

SELECTIVE HEARING



Why Black Demands for Public Safety Leads to More Police and Prisons

A conversation between Elizabeth Hinton and Vesla Weaver

From the 1967 Kerner Commission Report

SUBJECT: Interview with Rev. Robert Hunter, an Episcopalian minister in Atlanta; Dr. Jordan, a militant young Negro physician; and Mrs. Dorothy Howard, a neighborhood aide in Vince City Neighborhood Service Center, October 23, 1967

After I identified myself, Dr. Jordan stated that he was not interested in talking to me because this was just another report which was going to be done by the federal government and nothing would come out of it. He stated that what black people needed was not another report showing the problem, everyone knew what the problem was, what the people in Vine City needed were some jobs and more money and adequate housing.

In going back to the report, Mr. Jordan stated that American black people must be the most studied, researched, and thought about people on the face of the earth, but still nothing significant had happened through the government or any other agency in this country to improve the lot of most black people. He stated that in the South today, particularly in Mississippi, there were attempts being made to systematically starve and exterminate black people...

Dr. Jordan and Rev. Hunter stated that I was foolish if I thought that any report written by this Commission on Civil Disorder would make any real indent on the problems of poor black people in America...

Chidinma Dureke, *Elizabeth & Vesla*, 2023
Oil, pastel and metal leaf on paper
14 x 17 in.

Introduction

We decided to have a conversation to discuss and develop the concept we coined in our New York Times op-ed, “Did Blacks Really Endorse the 1994 Crime Bill?” (2016). In that op-ed we, along with Julilly Kohler-Hausmann, addressed a common defense (and one espoused by Democrat presidential nominee Hillary Clinton) of the 1994 crime bill and the era of mass incarceration: that Black citizens asked for it. We argued that while Black people wanted an immediate response to safety deprivation in their communities, many were asking for something different from the crime bill, and that punitive crime policy was a result of a process of selectively hearing Black voices on the question of crime.

Policymakers pointed to Black support for greater punishment and surveillance without recognizing accompanying demands to redirect power and economic resources to low-income minoritized communities. In short, when Black people asked for better policing, legislators selectively heard more policing.

More than seven years later, we look back on this concept, briefly laying out some historical and contemporary examples and consider some of its central dynamics and implications. Our discussion here is not exhaustive (and only lightly edited), but, rather, an opportunity to introduce the concept of “selective hearing” to an audience concerned with patterns to explain the rise, durability, and ongoing contestation over “law and order” politics, policing, racialized punishment, and safety deprivation.



The Conversation

Vesla Weaver: I’m still wrestling with how to define this idea of selective hearing. Because where we started with the concept was to point out a pattern at the national level and I think all of the stuff I’ve been working on has been very local, and there’ve been efforts to disrupt selective hearing.

I’ve been thinking about how selective hearing relates to an idea put forward by one of my favorite scholars, Yanilda González (and her co-author Lindsay Mayka) and the concept of asymmetric citizenship (González & Mayka, 2023). I think part of how she’s able to identify patterns that have remained elusive for scholars of American politics in a way is because she’s coming at it from comparative politics. So, she’s not coming at this question from the policing literature, but she’s coming at it from the context of post-military dictatorships. Why is it that these enduring patterns of police repression endure, and not only endure, they get worse, and democracy facilitates it (González, 2020)?

Anyway, once we named and described selective hearing in the op-ed, we saw it everywhere.

Elizabeth Hinton: You see it everywhere now. Which is why in almost every talk I give when I get that question—“What about the fact that the elderly lady on the porch is calling for more enforcement and harsh punishment?”—selective hearing is always part of my response.

Vesla Weaver: So, what is “selective hearing”? How would you define it? How would you explain it to somebody who isn’t necessarily familiar? I know how I would explain it to political scientists because we talk about political responsiveness to people’s claims. And selective hearing is not ever something that has been measured. Political scientists

explore when people ask for government intervention or support a policy, how much does it get on the political agenda? And how much does this vary for particular groups? But we don’t look at the whole, we don’t look at the fullness of what they’re asking for, and then what within that gets promoted, and what gets discounted. Or consider how some groups not only get less, they get more of the disciplinary interventions.

Elizabeth Hinton: Exactly.

Vesla Weaver: And so, how would you define it? And how would you describe some of the central patterns and dynamics that we see in selective hearing?

