one chief of a majority African-American jurisdiction explained: “That fits in with the idea that it’s unrealistic to think of a police officer on every corner. There was a woman, a nurse who had a CPL. And she was walking out on the street, and she shoots and defends herself. She—I don’t want to say eliminated?—she stopped the threat. And she has an absolute right to do that” (MI-3). This chief’s logic seamlessly flows from police jurisdiction to self-defense, suggesting that concealed carry “fits” at the intersection where police prerogatives meet community responsibility. The emphasis on training and responsibility—against the backdrop of criminal record vetting—allowed police chiefs to recast their embrace of the armed civilian (an ideal from Jeffersonian republicanism that is rooted in notions of white masculinity [Filindra and Kaplan 2016; Light 2017; Dunbar-Ortiz 2018]) including a color-blind embrace of “respectable” African-Americans (Bonilla-Silva 2006; Harris 2012; Omi and Winant 2014; Van Cleve and Mayes 2015). As Harris (2012) argues, the politics of respectability is predicated on a marginalized group’s acquiescence to the values of the powerful; rather than suggesting postracism, the politics of respectability reinforces the dominant group’s prerogatives in setting the terms of inclusion for marginalized groups. Discursively, the concealed pistol license propped up a color-blind community of trained, responsible gun owners pitted against

disproportionate disqualification) or less than (e.g., Texas, suggesting disparate demand and/or disparate disqualification) their white counterparts.

illegal gun users, who were (as described in the discussion of gun militarism) disproportionately imagined as boys and men of color.

Elaborating gun carriers as proxies for police protection, chiefs of majority white jurisdictions also considered the idea that police were adequate protection for their communities “ridiculous”:

I believe that citizens need to be able to protect themselves. We cannot protect them—we just can't. It's impossible. Here we have the fastest response times, and that's partly a result of the population layout. But our police officers: they are true police. They put themselves in danger. They relish it! True police officers. They get there in two minutes. How much damage can you do in two minutes? The government cannot save people from danger. That is just ridiculous. So people should be allowed to defend themselves. (MI-10)

I say fight back with everything you have. You have innocent victims who comply, and they still get shot! There was this guy who got carjacked right on 8 Mile [in Detroit]. And he did everything they wanted him to. He got out of the car; he gave them everything. All the witnesses who saw it said he complied. Yes, he did it all, but they still shot him in the chest. (MI-4)

Both of these chiefs emphasize the concealed pistol license as an individual-level stop-gap for crime-fighting in the absence of police, evoking a sort of frontier mentality: when faced with a threat, you are on your own.

Chiefs thought concealed carry could serve as a proxy for police at the individual level, but few thought it truly impacted crime (as one said, “Ultimately, the people with [legal] guns aren't the fucking problem!” [MI-14]). The few who believed concealed carry *reduced* crime told me they felt “more safe” with more guns in the hands of more civilians.

Taken together, Michigan police chiefs articulated a populist vision of public safety, in which ordinary armed citizens (“the people”) are crucial ingredients. If, as Müller (2017) notes, “the people” of populist thought represent a narrow, antipluralist subset of the political community, then the CPL process does the color-blind work of winnowing this community of good citizens. Michigan chiefs expressed cautious comfort with the idea of arming “good” community members and at times embraced the benefits of concealed carry. They seemed to deepen a sharing of labor documented in studies of community policing, whereby police devolve order maintenance policing tasks to their jurisdictions’ “upstanding residents” (Carr 2005; Roussell and Gascón 2014). And, representing a public policy feedback perspective, this division of labor was shaped by concealed licensing laws that have vetted hundreds of thousands of civilians and created a color-blind line between good guys with guns and bad guys with guns.

But, as we will see, police chiefs could also adapt to gun-rich contexts in which no such process exists. In Arizona, as they adapted, chiefs embraced a more entrenched version of gun populism.

