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AMERICAN VIGILANTISM—POPULAR JUSTICE AND POPULAR CULTURE

By Michael Asimow

America has a rich history of vigilantism. Vigilantism refers to a practice by which persons take the law into their own hands because they do not believe that law enforcement institutions can be trusted to capture, convict, and appropriately punish offenders. Vigilantism can be aptly described as “popular justice.” The social contract calls for the people to give up their right to exact physical vengeance against those who harm them. Instead, the social contract assigns responsibility to the government to redress such harm and punish offenders, and it confers on government a monopoly on the use of force to do so. Vigilantism occurs when people lose trust in the government to keep its side of the bargain.

Part I of this chapter discusses the history of American vigilantism, concentrating on the San Francisco Vigilance Committees of 1851 and 1856 and the San Francisco Police Department’s Chinatown Squad. Part II of this chapter discusses vigilantism in American movies, with a particular focus on police vigilantism, especially the iconic Harry Callahan, protagonist of *Dirty Harry* and its sequels. Because *Dirty Harry* is deeply rooted in San Francisco culture, the two halves of this chapter are (perhaps tenuously) connected.

I. AMERICAN VIGILANTISM

The history of American vigilantism is documented by an enormous literature. This is a book-length subject, far too large to be comprehensively discussed in this brief chapter.¹

¹ Brown (1973) has a lengthy bibliography.

A. Forms of American Vigilantism

A prominent form of U.S. vigilantism were brutal lynch mobs (often organized by the Ku Klux Klan) that functioned from after the Civil War until the 1950s. These mobs murdered African-Americans who the crowd thought had committed some offense that the law would not punish or would not punish quickly or harshly enough.²

But American vigilante history goes far beyond racial violence.³ Beginning before the American Revolution with the South Carolina Regulator movement in 1767, Americans have often taken the law into their own hands. Vigilantism was particularly prominent on the frontier and in the South, where governmental law enforcement was spotty or non-existent and the judiciary was suspect. Typically, local property owners formed so-called Regulator groups to capture outlaws or ne'er do wells, put them on extra-legal trial, and in many cases summarily execute them. Aside from their desire for law and order and suppression of vagrancy, these groups were concerned with the high cost of traditional law enforcement; vigilantism was quicker and cheaper and it provided a stronger deterrent.

Some vigilantes were well-organized groups that functioned for a period of time with broad community support, as in the case of the San Francisco Vigilance Committees to be discussed in section B. In other instances, they were ad hoc lynch mobs that formed spontaneously to deal with a particular perceived outrage. In many cases, law-enforcement officials quietly supported the vigilantes. Vigilantism was commonplace throughout the 1800s and continues in modified form in the present, in the form of local neighborhood patrols or border patrols. These groups are organized to control and deter crime or illegal border-crossing

² Friedman (1993) 187-192.

³See generally Friedman (1993), ch. 8; Brown (1973).

in areas where police protection is viewed as inadequate, although they usually work with the police and avoid violence.⁴

B. Private and Police Vigilantism in San Francisco

San Francisco has a rich history of both private and police vigilantism. The vigilance committees of 1851 and 1856 were particularly notorious and often-copied examples of American private vigilantism.

1. The 1851 Committee

In the gold rush era of 1851, San Francisco's population swelled rapidly and crime of all kinds was rampant. Much of it was committed by the Sydney ducks (sometimes called Sydney coves) who were immigrants to San Francisco from the penal colonies in Australia. Government and the judiciary were corrupt and there was little organized law enforcement. In June, 1851, a Committee of Vigilance was formed consisting of about 500 men led by merchants but supported by the working classes.⁵

The 1851 Committee established patrols against fire and theft and deported numerous undesirable persons. It asserted the right to search without a warrant and denied the right of habeas corpus. It was notorious for hanging its captives after brief trials, starting with a Sydney duck named Jenkins who was caught stealing a safe. Shortly thereafter, a particularly notorious duck named Jim Stuart who had committed numerous murders confessed and was summarily hanged. Two more Sydney ducks were also dispatched after confessing their crimes. They were rescued from the Committee by the governor and the sheriff, only to be recaptured from the jail

⁴ Marx & Archer (1973).