Elizabeth Hinton: When I talk about it, because I haven’t written about selective hearing academically, it’s usually in Q&A after a lecture or a panel presentation. And I say that selective hearing has two elements to it. First is what you were just saying about political responsiveness, and I think this is exactly how you posed the question years ago. So I’m plagiarizing you, Professor Weaver:

Why is it that, of all the demands that Black people in the U.S. have asked for historically, and what the freedom struggle has been about—essentially full political and economic citizenship—why, despite a very rich and robust tradition of struggle in Black American communities and in other communities of color, why is it that the only thing that they get is punishment?

I mean, yes, Jim Crow was dismantled. Slavery was abolished. Civil Rights Act passed. But why is it that really the only public good that Black people get are policing and prisons? That’s been it. Those in power hear the demands, they hear demands that involve the kind of

marshalling of the carceral state, but not the bread and butter of the demands, or the way that those demands are even foregrounded in a more kind of robust set of social goods and a more robust democracy. I mean, go back to Du Bois—what is Abolition Democracy? What was Black Reconstruction about?

It is not only about civic enfranchisement, but it's about access to schools, housing, health care, jobs. Those have been the central demands.

That's one aspect of this concept, that politicians and officials only hear—they selectively hear—the punitive, the demands for punitive measures. And then with that, and I think this is a direct line from our *New York Times* op-ed: When communities of color, say, “We want better policing,” which is a very common demand, *politicians hear* only “more policing.” They don't hear the “better” part. They hear the more part, and they're not really wrestling with the full range of things that Black people are talking about.

Vesla Weaver: Yeah.

Elizabeth Hinton: Actually, James Forman, Jr. came to my mass incarceration class, and the students, of course, asked, “Well, what about the Black woman, the grandma on the porch...” and we talked about that. But I think that is really the question that we all must have a better answer for.

But barring that—well, that gets to one of the main examples I wanted to share with you. It didn't occur to me until I was preparing for this conversation that the rebellions are a prime example of selective hearing. They're all rooted in socioeconomic demands, and the only sustained, long-term investment comes in the

form of law enforcement. In *America on Fire*, I wrote this whole chapter on the “other Kerner Commissions” (Hinton, 2021). We see it in the Kerner Commission, but it's also in these state and local Human Relations commissions, as they were called. In many cities, commission authorities go, they interview residents, they have hearings, they study the causes, and recommend things and it's always...they're just like mini-Kerner Commissions and the outcomes are mini-Kerner Commissions, because it's always the same diagnosis: the root cause is unemployment, and it's the slum landlords. And it's these public housing projects, and it's these failing schools, and it's racist teachers. The commissions always recognize the root causes of this violence are these larger socioeconomic inequalities that residents are demanding.¹

And so, they recognize all the root causes of the problem, and then they say, just as the Kerner Commission did, and we also need to improve police community relations in the meantime. The commissions always have all these recommendations for the police department.

And what ends up happening, of course—the Kerner Commission is the national example—the only thing that gets implemented are the policing measures, and it might be in the name of community policing, or it might be diversifying police departments, but it is actually escalating and increasingly militarizing police in the same communities that protested police abuse in the first place.

We continued to see this dynamic of selective hearing play out during the summer of 2020, where the policing issue ended up being really central in those conversations for

racial justice. We get the George Floyd bill which still hasn't been enacted.² The legislative response, was, “okay, we need to outlaw chokeholds and think about qualified immunity and a better accountability process.” And then we get two years later Biden saying, “Fund the police” in his State of the Union, and also evoking that same idea—“This is what these communities want.”

I think the last thing I'll say, and then I really want to hear what you've got to say, because I've been talking way too much. [VW: No, this is awesome.]

The most frustrating thing to me, and what I hope that my work has shown, is that these policies consistently have not—they don't—keep communities safer. These policies haven't worked.

When gun violence spiked in 2020, that should have been looked at as proof that policing does not work. Policing is not actually addressing these problems. It's not saving lives like it's supposed to. And so, therefore, we need to try something else.