CO-POLICING: GUN POPULISM IN ARIZONA

In 2010, Arizona removed its permitting requirement to carry a firearm concealed; today, any individual who can lawfully own a pistol can carry it in public, whether openly or concealed. Despite the state's reputation as a Second Amendment haven, Arizona police chiefs do not universally embrace the unprecedentedly deregulated gun policy environment. Concerns—about gun training, gun safety, poorly coordinated police databases, and the lack of some gun-law enforcement tools—surfaced frequently in my interviews with Arizona chiefs. As one said with chagrin, “Just about anyone can carry a firearm—why? Why does that make sense? . . . That's not the ‘true’ Arizona. The true Arizona cares about firearms safety” (AZ-9). Rarely, though, did such concerns match the antagonistic tenor California chiefs voiced about their state's gun laws: Arizona chiefs were guarded in expressing misgivings about Arizona gun laws, sometimes musing about why the lax laws did not cause more problems—or even offered solutions—for public law enforcement. Within the context of a generally propolice legislature, these chiefs—whether willingly or begrudgingly—claimed they had “adapted” to Arizona's gun laws: erasing distinctions between themselves and armed civilians, some Arizona chiefs claimed the laws enhanced police competence *and* police safety. They embraced the trope of the armed civilian as productive of public safety and, in doing so, articulated a distinct brand of gun populism: co-policing.

Chiefs with long careers in Arizona offered historical glimpses of several decades of gun regulation environments. One commented, “In the 1970s, it was very strict. You could not have a gun concealed . . . If it's in your glove compartment, that's concealed, and that wasn't allowed. Now . . . you can have it anywhere . . . I can say that at the time [when permitted concealed carry was legalized], law enforcement was not happy . . . they saw it as putting us in danger. It was really a safety issue for us” (AZ-10). This chief initially appeared to be vindicating a policy feedback loop that many gun restriction advocates feared: more guns mean less officer safety and perhaps more use of force by officers (Zimring 2017). I probed how this change affected police.

It really raised our awareness, so now we always say—watch the hands! If someone has their hands in their pockets, we say take your hands out of your pockets, because now we assume everyone is armed. The mind-set definitely changed. We adapted, we accepted that that's the law—and that's the case with all laws. That happens all the time. And so as far as affecting officer safety, I don't think so, I don't think assaults on officers went up because of that exact law. Now, we are seeing a rise in assaults on officers, but I think that is just because we [as a society] are more violent. (AZ-10)

Describing concerns about the impact of gun laws on officer safety as overblown, this chief resists attributing contemporary rates of violence with

laxer gun laws. I found a similar ambivalence with other chiefs: they maintained apprehension about the removal of regulatory mechanisms like requirements for gun training, but they said they had experienced little fallout in terms of their on-the-job safety. Consider these two chiefs:

I have not experienced any fallout from getting rid of the training. But still, I don't think it's a good thing to get rid of the training. Because you should be formally trained in the law and the handling of a gun. (AZ-11)

Anecdotally, I think the lack of incidents involving the mishandling of guns means that it isn't that much of an issue. Now, are there people who have guns within a mile of here that I'd be concerned given their level of training? Sure, but they haven't posed an issue. (AZ-12)

On the whole, Arizona chiefs downplayed the risks of policing a heavily armed population. For example, one chief maintained that he was a better cop when he assumed everyone was armed; comparing his experiences in Arizona with his brief time in California, he found he appreciated the Arizona mind-set:

You know, when I was a deputy [in Arizona], every tactic we had was based around the idea that every car had a gun – and that 90% of those guns were legal. So in my view, our approach was smarter and safer. I'm just talking about the mechanics of the stop. . . . In California, everyone assumed that [occupants of] cars weren't armed, but that's not the case at all. The truth was, you have just as many guns in California, except 90% of them are illegal! Now, of course, that's partly because of California law—you make one small little error in transporting the gun, and you are illegal. . . . So what ends up happening is that first, you approach the car less tactically. Then you scan, look, you don't see anything that maybe raises the flag that there's a gun—and then your tactics get even worse! (AZ-13)

In this chief's view, a greater number of legal guns did not endanger but enhanced police safety insofar as guns become an ever-present weight on an officer's mind, compelling officers to approach vehicles more tactically.

