

## Essay

# Fighting Law Enforcement Brutality While Living with Trauma in a World of Impunity

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**Abstract:** By all rights, I should be dead. Not once, but a number of times. On 23 March 1979, as a 24-year-old, I witnessed and photographed the brutal beating of a young man in a sarape by some 10–12 Sheriff’s deputies on Whittier Blvd in East Los Angeles. In turn, the deputies turned on me with their riot sticks cracked my skull, and sent me to the hospital, charging me with attempting to kill 4 of the deputies. On my arrest report, it stated that I was the leader of a gang of 10–15 Mexicans. With active death threats from the original Sheriff’s deputies that drove me to the jail ward of the LA County Hospital, I was subsequently arrested/detained some 60 additional times, primarily by Sheriff’s deputies and LAPD officers. By the end of the year, the criminal charges were dropped and 6 years after that, I emerged victorious in a lawsuit. That was a generation ago. No. That was at least two generations ago. I healed long ago from PTSD, though the brutality I witnessed and lived continues to reside within me, intergenerationally. This defies explanation. I am healed, yet the trauma continues to live within my body, even some 40 years after the fact. My life thereafter has been dedicated to the elimination not only of this brutality, but also a trauma that I can literally trace to 1492 on this continent through my studies on this topic. How do the Red-Black-Brown communities of this nation heal when that brutality and that memory have always been present intergenerationally and are not going away anytime soon? I want to explore the tension between fighting for the elimination of law enforcement abuse and living with that intergenerational trauma. The subtext of [anti-indigenous] racial profiling as used against Mexicans in this society, from police to immigration agents to the media, will be examined in this first-person article. How the survivors of this brutality and their families, who have lost loved ones and who fight against this brutality live with these traumas—particularly with the knowledge that as a result of impunity, there is no end in sight to this brutality—will also be examined.

**Keywords:** law enforcement violence; living with trauma; impunity

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By all rights, I should be dead. Not once, but a number of times. On 23 March 1979, as a 24-year-old, I witnessed and photographed the brutal beating of a young man by some 10–12 Los Angeles County Sheriff’s deputies, wearing a sarape on Whittier Blvd in East Los Angeles. In turn, the deputies turned on me with their riot sticks, cracked my skull and sent me to the hospital, charging me with attempting to kill 4 of the deputies. While this may sound surreal, it was not; it was very real and actually not unique. In communities of color, when one gets brutalized, the person brutalized often finds themselves charged with assaulting said officers and generally sent to jail or prison.

On my arrest report, it stated that I was the leader of a gang of 10–15 Mexicans. With active death threats from the original Sheriff’s deputies that drove me to the jail ward of the LA County Hospital, I was subsequently arrested/detained some 60 additional times, primarily by Sheriff’s deputies and LAPD officers. By the end of the year, the charges were dropped and 6 years after that, I emerged victorious in a lawsuit. The deputies never faced a criminal trial for nearly killing me. That was a

generation ago. No. That was at least two generations ago. I healed long ago from Post-Traumatic Stress Disorder (PTSD), though the brutality I witnessed and lived through continues to reside within me, permanently etched into my psyche, intergenerationally. This defies logic or explanation. I am healed from PTSD and TBI (Traumatic Brain Injury), yet the trauma continues to also live within my body, even some 40 years after the fact. If I needed a reminder, I still have a scar between my eyes where my skull was fractured. Forgetting this trauma is not an option; it is there every time I face a mirror.

Regardless, my life after that incident has been dedicated to the elimination not only of this brutality, but also to attempt to eliminate a collective trauma that through my studies on this topic, I can literally trace to 1492 on this continent. How do the Red, Black and Brown communities of this nation heal when that brutality and that memory has been present some 500 years and is not going away anytime soon?

There is a tension within me between fighting for the elimination of law enforcement abuse and living with that intergenerational trauma. The backstory or subtext of racial profiling used against Mexicans in this society, from police to immigration agents to the media, is really about the unfinished business of Manifest Destiny. That profile, not incidentally, is Indigenous; the profile is brown (including the use of the Spanish language) and that which also connotes difference and not belonging. I know it deep within my bones and I know its effects, both from my own lived experience and from knowing and meeting other Red, Black, and Brown survivors and the families of victims of this brutality, who have lost loved ones. These are the families that fight daily against this brutality and who to this day live with these traumas with the full knowledge that as a result of impunity, there is no end in sight to this brutality. For me, even to this day, that trauma and memory are also embedded in my skin. I will not explain further.

What happened to Rodney King in Los Angeles was a generation ago. What happened to me was two generations ago. I was 24 at the time, and I feel as though my youth was robbed from me. In a way, my mind had already been that way since at least 1970, because that was when Los Angeles Times journalist Ruben Salazar was killed by East LA Sheriff's deputies in the aftermath of a very violent police riot in East LA ([Morales 1972](#)), literally down the street from where I grew up. Of course, it had a tremendous impact on all those of my generation. I had actually even witnessed a similar kind of violence a couple of years before that, during the East LA walkouts of 1968 ([García and Castro 2011](#)). That was the first time I had seen police attack Mexican/Chicano youths en masse. But one thing is to see it on television, another thing is to live it. Through the years, people have intimated that I am insane as a result of what I have lived, but really, it is our society that is insane, because it has always tolerated this violence via a compliant judicial system and a body politic that permits it.