When social welfare programs don't work, after like two months and an evaluation, they're done. We're done. “We tried and that doesn't work.” But we've now had 50 years of a war on crime, war on drugs, war on gangs—50 plus years—that has not demonstrated its results. And yet that's still the go to. It's, “Oh, homicides are up.” It's never, “Let's question it.” Even in 1965, '66, '67, as rebellions are picking up, Lyndon Johnson is never like: “Oh, let me rethink the war on crime.” Or, “Maybe the war on poverty isn't going far enough,” which is what the Kerner Commission said. These were mostly white moderates on the Kerner Commission telling Johnson we've got to expand the war on poverty. We need a

Marshall Plan. We need redistribution. We need all this stuff. And instead of that, it's always like: “Well, we just have to ramp up the war on crime.” Ramp it up, ramp it up, ramp it up.

Vesla Weaver: When Black communities make claims for redistribution and the state doesn't deliver, in later rounds of policymaking, those very groups are stigmatized as **the very thing** they did not get—as overly reliant on welfare, for example. State failures become personal failures in our political narratives. So selective hearing is dangerous not only because some groups don't get what they need or claim on political agendas but also, it helps foster a racially criminalized citizenship by not heeding demands for investment and then stigmatizing people and whole communities for effectively what are state-produced deficits and harms.

Elizabeth Hinton: Beautifully said. I'm thinking of James's [Forman Jr.] response to the “this is what Black communities are calling for” question in the class, and I think this is something that we've talked about a lot...Maybe the root of selective hearing is that there's a lack of certainly political, but also a popular imagination to envision more robust ideas about what public safety is. Because in some sense, all of these demands are about public safety, they suggest that public safety doesn't always—or even have to—involve the police.

Or when we think of the institutions that are supposed to make us safe, we're told that the police make us safe. That's the existing institution, and people can't necessarily imagine a body beyond the police to help make, to lead, to more safe and vital communities.³

¹ In addition to the Kerner Commission, see, for example Pennsylvania Human Relations Commission, Investigative Hearing Report—City of Harrisburg Dauphin County (1969).

² George Floyd Justice in Policing Act 2021. <https://www.congress.gov/bill/117th-congress/house-bill/1280>

³ These ideas are borrowed from James Forman Jr.'s response to a student question during a guest visit to Elizabeth Hinton's “Mass Incarceration in historical perspective” lecture course at Yale University on April 12, 2023.

Vesla Weaver: There's a lot of political science that would explain that result.⁴ When you diminish some institutions, those that would provide for communal vitality, those that would provide for healthy housing and a health infrastructure, and would truly have education as a public good, to quote Ben Justice (2023) over time, what happens is when you have weakened all those institutions, this intense feedback effect occurs. Where the public responds by saying, "Well, there's nothing. There's nobody else to call. There's nothing else that does help us. Therefore: we need the police." The one institution that we've turned to and provided muscular investment in again and again and again, then is there at the ready to absorb and to be *the thing* that's called upon to do that kind of social provision. And so, one of the things I was thinking is almost whether there's a feedback effect of selective hearing itself. Because think about what you just said, Elizabeth, over time as you as you disinvest, and as you slowly migrate away from what people are actually asking for, what ends up happening...the violence, the safety deprivation that result *is itself* a product of these earlier episodes—whether it's Khalil Muhammad's historical case during the Progressive Era, where we invested in white ethnic groups flourishing and saw 'black crime' as character flaws and disinvested there (Muhammad, 2019).

Over time, what ends up happening is this vicious feedback loop where then you get more safety deprivation, and so you get further cycles of well, "these communities have more crime, so we've got to fund policing."

And so, I know that we wrote about selective hearing in that one 1994 crime bill. But I'm almost wondering if, if I were to draw

this on my whiteboard, we would see a pattern: we would see that every single historical moment we have, selective hearing leaves in its wake an outcome—unresolved safety deprivation—that then that outcome itself is used later for calls by the media, by lawmakers, by a scared (white) public to call for what? Law and order crackdowns. More selective hearing of Black claims. I mean, I'm literally seeing this on my campus right now, where our president is developing plans for an armed police force (on a campus that benefitted from and contributed to segregative, exploitative, extractive relations with Black Baltimore), and the rhetoric is: "I would love to be able to solve these root causes, but we need something *now* [to deal with insecurity and safety concerns]."

Elizabeth Hinton: That's what they always say. [VW: Exactly.] Even Nixon was saying that, "We know what the real problems are, but we gotta deal with it now, right?"