⁵ Friedman (1993) 180-81; Soulè, Gihon & Nisbert (1855); Lotchin (1974) 192-94; Scherer (1939) 107-27; Muscatine (1975) 267-71; Mullen (1989).

and hung 17 minutes later. The Committee ceased operations by September 1851. Apparently, it was fairly successful in deterring crime during its brief period of operations and for a few months thereafter, but the crime rate soon returned to its previous levels.

2. The 1856 Committee

By 1856, San Francisco's population had increased greatly and it had a much better organized police and court system. Nevertheless, crime remained a severe problem. Several notorious killings led to the revival of the Vigilance Committee in May, 1856.⁶ This Committee consisted of perhaps 8000 men, again backed by broad popular support. The leader was a respected and able businessman named William T. Coleman who had also been active in the 1851 committee.

The first of the 1856 murders that led to the formation of the 1856 Committee was the killing of a U.S. Marshall named Richardson by a notorious gambler named Charles Cora. The second was the killing of a crusading newspaper editor named James King of William by James P. Casey. Casey was a political crook whom King of William had attacked in print. Cora was prosecuted, but his trial ended in a hung jury; he may well have killed in self-defense. The vigilantes (backed by an impressive show of force) seized the two killers from county jail and hanged them after a secret trial. At that point, the vigilantes controlled the city. They even briefly imprisoned the chief justice of the California Supreme Court, David Terry, and put him on trial for assault. There was little or nothing that the mayor, the governor, the Law and Order Party militia, the state militia which was led by General William Tecumseh Sherman, or even U.S. Navy could do about it. The Committee deported about 30 corrupt public officials and

⁶ Scherer (1939) 148-221; Muscatine (1975) 271-82; Friedman (1993).

ballot-box stuffers, and hanged two more murderers. It disbanded in October, 1856, following which the crime wave resumed.

3. Assessment of the 1851 and 1856 Committees

Like vigilantes everywhere in the 1800s, the San Francisco committees of 1851 and 1856 enjoyed substantial public support because of the weakness of law enforcement. They are even referred to respectfully in one of the *Dirty Harry* movies to be discussed below. The San Francisco committees inspired numerous vigilante organizations in other cities and are powerful examples of the profound attraction of vigilante justice in American history.

The verdict of historians on the San Francisco vigilance committees is mixed.⁷ The great historian of the West, Hubert Bancroft, interviewed many of the participants for his 1887 book *Popular Tribunals*.⁸ Bancroft was a big fan of the vigilantes.⁹ To contemporary historians, however, the judgments of the vigilantes in 1856 were grossly unfair and resulted from wildly inaccurate press coverage.¹⁰

Richard Maxwell Brown suggests that the 1856 Committee can best be understood in political and economic terms.¹¹ He argues that the Committee (or at least its leadership as opposed to the rank-and-file) was more concerned with politics than crime. Brown contends that the police had the crime problem under control. After all, the Committee executed only four people and otherwise cooperated with the police. The two notorious murders by Cora and Casey

⁷ Friedman (1993) 182.

⁸ Bancroft (1887).

⁹ Bancroft wrote: "Vigilance recognizes fully the supremacy of law, flies to its rescue, when beaten down by its natural enemy, crime, and lifts it up that it may always be supreme; if the law must be broken to save the state, then it breaks it soberly, conscientiously, and with the formulas of law, not in a feeling of revenge, or in a manner usual to the disorderly rabble." Bancroft (1887) Vol. 1, 10.

¹⁰ Lotchin 194-201.

¹¹ Brown (1967)

were a convenient excuse for creating a tightly organized machine that could be converted from crime control to political purposes. The 1856 Committee consisted mostly of Protestants and was controlled by the city's powerful merchants. They were determined to destroy the corrupt Irish-Catholic machine led by David Broderick that was running the city. The Committee also hoped to head off municipal bankruptcy which seemed imminent and to reduce taxes. It wanted to exile the crooks and ballot-stuffers and put the newly organized and merchant-friendly People's Party into power. Indeed the People's Party won the next election by a 2-1 margin.

