

If You Tolerate It, You Own It¹

By Michael Palmer

On his first night as a police officer at the 77th Los Angeles Precinct, Frank Minter was preparing to go out on patrol when a fellow officer called out: “LSMFT.” Minter looked quizzically at his new partner, who responded: “Let’s shoot a motherfucker tonight! Got your nigger knocker all shined up?”²

When Frank Minter heard these words, he was a new recruit being socialized into the 77th Precinct culture, learning its social governance system. He might have been confused. Should he say anything or keep his mouth shut? If he should speak up, when, to whom, and how? Should he say something right then and there or perhaps later? Was there some other way to voice his disapproval? He knew instinctively that there was something wrong here, that LSMFT was not what policing was or should be about. But Frank said nothing. He did nothing. He kept his head down. LSMFT wasn't him. He hadn't said that hateful thing. It was that other guy. Minter was a good cop--at least, he wanted to be.

Every social system—marriage, family, law firm, school, church, government agency, police department, larger society—has its own social governance system, its own system of behavioral influence and control. A social governance system consists of six major subsystems: moral content (values, norms, rules), compliance processes, legitimation, socialization processes, maintenance and growth, and leadership. Each component of a social governance system has an informal and formal side. For example, much of the moral content will be unwritten etiquette, norms, accepted practices, or expectations. Some of the moral content may be written down in the form of policies, practices, standard operating procedures, or rules. In many cases, the informal, unwritten content and practices control behavior more tightly than the written guidance. As former police chief J. Scott Thomson put it, “Culture eats policy for breakfast.”³ This may be particularly true when, as in some municipal police departments, the informal content is at odds with the official rules and procedures.⁴

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² Robert Conot, *Rivers of Blood Years of Darkness* 40 (Bantam Books, 1967), the definitive record of the Los Angeles Protests of 1965. An “N knocker” is a baton. During the 40’s and 50’s, packages of Lucky Strike cigarettes bore the legend LSMFT on the bottom, short for “Lucky Strike Means Fine Tobacco.” But young boys made up different meanings such as Let’s Sitdown My Feet are Tired.

³ See J. Scott Thomson, “[Policing in America is Broken and Must Change. But How?](#)” *NY Times Magazine* (June 13, 2020) (“Within a Police Department, culture eats policy for breakfast. You can have a perfectly worded policy, but it’s meaningless if it just exists on paper.”). Thomson is a former President of the Police Executive Research Forum.

⁴ For example, both the law and police department policy prohibit perjury and lying to superiors and investigative bodies. But on the informal acceptability continuum, such deception is not only

Every social governance system has moral content that places every word we utter or deed we do somewhere on the acceptability continuum. An action is prohibited, discouraged, accepted, encouraged, or required. Some actions, LSMFT for example, may not be precisely fixed on the continuum. They may be in flux or a bit blurry. But generally, those who have been socialized into a social system--whether young children or new police officers with six months on the job--have a good sense of what is and is not prohibited, acceptable, or required.

prohibited ← discouraged — acceptable — encouraged → required

Individuals are to large social systems as cells are to organisms. They matter but not as much as the organs (heart, lungs, liver kidney, etc.). Some of the cells of an organism make up its immune system. Some individuals in larger social systems play the role of fending off threats to the social unit; some deal with perceived threats to or degeneration of the social governance system. And sometimes there is an ongoing negotiation *sotto voce* within the social unit about what should and should not be acceptable, prohibited, and required. We see this fairly starkly in the social governance systems of municipal police departments.

Most of the time, this negotiation occurs completely informally, in day-to-day interactions, such as Frank Minter's response (or nonresponse) to another officer calling out LSMFT. It is rare that the official leaders of an organization will call a meeting or otherwise take action to address dysfunctional or unwanted aspects of its social governance system. If they do anything at all in response to attitudes and actions such as LSMFT, they will take people aside and tell them to cut it out. More likely, however, they simply let it slide. (I assume that the highest ranking officers of the 77th Precinct were aware of the LSMFT mindset.)