More than simply rationalizing existing laws, Arizona chiefs' understanding of gun policy in the state reflected a worldview in which armed civilians were not only potential political allies, but also potential partners in policing. Amid the assumption that Arizonans had a "reputation for being sharpshooters," as one chief told me, chiefs entertained the idea that Arizona gun laws deterred violence. As one noted, "Here, everyone has a gun. And I don't know if there is a correlation, but it certainly seems like there could be a connection because we don't have the level of gun violence here. You know, think about it: if you go to rob a store, there's a good chance the store owner is armed. And there is a good chance everyone else in there is armed, too!" (AZ-14). Arizona chiefs often used Chicago to illustrate the costs of gun control, tying it to higher violent crime rates: "Look at places with strict

gun laws—like Chicago!” (AZ-15), and, “Well the places with the strictest gun control—Chicago, New York City²⁹—they also have the highest murder rate. Now, places where it’s more lax? Phoenix is the sixth or seventh largest city—and our homicide rate is really low” (AZ-16). Chicago was not only deployed as a code word for gun violence but as a particular *kind* of gun violence, heavily infused with racial coding: urban gun violence associated with gang-related activities. Yet Arizona gun violence rates are also relatively high: the state ranks fourth for gun violence and eleventh for gun homicides (Gerney, Parsons, and Posner 2013).

Nevertheless, Arizona chiefs described guns as productive of public safety, and when they embraced gun carry among private civilians, police chiefs often emphasized specific, relatable instances of civilian gun use rather than broader trends in crime. These comments, which echoed those of Michigan chiefs, brought to mind Kahan and Braman’s (2003) cultural theory of risk, which argues that the risks ascribed to guns are filtered through people’s cultural orientations. Crime rates in themselves were not the most immediate context for chiefs’ understanding of guns as productive of public safety—instead, they referred to often localized first- and secondhand experiences of police work. Chiefs regularly cited examples of civilians assisting officers, including a widely covered 2017 incident when an armed private civilian assisted an Arizona Department of Public Safety (DPS) officer shot by an assailant on the interstate. After alerting the officer, this “good Samaritan” shot and killed the assailant. One chief insisted such incidents were frequent:

There’s this great video of a crazy big guy who is beating a police officer. And you have this African-American guy who comes up, and he’s armed and to alert the officer, he just yells at the guy—stop, get off, or I’m going to shoot. Well, the guy stopped, and this guy laid down his gun. It was done perfectly. And then you have the DPS incident [an armed citizen intervened in an attack on an Arizona DPS officer]. So I think those sorts of things happen a lot. I would say I would feel more comfortable if more good people were armed . . . because if you think about the shootings that have happened in malls, in schools, if someone with training and experience with the weapon would have been there, they could have stopped that bloodshed. And that’s okay in my book! (AZ-18)

Chiefs in Arizona alluded to color-blind tropes in constructing law-abidingness as well as in highlighting gun violence as a “big city” (i.e., urban minority) problem. While this chief does not racialize the “crazy big guy” or the “police officer,” his deliberate racial marking of “this African-American guy” as a good

²⁹ Note that New York City’s murder rate has dropped dramatically since the early 1990s—and is one of the lowest among major U.S. cities (see Zimring 2011). Likewise, the designation of “strictest gun control” is also loose; fact-checkers have repeatedly found, e.g., that Chicago does *not* have the strictest gun control (see Kurtzleben 2017).

guy with a gun suggests both the noteworthiness of an armed African-American man playing the role of the good guy (thus reinforcing the implicit whiteness of this trope) and the greater porousness of this category with respect to race or “respectable” racial minorities (Omi and Winant 2014).