4. The Chinatown Squad

Not all of the vigilantism in San Francisco history involved private vigilantes. The Chinatown Squad of the San Francisco Police Department (SFPD) consisted of police vigilantes.¹² The Squad was formed in 1879 and was active into the twentieth century. It consisted of police officers determined to suppress gambling, drugs, and prostitution in Chinatown by using vigilante tactics such as raiding gambling and opium dens without bothering to secure warrants. Although it stopped using vigilante tactics around 1920, the Squad was not disbanded until 1970 (and was later revived as the Gang Task Force).

¹² See Mullen (2008); Kamiya (2019); Dillon chapter 11 (1962). The Chinatown Squad fell victim to corruption in 1894 and on numerous later occasions.. Mullen chapter. 7. A more contemporary Bay Area example is the Oakland Riders, four police officers who engaged in racial profiling, false arrests, planting evidence, kidnapping, and other abuses around 2000. Their activities gave rise to criminal prosecution of the officers, federal oversight over the Oakland police, and a large civil settlement.
https://en.wikipedia.org/wiki/Allen_v._City_of_Oakland Just down the coast in Los Angeles, the Rampart police scandal, also around 2000, involved 70 police officers engaged in unlawful shootings and beatings, planting false evidence, and stealing narcotics.
https://en.wikipedia.org/wiki/Rampart_scandal

The Squad's primary responsibility was to stop or at least curtail the murderous Chinatown tong wars which were often carried out by tong soldiers ("highbinders") using hatchets as well as guns. Because Chinatown was virtually a self-governing and uncooperative island in the middle of San Francisco, the police were unable to halt the tong wars and other criminality by conventional law enforcement methods. The Squad conducted notorious raids on the tong headquarters where they confiscated weapons and chopped up the furniture with hatchets. They rounded up and arrested people on the street who looked suspicious or simply beat them up. They drove others out of town or arranged for them to be deported. They tore down dilapidated houses used for crime and displayed tied-up Chinese prisoners from the jail in Portsmouth Square to impress onlookers. They threatened police raids against business people who were paying extortion money to the tongs.

The Chinatown Squad apparently met with strong public and media approval, including from the Chinese Consul General as well as from Chinese and Caucasian private vigilantes who were also fighting the tongs. In 1921, leadership of the Squad passed to the fatherly Inspector Jack Manion, who invented community policing and ran the Squad for 25 years. During his tenure, the tong wars and wide-open gambling, opium dens, and prostitution finally came to an end.¹³

II. VIGILANTISM IN POP CULTURE

The media of popular culture reflects what ordinary people think and believe. Given the prominence of vigilantism in American history, and the generally positive popular response it evoked, it is no surprise that vigilantism is a staple theme in American popular culture. Countless movies, novels and television shows have dealt with various forms of that phenomenon. Often,

¹³ Mullen ch. 14.

these texts treat vigilantism very positively and evoke warm feelings of satisfaction in audiences. Part II begins with a general treatment of vigilantism in American movies before turning to its main focus—police vigilantism. It does not attempt a general essay on vigilantism in American movies—clearly a book-length subject,¹⁴ nor does it engage with the vast body of police television shows and novels that often include police vigilante themes.¹⁵

A. Private Vigilantism

Vigilantism has been the theme of many, perhaps most, westerns, reflecting the weakness of law enforcement on the frontier. We might think of such western classics as *The Ox-Bow Incident* (1942) which involved a lynch mob punishing cattle rustlers; *Hang 'em High* (1968), in which an innocent man survives a lynching and returns as a lawman to catch the lynchers; *High Plains Drifter* (1973), involving a town that hires a gunman to protect it; and *The Unforgiven* (1992), in which prostitutes hire a mortally compromised gunslinger to punish the man who cut one of them. (Miller 1998, 183-199) Curiously, Clint Eastwood who, of course, played Dirty Harry, starred in all of these films other than *Ox-Bow* (which featured Henry Fonda). Eastwood has become the pop cultural face of vigilantism. Superhero movies are another genre that typically pits the superheroes against crazed criminals who are beyond the capacity of the police to capture and punish.