Vesla Weaver: And when you mentioned the Kerner Commission, one of the things that I was thinking about was how people in the communities with rebellions understood this pattern of selective hearing. I had looked through all the Kerner field team interviews, and there's this devastating quote (from the interviewer notes of a Black person interviewed in 1967 that they must be the most studied, least improved people in America). And basically, one of the respondents says: "*Nothing is going to happen with this report. You watch. We're gonna tell you what we've always told you. We're gonna tell you what's wrong. We're gonna tell you what we need. And basically, it's not going to amount to anything.*" And so one of the things I've been thinking about is if you look at Black public discourse, they understand that what they have received policy-wise is selective hearing. They don't call it that, of course. But in so many

"... We are going to elevate the black policeman in the black community to the same image-status enjoyed by the white community; that is, a protector of the citizenry and not a brutal oppressor. We find it impossible to operate within the framework of existing Police Associations. For example, we disagree categorically with the position of the Fraternal Order of Police supporting 'stop and frisk,' and their position supporting the order to 'shoot to kill' or maim looters during civil disorders.

We will no longer permit ourselves to be relegated to the role of brutal pawns in a chess game affecting the communities in which we serve. We are husbands, fathers, brothers, neighbors and members of the black community. Donning the blue uniform has not changed this. On the contrary, it has sharpened our perception of our responsibilities as black males in a society seemingly unresponsive to the needs of black people. We see our role as the role of a protector of this community, and that is the role we intend to fulfill."

Source: Afro-American Patrolman's League statement upon its formation in 1967-68, AAPL.

words they say things like, "When we ask for this, that, and the other you're always going to hit us with the hammer." The person in the Kerner interview I mentioned literally says, "*Why am I even sitting with you being interviewed? The same thing is gonna happen. Nothing is going to be changed. We're going to sit here. We're going to expend our energy telling you what the problem is...*"⁵ And if that isn't selective hearing...

One of the other things I was thinking about that it's not only that there's a punitive response. It's also that the response is one that provides limited representation but not a fundamental transformation of the racial order or structural violence. It's, "Let's add, a few representatives of your color to the situation and stir." [Laughter] And so it's, our investment is, actually, really just optics. It's not an investment that would reorient how we're responding and creating infrastructures of flourishing.

Elizabeth Hinton: That is kind of one hot take on the Civil Rights Movement. To be honest, I mean, representation is the biggest legacy.

Vesla Weaver: Yes, it's a racial liberalism. So, my historical example is, and I'm just so unbelievably shocked that I've been doing this work for 15 years, and this is the first time that I'm really understanding the Black police organizing that went on where in almost every city there was a Black Police League that forms. Some of them are early, some of them are, 1950s, but many of the political, the very politicized ones, like the AAPL (Afro-American Patrolman's League) are formed in the late 1960s.⁶ And basically, they form because they're enduring beatings and threats by white police, racist assignments, and capped opportunity structures. They're seeing brutality on the streets. They're seeing that, policing harms their communities. They see themselves as representatives of the community, rather than as just

⁵ Vesla is paraphrasing the interview depicted at the opening of this conversation essay. Civil Rights during the Johnson Administration, 1963-1969, Part V: Records of the National Advisory Commission on Civil Disorders (Kerner Commission), Subject Files of Robert Conot [Series 59], Atlanta, Georgia, LBJ Library, "Interview with Rev. Robert Hunter, an Episcopalian minister in Atlanta; Dr. Jordan, a militant young Negro physician; and Mrs. Dorothy Howard, a neighborhood aide in the Vine City Neighborhood Service Center, October 23, 1967."

⁶ This is based on a chapter of a larger book project with Gwen Prowse. The chapter is titled "When Black Police Almost Changed the World: Black Police Leagues Rebut Racial Authoritarianism."

⁴ As a general matter, not on policing specifically. For example, see the work of Suzanne Mettler, Jamila Michener, Amy Lerman, and Sven Steinmo.

kind of representatives of the police force and time and time again they are going up against Stop and Frisk (decades before the NY ruling and protests), mounted shotguns in police vehicles, they're supporting a civilian review board, and passing resolutions against police brutality, and regulating use of deadly force. The AAPL operates something called the League to Improve the Community. They're actually modeling what a democratic policing, what a policing that gives protection and that affirms the worth of the community and provides for the community and responds to communal demands would look like. And every single time, they are retaliated against, they're suspended. They're transferred, and demoted.

