

# A Case Study of Vigilantes

BY CARSON GUY

In their new book, *Shadow Vigilantes: How Distrust in the Justice System Breeds a New Kind of Lawlessness* (Prometheus Books, 2018), Paul and Sarah Robinson address the well-known, but rarely critically examined, topic of vigilantism.

Paul Robinson, a distinguished law professor and former federal prosecutor, has ample experience to draw upon in addressing this topic, and he brings all of it to bear here. He has written extensively about vigilantism and the criminal justice system, and in this book, he and Sarah bring those ideas together in one place.

Written from the perspective of an ordinary person, *Shadow Vigilantes* discusses the typical vigilantes that most people think about (picture Batman or John McClane from the cinematic masterpiece that is *Die Hard*), but that is not the best part of the book.

The morality, or lack thereof, underpinning most vigilante action is complicated. People perceive the actions of some vigilantes to be morally justified, but not others. On the other hand, some morally justified vigilante actions, the authors assert, lose the moral high ground over time, or are replaced. To make things easier to understand, the Robinsons even include 10 rules to make sure that your vigilante actions are morally justified.

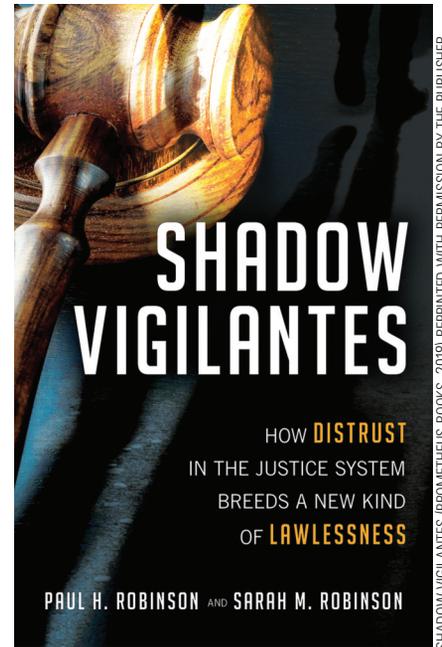
Throughout *Shadow Vigilantes*, insightful case studies are used to bring the academic discussions alive. For example, the Robinsons talk about the Pink Gang, a vigilante group formed to protect women in response to widespread domestic abuse in India, and the Deacons of Defense and Justice, a vigilante group that sought to defend African Americans exercising their civil rights in the 1960s. The Deacons of Defense accompanied Martin Luther King Jr. during his March Against Fear from Memphis, Tennessee, to Jackson, Mississippi. The authors argue that the group disbanded, however, because of the rise of a violent vigilante

group—the Black Panthers. These are only two of dozens of case studies that appear in the book and in the appendix.

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Shadow vigilantes, the authors explain, are people who do what they perceive to be justice by manipulating the criminal justice system to impose their own version of justice. Often these types of vigilantes take the form of overzealous police officers or prosecutors who stretch or break the rules to get a conviction because they know a person is “good for it”; judges obsessed with procedural rules and legal technicalities that result in the obviously guilty going free; and jurors who rely on their personal inclinations when deciding a person’s guilt or innocence instead of the law. This type of vigilante justice, the Robinsons argue, is the most insidious form.

The vigilante echo refers to the long-lasting effects that social injustice can have on the relationship between the government and the people it governs. Eventually, the Robinsons explain, vigilantism can lead to a downward spiral into lawlessness as a community’s trust in the criminal justice system is continually eroded by the government’s failures to do justice. It is important to note that the authors have taken a position on these issues. For example,



SHADOW VIGILANTES (PROMETHEUS BOOKS, 2018) REPRINTED WITH PERMISSION BY THE PUBLISHER

the Robinsons assert that the current criminal justice system encourages shadow vigilantism by “adopting rules and practices that regularly produce what are seen as appalling failures of justice.” One procedural rule repeatedly cited by the Robinsons is the exclusionary rule, which generally renders evidence inadmissible when it is obtained by the government in violation of the Fourth Amendment. There is no question that criminals, some who have committed heinous crimes, escape justice if evidence of their crimes is inadmissible, but most lawyers understand the public policy underlying the rule. And while the exclusionary rule is strong medicine, it should be noted that there are numerous exceptions to the rule that prevent the guilty from going unpunished.

These are thorny issues with no clear answer, but *Shadow Vigilantes* is an enjoyable read that sheds light on how ordinary people view the criminal justice system and how the government’s failure to provide security and justice to the people it governs can change the social fabric of our society in a negative way. **TBJ**



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