Numerous films involve vigilantes who seek personal revenge for wrongs done to them or their families. One of many such movies is *In the Bedroom* (2001) in which a father murders the killer of his son who otherwise might have escaped criminal punishment or received too light

¹⁴ See Ten Top Vigilante Movies; 18 Great Vigilante Movies that Aren't the New 'Death Wish.

¹⁵ A prominent example of a television series concerned with police vigilante tactics is *The Shield* (2002-08). It involves the highly extra-legal activities of the Los Angeles Police Department's Strike Team in trying to crush crime in a particularly dangerous precinct and was inspired by the LAPD's Rampart scandal. (See note 12)

a sentence. Another group of films concerns private lynch mobs that redress collective injuries that the mob does not trust law enforcement to rectify. These include racial lynch mobs, such as occur in *To Kill a Mockingbird* (1962)¹⁶ or non-racial mobs who appear in *Fury* (1936), *Young Mr. Lincoln* (1939), or *They Won't Forget* (1937).¹⁷

Another group of films—more relevant to the theme of Part II—concerns individual vigilantes who fight urban crime. (Miller 1998) The classic urban vigilante movie is *Death Wish* (1974) and its many sequels.¹⁸ Paul Kersey, a New York City construction engineer, is a self-described bleeding heart liberal and was a conscientious objector during the Korean War. Three thugs break into his apartment, kill his wife, and rape his daughter who becomes a near-vegetable. On a business trip to Tucson, a client gives Kersey a gun as well as a lecture about the evils of gun control.

On returning to New York, Kersey is mugged but kills the mugger. At first, this nauseates him, but his life acquires meaning as he begins to kill other muggers—but not the criminals who harmed him personally. Indeed, Kersey deliberately tries to attract muggers who he can kill. These highly publicized vigilante killings immediately cut the rate of New York muggings in half and the media glorifies Kersey. More people start fighting back against muggers (including one elderly lady who uses a hat pin). The police eventually track Kersey down. However, they don't arrest him because of the adverse public reaction this would cause. Indeed, they make a deal—they'll toss his gun into the river if he leaves town—which he does.

¹⁶ Asimow & Mader (2013) ch.2.

¹⁷ These films are discussed in Bergman & Asimow (2006).

¹⁸ *Death Wish* and the Golden Age of Vigilante Movies.

The film closes in the Chicago railway station where a bunch of people have arrested a mugger. Kersey gives them a thumbs up.

Certainly *Taxi Driver* (1976) should not be overlooked in the annals of pop cultural private vigilantes. Travis Bickle (Robert de Niro) a psychotic cab driver, loathes the sleaze he sees every night driving in New York City. He buys a suitcase full of unlicensed guns and uses them to free a young girl (Jodie Foster) from prostitution by killing her pimp as well as the guy who rents her rooms and one of her johns. Media coverage of Bickle's crimes is very positive.

Death Wish and *Taxi Driver* transmit the highly conservative political ideology that will be discussed in the balance of Part II. Guns are glorified and gun control is mocked. Bleeding heart liberals become crime-control vigilantes because the police can't handle the problem or don't even care. Unlike the police, private vigilantes aren't bound by annoying legal constraints. Instead, they can go right out on the street and find and kill criminals. This has a remarkable deterrent effect on the bad guys and it receives a highly positive popular and media response.

B. Police vigilantism

1. The criminal procedure compromise

The balance of Part II focuses on one small corner of the vigilante pop culture universe: public-sector vigilantism in general and police vigilantism in particular. Public sector vigilantes include frustrated prosecutors who bend the rules to convict offenders who might escape punishment, as occurs in *Night Falls on Manhattan* (1997). Jailers fail to protect their prisoners from lynch mobs as in *Young Mr. Lincoln*. Judges can be pop culture vigilantes when they cover up police misconduct, as also occurs in *Night Falls on Manhattan*. *The Star Chamber* (1983) presents an extreme example of judicial vigilantism--judges hire hit men to seek out and murder former criminal defendants who escaped conviction because of legal technicalities.