The only reason we know about Fred Hampton is because the AAPL sent a representative to interview the one Black officer that was there, and they were the ones calling for an investigation. They were the ones putting up a counter narrative, saying something didn't go down right here. And they were doing all this stuff for the community, and meanwhile being retaliated against to the point where many of the members never came back to the police force. And this was most evident in Chicago. But you could see it in LA, Oakland, Detroit, Atlanta, Pittsburgh. And every single one of these Black police organizations Guardian Civic League in Philadelphia and Pittsburgh, the Bronze Shields in Newark, the Ethical Police Society in St. Louis, developed structures of provision and responsiveness where they were almost totally lacking from state officials.

In every single time they basically were told, "Get back, don't organize. You're being too subversive." And the "too subversive" part was, "We just want you to not put a boot on our communities' necks." That was seen as too subversive. And anyway, and so I keep seeing evidence of where they're like, "Look, we want to model what actual regard would look for our community. These are our brothers and sisters." and so they're operating brutality and

complaint referral services and have affidavits that they're filling out about citizen claims of abuse incidents—I was just looking at one this morning. And they're crushed, and they're crushed because they're not operating within racial liberalism right?

They're not asking for a seat at the table. They're asking for a fundamentally different policing relationship and one that doesn't orient itself towards Black citizens as dehumanized subjects.

And so to me, it's such a striking example, because it demonstrates that even within the police force, the same techniques that are used on Black citizens in the community were used on the leaders, were used on Howard Saffold [president of the Afro American Patrolmen's League], to the point where Renault Robinson [the founder and executive director of the AAPL] shows up in his winter coat one day early [he wears his coat a day before police regulations allowed, say on Oct 31 instead of Nov. 1] and gets a suspension. I mean it's ridiculous. You can't even make this stuff up! The Shield Club in Cleveland forms because they were trying to protect Black officers who were trying to protect civil rights workers which were trying to integrate a dance hall, and white officers come and basically beat the Black officers. And then the Black officers get suspended.

And so, there's a local dynamic there that's playing out where it's not only the big policy agenda claims at the national level. It's whenever Black people actually tried to model—what's the inverse of selecting hearing?—what true community responsiveness and service and public goods provision would look like, it was deeply threatening to white-dominated police departments, and they were crushed.

You had Black officers passing resolutions to regulate use of force and to protect Black life, and going up categorically against Stop and Frisk, and every single time they are shut down

by the city leaders and police department, and opposed by organizations like the IACP, PBA, and the FOP.

The leagues also had a structural analysis of crime and made demands for social investment, including jobs. Indeed, they modeled this approach too—the Guardians Civic League ran a Community Justice Youth Project, where youth would undertake an extensive survey of community problems, canvassing residents in North Central Philly. They may have gotten more diversity on the force, but not their more transformative demands.

Elizabeth Hinton: This is fascinating, and I wonder if it's a third element of selective hearing, because I hadn't even made this connection before. But in my first book I write about the League to Improve the Community who had this whole plan for improving safety in the Robert Taylor Homes, which is essentially an independent tenant organization... [VW: I forgot about this in your book!] And the Carter Administration just basically took that and then implemented their plan and put it under their purview, as part of their crime and public housing program.

So that's a component of it that maybe we haven't thought about: selective enforcement of selective hearing. It's that selective hearing is also about the continued aversion to actually ceding real power and resources to community members.

Vesla Weaver: Because they don't trust them to self-govern!

Elizabeth Hinton: And that's the underlying logic of selective hearing: When communities demand power, they get crime control resources.

Vesla Weaver: Indeed. I can see people asking us, "Well, what are the other cases of this?"

Can we apply it to other groups? Are there white communities that experience selective hearing?" Something that I've been thinking about is that I don't want this to be a thin dynamic that is just merely about the inputs (the demands) and the output (the policies that result).

Because, fundamentally, why do you get a recurrent pattern of selective hearing? Well, you get it because the broader orientation of American democracy towards Black communities is one that sees a group deserving of suspicion. You wouldn't get selective hearing without this.

And I think Khalil [Muhammad] (2019) shows this brilliantly in doing the kind of comparative case with white ethnic groups. You get it because fundamentally there's a distrust of Black political governance structures. There's a distrust and an orientation towards Black communities as well. "They need the strict arm of the law. Otherwise, they would run amok." And so, I really think we should think about that.