Another chief appealed to generic notions of good people with guns and suggested that Arizona might expand community policing to include armed civilians:

Yes, I'm okay with people having weapons. And I would say, the more good people with guns, the more chance you have to stop the bad guys. . . . [My feelings have] changed since I started. I think there was something about police carrying a gun, that it brought certain benefits, like—oh, I was one of the few! And everyone else had to apply for a permit. . . . [But lately] I've really thought a lot about community policing. And that we can't do it all ourselves. And maybe that's stretching it to include guns, but that's where I'm going to stretch it. (AZ-19)

This chief is particularly striking: he links his shifting relationship to service weapons with his shifting sensibilities regarding armed civilians and the limitations of police. He now sees armed civilians as a necessary stopgap given that police “can't do it all [themselves].”

Even chiefs apprehensive about armed civilians still sometimes endorsed civilian intervention, given both the realities of policing remote, resource-poor jurisdictions, and the unpredictability of police work more generally. One commented, “My concern is if someone is a concealed carrier, I don't know him—is it a bad guy? A good guy? And in that case, the situation really dictates” (AZ-6). Nevertheless, he added, “I would say—if an officer needs help? And they know that it will be an hour for anyone to get there and that's with their lights and sirens going off? And then there's a responsible citizen that would help? Well, I would say that that would be welcomed. Because we just don't have the manpower” (AZ-16). In a context where you could assume “everyone” was armed—even “grandma may be carrying a gun!” (AZ-3)—police chiefs adapted to seeing guns as productive of social order, downplaying gun violence in the state and even embracing lax local gun laws. Police chiefs accommodated Arizona's gun laws, framing their concerns in terms of a color-blind, populist pursuit of public safety.

CONCLUSION

This article engages the broad question of legitimate violence within American society by dissecting the perspectives of police chiefs as they navigate the distinct gun policies in their respective states. Their stance on the relationship between private and public legitimate violence is structured, on the one hand, by the gun policy environment in which they work and, on

the other hand, by the racial politics of crime and justice. Bucking sociological expectations regarding the Weberian state (Weber 1946; Carey and Mitchell 2017), police chiefs do not straightforwardly struggle to monopolize legitimate violence with respect to gun policies but instead advance two divergent racial frames—gun militarism and gun populism—as they articulate the boundaries around legitimate violence as enacted by private civilians. Centered on implicitly racialized tropes of hyperviolent gun criminals (e.g., the “gangster”), gun militarism emphasizes a tough on crime approach to would-be gun owners and users that reinforces a state monopoly on legitimate violence. In contrast, gun populism emerges in reference to color-blind tropes of law-abiding armed citizens, and it broadens the boundaries of legitimate violence to include acts committed by private gun owners and users. Inflected by color-blind tropes of criminality and respectability that activate racial ideologies without explicitly mentioning race (Collins 2002; Bonilla-Silva 2006; Bobo and Charles 2009; Anderson 2012; Feagin 2013; Omi and Winant 2014; Van Cleve and Mayes 2015), gun populism and gun militarism illustrate that legitimate violence as a social and political phenomenon is not monolithic but racially bifurcated. With gun populism and gun militarism serving as alternative racial frames of policy and politics, chiefs often toggled between the two as they advanced their views on gun policy. They advocated harsh sanctions for certain gun offenders (across Arizona, California, and Michigan), undermined the state’s monopoly on legitimate violence as they touted their alienation from legislators (as in California), and emphasized their alignment with lawfully armed civilians (as in Arizona and Michigan). Police chiefs’ embrace of progun discourse revealed that such discourse may provide, perhaps paradoxically, a mechanism for police to justify state behavior (i.e., private civilian access to and use of guns may help to normalize police access to and use of force as well). In this way, police may benefit from the politics of private self-defense. This mechanism can only make sense within a particular context: where police are willing to—or at least, have accepted that the policy and cultural environment requires them to—selectively embrace civilian violence alongside their own.