Ever since the late 1960s and then the late 1970s, when I was almost killed, I have been keenly aware of the brutality used against people of color, and in particular the Red, Black and Brown peoples of this nation. It is not a pretty picture and it is a story of impunity. The knowledge and memory of that impunity survives in our DNA. I remember after I was almost killed, I began to look back to find out when things were better. Thus I examined the '70s, the '60s, the '50s (Bloody Christmas in LA, as depicted in the opening scene of the movie, *LA Confidential*) on through the 40s and the Zoot Suit Riots of 1943 (as depicted in [Valdez 1982](#)). All of these decades had been very violent relative to communities of color. But when I reached the 1930s, on top of the brutality that was occurring in our nation's barrios, ghettos and reservations, there was a history of lynchings in this country. Most people barely know about lynchings in the Black community, and they know next to nothing about the lynchings against Native peoples, Mexican peoples and Chinese peoples. The lynchings against the Black community began in the 1880s, but the lynchings against Mexicans began shortly after the conclusion of the war against Mexico, after 1848. However, to be truthful, what happened to the Native communities of this country and continent is something far beyond lynchings. It is not an exaggeration; it involved genocide, land theft, and slavery, on top of legalized segregation and discrimination. This history is complex, but in the end, it can really be explained by the concept of

dehumanization. When Europeans first arrived on this continent, they in effect came with the idea that the people here were less than human. At best, the peoples here were viewed as people whose souls could be saved for the Catholic Church. Here there is no room to detail all the brutality, all the violence that was inflicted upon Native peoples on the entire continent. Suffice it to say that if things were good today, perhaps no one would care about the past. However, that is the problem; the violence that began in 1492 has never been righted. Rather than condemn that genocide, there is a common view that we indeed have finally become somewhat civilized. Prior to this administration that was no longer a doubt, but it appears that those blatant attitudes have returned to those of the colonial era. What has never happened is a complete denunciation of their missionary efforts, nor have the responsible parties (The Catholic Church, Spain, and several other colonial powers) ever apologized for their genocide, land theft, enslavement, and reign of terror. The truth is, there never was anything wrong with us. And yet to this day American and Euro-centered history books treat my/our ancestors as though they were demonic, until they were saved by these interloping men of the cloth from across the ocean.

Some people think that my views are harsh, colored by the violence I have lived, although really they are not harsh at all. If anything, because that violence lives within me, it simply keeps me keenly aware of the violence committed against our communities/ peoples, who were then blamed for that violence against them. This is true whether it was 1492 or 2018.

If I were sane, I would never broach this topic ever again. However, the fact is that at the behest of a publisher, I actually recently wrote a book ([Rodriguez 2019](#)) on violence; a memoir and an examination of the recent violence against communities of color. I probably should not have written it. It was not healthy; in fact, it was very unhealthy for me to have done so. I not only recounted my own life in relationship to the violence I was subjected to when I was younger, but I also examined thousands of law enforcement killings since Michael Brown was killed in Ferguson, Missouri. Part of doing that also meant watching many videos of gruesome killings, though almost all were ruled “justifiable.” They always are. Even with the existence of graphic videos. One other thing that I did is connect these killings with the thousands of murdered and missing indigenous and migrant women in this country. The nexus is the judicial system that rarely investigates or prosecutes and devalues them as less than human. The nexus is the politicians that remain silent and that also profit from the related prison-industrial complex.

Truthfully, I am not sure why I am writing this. It takes me to a very dark place. As I noted, this topic is very unhealthy for me. However, perhaps that is the point. It is not that it is uniquely unhealthy for me per se, but rather, it is very unhealthy for humanity and in particular, Red, Black and Brown peoples. It is unhealthy because many of us are killed, while others are brutalized and permanently injured for life, either physically or psychologically. Some of us are incarcerated. Many of us live the rest of our lives untreated. For us it is a pandemic. The pandemic is the violence inflicted upon us by law enforcement officers, compounded by the fact that many youngsters grow up with untreated injuries. This in turn creates collateral damage against those closest to us, which include family, spouses, neighbors, and friends, and worse, against themselves.

I have always posed this question: when a kid picks up a gun and goes across town to shoot someone else, knowing full well that they could be killed in the process, is that youngster exhibiting homicidal or suicidal behavior? My response: genocidal behavior.

Truly, it sounds like a tangential issue, but it is not. Our communities and peoples have a collective memory and that is what is referred to as historical or intergenerational trauma. While criminologists or political scientists may come to conclusions about the effect of violence in our communities, our communities already know those consequences. We have lived this violence, generation upon generation, always with impunity.