Yes, there's a general pattern to selective hearing. But I think it's undergirded by a broader orientation towards Black life. I think it is deeply racialized. The reason our popular imagination defaults to harsh visions of safety derives from particular ideas and constructions of *who* is dangerous and needs control verses investment...Because you're absolutely right, Elizabeth. I mean, Renault Robinson talks about what he was doing as head of Chicago Housing Authority, and how he was sending his officers to go help people in the Robert Taylor Homes and give them information and access to services.

And so, this is one thing that I wanted to read—an excerpt from Yanilda González and Lindsay Mayka's piece—because they're looking at this selective responsiveness from a different context—São Paulo, Brazil. But basically, this is what they argue:

“When societal preferences over policing diverge along cleavages race and class, representative institutions prioritize demands for repression from more powerful societal actors, and selectively sideline the demands of marginalized groups yielding repressive criminal justice policies.” (González & Mayka, 2023, p. 2)

And then they go on to basically say, this is a different domain within our democracies, we can't think of it as we would other public policies right? And they say: “We argue that in highly unequal settings, increasing citizen engagement produces asymmetric citizenship by amplifying one group's demands for protection through the imposition or threat of bodily harm against another group. Participatory security institutions deepen privileged participants' experience of citizenship.” (González & Mayka, 2023, p. 3) So, in other words, the other side of selective hearing is that some people get to experience supra-citizenship?

I don't have an answer worked out to this—but, is it an institutional story? Is it that our institutions here in the US, they tend to not handle sweeping claims for massive investment. It's a lot easier to get through something that punishes than provides.⁷

Elizabeth Hinton: That's the thing. This is the other piece I wanted to say when you were asking—I think this is a really good question—does selective hearing work for white people? Well, white people are repressed and criminalized, poor white people and especially white people with a low educational threshold. But they also did get a lot more rehabilitation and social services. And I was just talking to David Nasaw last night, an esteemed historian of World War II, who was saying that the G.I. Bill is actually one of the largest social welfare programs ever undertaken. A federal program that was intentionally targeted to benefit white men. The G.I. Bill shows us that

when these institutions want to do it, they can do it. And the federal government did it again in the post-Sixties moment. It reconstituted American law enforcement, invested hundreds of billions of dollars into expanding prisons, and created a whole new security surveillance state and industry in the moment of deindustrialization.

Vesla Weaver: So why is it that state capacity always seems to fail when we want something that would expand our livelihoods and state capacity is always called on, but expanded only when the logic is control, domination, containment, and punishment? And there's gotta be a way to theorize that pattern in relation to American democracy.

Elizabeth Hinton: I wonder if that goes back to the larger feedback loop that we're talking about. How selective hearing becomes a self-fulfilling prophecy. And actually, we've certainly seen this in the post-civil rights era, and through my lifetime, where it's like Health Care for All is off the table...talking about these basic things that—if we're looking at what democracy looks like around the world—are not that radical. They're pretty basic: universal health care, free secondary education for people, a prison system that's more humane and doesn't lock people up for their entire lives.

Our imagination in this country has shrunk because of what has been taken off the table. Once Black people got rights, once more people of color started coming into the country, then, what the government can do shrinks or what is possible shrinks.

So we don't even think that we can ask for it or it's the private sector, or it becomes privatized—like charter schools.

Vesla Weaver: But the thing that really irritates me is that then it forces people like you and I to respond to a question about violence that... we not only have selective hearing, we have selective memory because it's not like everybody walks around with that large pattern of the feedback loop in their head of the many times people and places were demanding state intervention and infrastructures of health, education, jobs, housing.

I think my larger point is we don't have that larger feedback loop, the systemic feedback loop that keeps happening again and again and again in view. And so, then how does crime get read? Crime and safety and violence gets interpreted not as a longstanding structural problem calling out for repair, but as a, well, those communities have more crime, so the natural solution is to crack down...and that's why I think the concept that we're developing is an urgent concept. Because how do you disrupt that larger feedback loop...if not to show that, in every single historical era where people, where people demanded something better, demanded economic justice, and policing as a public good? (Justice, 2023)

One of the takeaways that I love from Ben Justice's work is every time that policing or education even approximates, threatens, to come close to being a broad public good, and not just a white public good, it is through the efforts of counter-majoritarian movements, it is through Black activism. It is through Black activism saying, “Look at this deficit,” and calling for something better. And so, you might almost imagine Black publics as being the only time that we've actually come close—they're perfectors of democracy.