Members of the public (and consumers of pop culture) probably feel ambivalent about public sector vigilantism. On the one hand, they want the criminal justice system to protect society by catching, prosecuting, judging, and punishing criminals. This makes them tolerant of vigilantes who take over when conventional law enforcement fails. Plenty of people grudgingly admire rogue judges, police and prosecutors find dubious ways to remove dangerous criminals from the streets. On the other hand, many people fear the machinery of law enforcement since it can be used to suppress dissent, convict and imprison innocent people, or over-punish minor crime. They want officials to follow the rules that were put in place to protect privacy and assure civilized standards of law enforcement, such as avoidance of excessive force, torture and extra-judicial murder.

Thus we need vigorous law enforcement and we need law enforcement to be checked. We reconcile these goals through what might be called the criminal procedure compromise. Police violence against suspects is tightly controlled. Probable cause is needed to make an arrest. Arrestees are entitled to warnings that they have the right to remain silent and that anything they say can be used against them. They must be told they are entitled to have a lawyer and one will be supplied for free if needed. Suspects cannot be tortured and their confessions cannot be coerced. They must be treated with basic dignity regardless of the horrible crimes they may have committed. They must be provided with a preliminary hearing or a grand jury indictment to make sure there is probable cause to proceed. At trial, courts exclude relevant evidence that was seized through an illegal search (the so-called “exclusionary rule”) as well as evidence of prior bad acts. Defendants are entitled to the privilege against self-incrimination, meaning that they cannot be called to testify against their will and that no adverse inference can be drawn from their silence. Prosecutors must establish guilt beyond a reasonable doubt—a very

high evidentiary standard. Defense counsel must be at least basically competent. All these protections of criminal defendants—most of whom are guilty—are part of the criminal procedure compromise.

Public sector vigilantism raises important issues that are different from private vigilantism. Unlike private vigilantes, law enforcement officials have taken an oath to follow the constitution and laws. This means they have agreed to abide by the criminal procedure compromise. Law enforcement vigilantes betray that oath. Indeed, public-sector vigilantism threatens the social and political fabric of our society. Nevertheless, the movies come down squarely on the side of letting officials, especially the police, flout the rules that should constrain them. These movies often enjoy rousing commercial success because so many pop culture consumers basically applaud what the police are doing.

This part concentrates on police vigilante tactics that evade the defendant-protective rules of criminal procedure. These include excessive violence against criminal suspects up to and including extra-judicial murder. Vigilante tactics also include harassing arrests, coerced confessions, ignoring orders from superior officers, perjury, or other forms of cheating. Police vigilantism tends to arise when the resources available to the police are inadequate to deal with the crime problem that the police are expected to control or in situations when the leadership of the police is out of sync with the rank and file. Police vigilantism is not uncommon in the real world, although the extent to which it occurs is hard to measure. The San Francisco Police Department's Chinatown Squad, discussed in Part I, is a well-documented example of police vigilantism (as are the more recent Oakland Riders and Los Angeles Rampart police scandals also discussed in Part I).¹⁹ Kotecha and Walker report a study in which 105 members of a

¹⁹ See note 12.

medium-size police department took in-service training.²⁰ They were shown clips of the behavior of a fictitious vigilante cop (Bumper Morgan in Wambaugh's *The Blue Knight*) that included summary punishment, harassment and perjury. The 105 attendees said that such behavior was routine in their department and some even named a particular officer (not in the class) who reminded them of Bumper Morgan.

In police vigilante movies, rogue police officers are fed up with normal police bureaucracy and its insistence on political correctness or satisfying the media. In particular, vigilante police are frustrated by the legal rules of criminal procedure. They disregard these norms as well as the orders of their superior officers in order to catch offenders, gather evidence, torture them into confessing, and murdering them if necessary. Though there have been many such films, I focus here on the iconic figure of Harry Callahan, protagonist of *Dirty Harry* and its four sequels which are a veritable textbook of police vigilantism.