So yes, many of us already know these things, and thus the question remains: why am I writing about this, knowing full well that this is not healthy for me? I had to think long and hard about this, and yet the answer is easy. In the past several years I have done intense research about all those

killings since Michael Brown. There have been some 5000, on average between 1100–1200 per year. One thing is certain, only a few dozen cases have been given national attention and those few are primarily young Black men who have been killed by police. That means that the other 4950 cases are virtually unknown to the majority of people in this country. That means that the majority of Black cases are unknown. In a similar way, very few people know about the Red and Brown peoples that have been killed in that same time period. Perhaps only statisticians are aware of this, but per a special report in *In These Times*: “The police killings no one is talking about” (Stoddard 2016), American Indians are the peoples most likely to be killed by law enforcement in this country. Brown peoples (in this country, that primarily means Mexican and also Central American peoples, most of whom are de-indigenized indigenous peoples), are also being killed at incredible rates, though completely off the radar. The killings of Brown peoples are not only not being reported in the media, but they are always greatly undercounted and miscounted. In my research, I estimate that they are undercounted by at least one third and possibly more. Due to this statistical anomaly, in 2018, for instance, as per an analysis of the Washington Post’s Fatal Force Report (Washington post 2018), about the same amount of Brown peoples are being killed as Black peoples. The reason these numbers do not show up that way is that most Brown peoples are placed into the Hispanic or Latino categories and “can be of any race,” thus resulting in finding many last names such as Garcia and Lopez in all the racial categories, but especially in the unknown and White categories. I have always believed that the Hispanic category is both an invented category, but also a denigrating category because it assigns a colonial designation to essentially indigenous peoples that were colonized by European (Spanish) colonists. What this translates to is psychic or colonial violence of misnaming, resulting in “de-indigenization,” which becomes a form of intergenerational trauma.

I generally avoid the term historical trauma only because it implies that this violence is in the past. Intergenerational trauma is indeed a more proper term because it includes violence from the past but continues and lives with us not simply in memory but in the present. The official violence against Red, Black and Brown peoples in this country is akin to war crimes and does amount to crimes against humanity, particularly because of the impunity involved. Because of my own experiences, I do not believe in the judicial system of this country; I do not believe it is a place of justice. Neither do I believe in reforms and attempts to fix this system. It is not fixable. Of those 5000 people killed since Michael Brown, many were filmed and yet even with cameras and YouTube, these killings have not led to more convictions or any form of accountability. More importantly, these killings have not ceased. At the time of writing, less than a handful of officers involved in those 5000 killings have been prosecuted and convicted and are doing serious prison time. It is a virtual guarantee that in short order, even those few serving time will not serve out their complete sentences. Therein lies the answer as to why I chose to write this.

When these numbers are examined, no advanced country in the world comes even close to the numbers that we are seeing in this country, which includes some 1000 “Latinos” (Brown peoples) since 2014. Part of the reason for this is that this brutality and violence in this country are methods of control.

To characterize this as racism is not accurate enough. At the beginning, I noted the concept of dehumanization. That literally comes from 1492. If one examines that history of dehumanization one will note the same idea continues to exist in 2018. Otherwise, Whites in this country would also be killed in the same proportions. However, proportionately, the higher rate of killings per the Washington Post’s Fatal Force report belong to the Red, Black and Brown peoples of this country. Every single unjustified use of force against White people is also tragic. The primary difference is that when it comes to Red, Black and Brown peoples, our bodies and communities are patrolled. With Whites, one could say that their killings are random. Both kinds of killings are inexcusable, though at least what can be seen is that there is a different kind of patrolling when it comes to communities of color.

I have noted that I do not believe in the U.S. judicial system. In the past, people have gone to the UN and denounced the United States and the UN has affirmed that we have a racist judicial system

(Sheriff 2015). Personally, that does not impress me. That is, it is not enough to state the obvious: that we live in a racialized society.

What I would love to see is a consolidation of cases taken before the international criminal courts of the UN and the (OAS) Organization of American States.

I am not naive and yet I believe this is the course of action that is necessary because all other avenues have been exhausted. Even if there were to be victories, the U.S. has a tradition of ignoring decisions from the international courts. Still, I believe that such an effort is necessary. Such trials are necessary because it is important for the psyche of our communities. It is a common belief that one day such injustices will be righted and that one day there will actually be a system of justice in place, if not in this country, at least internationally. No doubt many people probably believe that this is foolhardy. And perhaps some people would view this in the same manner as a political version of the Ghost Dance; the belief that things will be right on this continent once again. However, it is actually not that. Or perhaps not exactly that, but similar to the belief that we are not going away, we will always be here, and one day there will in fact be justice in this country.

I have spoken to many people over the years who think that the trauma within me is not healthy and that I should just forgive the deputies that almost killed me, if not for their benefit, for mine. I agree. However, my response has always been that I would be more than happy to forgive those that almost killed me—in prison. I say that because there is no substitute for justice. It is justice that heals.

The day justice arrives on this continent is the day that intergenerational trauma will cease to exist.

In regard to me almost dying, I actually did die, but I summoned myself back. That is what a Yolqui warrior is; a warrior that lives in the spirit world and is summoned to fight in this world. In this case, it was I who summoned myself back.

Rodriguez, the author of *Our Sacred Maíz* is our Mother, is an associate professor in Mexican American Studies at the University of Arizona. His Yolqui book is scheduled for publication in the fall of 2019.

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