Elizabeth Hinton: I mean, they are key to American democracy. Yeah. And this goes back to Du Bois' argument in *Black Reconstruction*.

Vesla Weaver: If I can pose a last question: Who or what would be on our reading list of selective hearing, if we were to compile one—Who would be on that?

Elizabeth Hinton: Michael Fortner would be on that list, because his book is actually a case of selective hearing, the evidence is there, even though he's framing it the opposite way.

Vesla Weaver: He's doing the selective hearing!

Elizabeth Hinton: At least engaging with Fortner's book is how we came up with the concept. When *The Black Silent Majority* came out in 2015, we started working with Julilly Kohler-Hausmann on a response. We started digging into the archives, the historical newspapers, and Black-led organizations to get a sense of what was also happening on the ground in Harlem during the 1960s and 1970s beyond Fortner's story about Black drug users and crime warriors. And then Hillary Clinton on the presidential campaign trail made those comments [about why they pushed a law that ended up expanding prisons and police encounters] that “Oh, well, the '94 crime bill was democracy at work. This is what Black people were calling for. We were just giving them what they wanted.”

The critique of *The Black Silent Majority* and Clinton's comments came together in the concept of selective hearing. When we were brainstorming what to call this dynamic I remember, Vesla, you came up with selective hearing. I remember our long conversations with Julilly on all of this, from the fall to the spring when the op-ed was published.

Vesla Weaver: Indeed. There are many scholars I would put on the list, and some have already come up in our conversation. But one in particular I want to call into this discussion because I think it demonstrates how selective hearing unfolds as an explicit practice of filtering out demands for social investment in local contexts, not just bottom-up demands that get ignored as a matter of national institutional ineptitude. Have you seen the work of Tony Cheng?

I'm going to send you this piece. He basically did a systematic analysis of the NYPD's commu-

⁷ See also Lisa Miller's 2014 article “Racialized State Failure and the Violent Death of Michael Brown” in *Theory & Event*.

nity meetings. I think it was called Build the Block meetings with police officers. It was all this, let's be responsive to the community and hear what they want (in the aftermath of uprisings against police violence that left them in legitimacy crisis). And he literally went to every single meeting and tracked exactly what was said by residents. He took notes on what officers took notes on, what they released publicly after the fact, what they put up on their whiteboards, what they released on Twitter after these meetings. And he shows that what happens is that police kind of curated public opinion and exercised what he calls cumulative discretion. At the beginning of these meetings, the community would show up, and people would complain about policing. They would talk about solutions to safety deprivation, and let's say that at the beginning of these meetings you had the full set of political discourse. He shows that over time—and he did this very systematically by tracing exactly what was said, recorded, and responded to by police—what the police department did is they would not write down the things that that went against their policies and they would minimize those publics saying things other than “more police.”

He then goes and shows what they were tweeting and reporting out after, and it was always “Look, see, the community wants more enforcement and more police.” They were strategically selecting a small share of what was actually said at these meetings and tweeting it out and saying, “Your voices were heard!” But they were going through a process of basically curating expressions they would then feed back out to the community and over time—It's exactly what you and I just hypothe-

sized at the national level over time. Guess who stops showing up at the meetings? The people that had the more expansive analysis and set of policy claims—we need investment. We need a broader set of responses. They're not being listened to, and they know it. They're like, this is futile.⁸ This is how selective hearing is active, not passive. It's another case of “they want this, ramp it up,” when in reality some community demands were disappeared and weeded out, and others were amplified.

Elizabeth Hinton: The Kerner Commission response...I mean that's part of it. It's people give up.

Vesla Weaver: Yeah, people give up. This is why what we're doing is not just about misaligned or inadequate policy tools. This is a broader story about how American governance responds to and is anti-democratic when it comes to Black claims for security and vitality. It's a broader dynamic.

Elizabeth Hinton: Now I wonder if selective hearing can actually be a concept that offers an important alternative to the overpoliced/underprotected framework. Selective hearing is historical and embodies an ongoing struggle, and it really gets to questions about democracy. About how democracy works, and what the limits are, especially when it comes to Black people. I hadn't thought of owning the term like that, but I feel there's something there.