Of course, the contexts in which police chiefs navigate their understandings of legitimate violence and recuperate their own legitimacy accordingly is shaped by actors and dynamics beyond public law enforcement and everyday civilians. Scholars of policing have persistently documented that police tend to embrace conservative values that broadly resonate with American gun culture with regard to racial relations, the use of force, and tough on crime politics (Reiner 2010; Skolnick 2011). Meanwhile, the NRA actively cultivates law enforcement as political allies; one in four police chiefs nationwide are members of the NRA (Thompson et al. 2006). Among the chiefs I interviewed, roughly one in six California and Michigan chiefs and one

in three Arizona chiefs are NRA members.³⁰ My interview data, however, suggest that police chiefs' attitudes on gun policy are not simply a top-down manifestation of NRA efforts or conservative talking points, but also a bottom-up phenomenon saturated with racialized sensibilities surrounding crime, criminality, and legitimate violence. Examining police chiefs' attitudes on guns helps to make sense of how relations of inequality—specifically, race—shape frames surrounding legitimate violence. Thus, this article shows how mainstream gun rights sensibilities increasingly resonate not just with Americans in general but also specifically with police as law enforcers. Interfacing with and emboldened by policy environments, progun sensibilities provide a means for police to articulate dissatisfaction with policy makers, to justify underpolicing, to reframe community policing, and even to rethink the limits (and limitations) of policing.

This article looks at police chiefs as one set of lawfully armed actors, and it emphasizes their perceptions of gun policies that are largely intended to regulate private civilian access; it does not attempt to observe police in action. Nevertheless, while my analysis depends on interview data in which interviewees reconstruct their attitudes and experiences, the moral frameworks that police chiefs use to navigate policework (Maynard-Moody and Musheno 2003), alongside the racial disparities in how police interact with lawfully armed civilians (e.g., the case of Philando Castile in contrast with that of George Zimmerman; Carlson 2018), suggest that these attitudes reflect both a symbolic and material racial bifurcation in the monopolization of legitimate violence by the state.

This study does not integrate multiple other actors who engage in legitimate, or legitimated, forms of violence (e.g., Singer 2007). One might wager that the relationships between private and public legitimate violence in Arizona, California, and Michigan resemble a “strategic action field” comprising armed actors—including private police, security guards, border patrol officers, and others—jostling for standing by articulating boundaries around, and engaging in, particular acts of legitimate violence (Fligstein and McAdam 2011). Expanding the analysis here to other armed actors would clarify the boundary-making processes surrounding state- and society-orchestrated legitimate violence, how racial ideologies are reflected and reproduced through legitimate violence, and how political reforms have rendered dynamic the contours of legitimate violence within society, with consequences

³⁰ However, these figures undercount support for the NRA. Many more chiefs expressed support for the NRA (e.g., “I’m not a member of the NRA, but I think they do a lot in terms of education kids about gun safety, education about hunting”), while NRA members also cited grievances and/or lukewarm feelings about the organization (“I’m a member of the NRA. . . . And I don’t support everything they do, obviously, but I join them because I’m against the slippery slope,” or “I’m not a big NRA guy, but I had to join to teach their courses”).

for racial inequality. American history is replete with examples that suggest the urgency of this proposed theoretical framework, including the abolition of slavery and the emergence of Jim Crow, the end of Jim Crow and the emergence of the carceral state, and the current push to decarcerate.

In the contemporary U.S. context, this article helps to establish that debates about guns illuminate, and contribute to, the racialization of policing. As the killing of Philando Castile by law enforcement suggests, while respectability strategies may prove discursively powerful in rendering the concealed pistol license “color blind” as my interviewees articulated, they are nevertheless inadequate for protecting the physical integrity of persons of color who seek to carry firearms legally. This suggests the pressing need not just to interrogate police violence—that is, public legitimate violence—but also to understand it alongside private acts of state-legitimated violence, such as the killing of Trayvon Martin, that likewise shrink the zone of safety for people of color. As such, my objective in this article has been to open a sociological tool box for analyzing legitimate violence as a dynamic, racialized phenomenon across public and private arenas that is iteratively shaped by public policy—that is, to racialize the Weberian presumption.

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