Speaking up – or failing to do so – when inappropriate or bad things are done or said is part of a social system's informal compliance system. Frank did not utter, Frank did not even contemplate saying something revolting like LSMFT. He was not that person. These thoughts and statements did not originate with him. He did not support them. They repelled him.

But Frank said and did nothing. And in saying and doing nothing, Frank tolerated racist thinking and, in his own small, cellular way, helped it continue in force on the acceptable-to-encouraged end of the acceptability continuum. Frank

accepted; in some cases (e.g., covering up for fellow officers), it is required. See, e.g., Joseph Goldstein, "Testifying By Police: A Stubborn Problem," *New York Times* (March 18, 2018); Julia Simon-Kerr, "Systemic Lying," 56 *Wm. & Mary L. Rev.* 2175 (2015); Larry Cunningham, "Taking on Testifying: The Prosecutor's Response to In-Court Deception," 18 *Criminal Justice Ethics* 26 (1999); Christopher Slobogin, "Testifying: Police Perjury and What to Do About It," 67 *Univ. of Col. L. Rev.* 1037 (1996); Irving Younger, "The Perjury Routine," *The Nation* 596 (May 3, 1967).

wasn't a conscious racist then. Frank never became an overt racist. He was a decent member of society, a strong family man, who was never heard to utter a bigoted remark in his life.⁵

But as a member of the 77th Precinct, Frank condoned and became a part of a bigoted police department. When he was on the job, Frank was a racist, whether he thought of himself in this way or not. So long as he did not speak up or try to bend the precinct's moral tone away from racism and toward a more inclusive attitude and set of practices, Frank helped the 77th continue to be what it was when he got there.

Here's the thing. *You tolerate it, you own it.* No one living today, nor their parents or grandparents, owned slaves or supported slavery. None of us helped develop the Jim Crow system of norms or laws that enforced *de jure* segregation. We did not develop the caste system that keeps African Americans subjugated and oppressed today. We are not to blame for these social evils. Many of us like to think that we would have been abolitionists in the 19th century or Freedom Riders in the 20th. But we don't need to know what we would have done. It is enough for us to answer whether we will now tolerate the ideological and institutional vestiges of slavery and Jim Crow that continue to poison our present body politic.

Don't blame the cops for destructive social governance systems that developed over centuries. But let's hold them and us accountable if we continue to tolerate them, if we say and do nothing to change them, keeping silent as some benighted soul shouts out LSMFT. And let's hold ourselves accountable if we fail to give voice to the values we cherish.⁶ Now, as in ancient times, all that is necessary for evil to triumph is for good people to do nothing.⁷

⁵ As a white man, he unthinkingly enjoyed white privilege and had acquired the implicit racial biases that all white people in the United States have, including the notion that they are white.

⁶ See Mary Gentile, [*Giving Voice to Values: How to Speak Your Mind When You Know What's Right*](#) (Yale Univ. Press, 2010). Professor Gentile has created an educational and training program based on the principles of her book. See [*Giving Voice to Values in Leadership*](#), Babson College.

⁷ This statement is often falsely attributed to the 18th century Irish statesman, Edmund Burke. To my knowledge, no one has documented the saying in its present form. But it has less pithy forerunners. See John Stuart Mill, *Inaugural Address Delivered to the University of St. Andrews* 74 (London: Longmans, Green, Reader, and Dyer, 1867) ("Let not any one pacify his conscience by the delusion that he can do no harm if he takes no part, and forms no opinion. Bad men need nothing more to compass their ends, than that good men should look on and do nothing. He is not a good man who, without a protest, allows wrong to be committed in his name, and with the means which he helps to supply, because he will not trouble himself to use his mind on the subject."); Edmund Burke, *Thoughts on the Cause of the Present Discontents* 68 (Good Press. Kindle Edition) ("No man, who is not inflamed by vain-glory into enthusiasm, can flatter himself that his single, unsupported, desultory, unsystematic endeavours are of power to defeat the subtle designs and united Cabals of ambitious citizens. When bad men combine, the good must

associate; else they will fall, one by one, an unpitied sacrifice in a contemptible struggle.”); [Quote Investigator](#) (accessed February 25, 2021).