Vesla Weaver: Definitely. And that every single time somebody, the media or academics are doing that thing that they do of “Look how

punitive public opinion is.” Our framework then puts the onus on them to ask: Do you see dynamics of selective hearing?

So anytime you're reporting out, anytime you're talking about a punitive public, you have to answer that question: What else is being said? And if you aren't examining the breadth of political demands, and if you can't answer that question, then you shouldn't be producing half-truths or distorted frames.

Vesla Weaver: Because the other question I have is what can disrupt this pattern of selective hearing of Black claims? How do we get out of this vicious feedback loop?

Elizabeth Hinton: Maybe that's the question we can end with. The big question is, how do we disrupt this? And then, well, that's the next JC Notebook!

But anyways, this was so amazing. We'll text, we'll talk.

References

- Cheng, T. (2022). The Cumulative Discretion of Police Over Community Complaints. *American Journal of Sociology*, 127(6), 1782–1817. <https://doi.org/10.1086/719682>
- Cheng, T. (2024). *The Policing Machine: Enforcement, Endorsements, and the Illusion of Public Input*. University of Chicago Press.
- Civil Rights during the Johnson Administration (1963-1969). Part V: Records of the National Advisory Commission on Civil Disorders (Kerner Commission), Subject Files of Robert Conot [Series 59], Atlanta, Georgia, LBJ Library, “Interview with Rev. Robert Hunter, an Episcopalian minister in Atlanta; Dr. Jordan, a militant young Negro physician; and Mrs. Dorothy Howard, a neighborhood aide in the Vine City Neighborhood Service Center, October 23, 1967.” <https://www.ojp.gov/ncjrs/virtual-library/abstracts/national-advisory-commission-civil-disorders-report>
- González, Y. M. (2020). *Authoritarian Police in Democracy: Contested Security in Latin America*. Cambridge University Press.
- González, Y., & Mayka, L. (2023). Policing, Democratic Participation, and the Reproduction of Asymmetric Citizenship. *American Political Science Review*, 117(1), 263–279. <https://doi.org/10.1017/S0003055422000636>
- Hinton, E. (2021). *America on Fire: The Untold History of Police Violence and Black Rebellion Since the 1960s* (First Edition). Liveright.
- Hinton, E., Kohler-Hausmann, J., & Weaver, V. M. (2016, April 13). Did Blacks Really Endorse the 1994 Crime Bill? *The New York Times*. <https://www.nytimes.com/2016/04/13/opinion/did-blacks-really-endorse-the-1994-crime-bill.html>
- Justice, B. (2023). Schooling as a White Good. *History of Education Quarterly*, 63(2), 154–178. <https://www.cambridge.org/core/journals/history-of-education-quarterly/article/schooling-as-a-white-good/75203950F183752DEF76E91111E7FD59>
- Muhammad, K. G. (2019). *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America, With a New Preface* (2nd edition). Harvard University Press.

⁸ Specifically, Cheng's (2022, 2024) America's largest police force is curating the public's complaints—not ignoring them—from constituents strategically cultivated through community initiatives. Whereas existing studies conceptualize complaints as grievance tools or liability risks, this case reveals how police conceive community complaints as endorsements of services. This conception guides “cumulative discretion” or selective decision-making across multiple stages: police mobilize, record, internalize, and represent complaints demanding police services, while excluding those seeking reforms to over- and unequal policing. Gaps thus persist between the reforms that some residents seek and the services that police offer. This article offers insights into how organizational imperatives for legitimacy can undermine institutional reforms.” “container-title:” American Journal of Sociology; “DOI:” 10.1086/719682; “ISSN:” 0002-9602; “issue:” 6; “note:” publisher: The University of Chicago Press; “page:” 1782-1817; “source:” journals.uchicago.edu (Atypen study found that just over half of what residents complained about went unsubmitted by police and when people wanted redress for unfair policing or nonresponsiveness, a whopping 88.5% of these were omitted from public record. Cheng shows how this curating leads to a feedback loop, transforming who participates or shows up at later rounds of Build the Block meetings. For example, when one resident raises a grievance at the meeting—Marcus—he is chided and ignored and ultimately stops attending.