B. *Dirty Harry* & its sequels.

Clint Eastwood plays Detective Harry Callahan in all five of the *Dirty Harry* movies. These movies are among the most famous and familiar American films. They send numerous important messages to the viewer that strongly support police vigilantism. According to these texts, a good policeman ignores the rules of criminal procedure when necessary and should freely disregard the orders of superior officers when the orders seem too cautious or just wrong. In addition the films idolize the police whether they're right or wrong. They mock politicians and the media. The films also preach conservative ideology such as support of gun rights and organized religion as well as opposition to homosexuality, affirmative action and political correctness. The city of San Francisco is an important character in all five films. Despite its

²⁰ See Kotecha & Walker (1978).

many gorgeous views, it is presented as a swamp of depravity and the home of vicious criminals as well as drugged-out hippies.

1. *Dirty Harry* (1971)

The first (and undoubtedly the best) of the Harry Callahan films opens by scrolling slowly over a monument to fallen San Francisco police officers. A mournful bell sounds. This shot displays a reverential attitude toward the police, especially the beat cops who were killed in the line of duty. The audience understands that these officers must be regarded as heroes.

A sniper perched high above the gorgeous city of San Francisco city looks down on a rooftop pool where a woman is swimming. He shoots her in the back. Harry Callahan is the homicide investigator. Callahan finds a ransom note signed by Scorpio demanding that the City pay \$100,000 or Scorpio will kill a priest or a black.

Callahan meets with the chief of police and the mayor. His disrespect for them is obvious. He complains he could be investigating but instead has been sitting on his ass for 45 minutes waiting for them. He is astonished that the mayor wants to pay the ransom to avoid bloodshed. The mayor warns him not to repeat what happened last year in the Fillmore where Callahan shot and killed a man to stop an attempted rape. Callahan points out that when you see a naked guy with a butcher knife and a hard on chasing a woman, he's probably not collecting for the Red Cross. The mayor and the brass are more concerned that Callahan will cause trouble for the San Francisco Police Department (SFPD) than to encourage him to get out and solve the Scorpio case.

Callahan goes for lunch at the Burger Den. He seems to eat all his meals there, apparently consisting of hot dogs for lunch and dinner. This establishes that Callahan is a regular working class stiff like most of the audience. The following scene is repeated in some form in each of the

five Dirty Harry movies. While eating, Callahan spots a bank robbery in progress and shoots and kills several robbers, while sustaining a leg wound himself. Amid the resulting chaos, he finds one of the wounded robbers on the sidewalk close to his gun. Pointing his beloved .44 Magnum at the guy (who is black), Callahan says that he isn't sure if he fired 5 or 6 shots in the melee. Ask yourself, he says to the robber, "do I feel lucky today?" The guy gives up. Callahan pulls the trigger, but the chamber is empty.

Strictly speaking these recurring and very bloody scenes aren't vigilantism; they are arguably an appropriate police response to a violent crime in process. Undoubtedly, audiences respond in a positive manner to these scenes, since the vicious and terrifying criminals who Callahan kills definitely had it coming. They would no doubt have taken innocent lives if he hadn't shot and killed them first. After annihilating the bank robbers, Callahan is treated by a black intern for his wound, but feels secure because he and the intern grew up together in Potrero Hill. The intern wants to cut his pants but Harry wants to save the \$29.50 pants, again establishing his working class cred.

Back at the station, Harry says he was up until 3 AM working the case. Why don't you put in for overtime, asks the lieutenant? That'll be the day Harry replies, implying contempt for other officers who do the job for the money. He's assigned a new partner, Chico Gonzales. Another cop observes that Harry hates everybody—micks, hebes, niggers. How about Mexicans? "Especially spics," he replies, This dialogue establishes Callahan's dry sense of humor; it's good-natured station-house banter, but there is a racist undertone. In any event, it illustrates Callahan's contempt for affirmative action policies. Actually, Harry is more concerned that Gonzales is inexperienced and has a sociology degree from San Jose State. "Just what I need—a college boy...Don't let your law degree get you killed. I'm liable to get killed

along with you.” This again bonds Callahan with members of the film audience who didn’t go to college but get along just fine without the degree.

Now we see Scorpio for the first time. He’s a white man with long hair, perhaps a hippie. Throughout the movie, he wears a belt with a peace sign buckle. This and numerous other scenes emphasize the filmmakers’ contempt for hippies and others who represent leftist political ideologies and unconventional life styles. Scorpio is staking out a Catholic church from a rooftop, perhaps hoping to bag a priest, but his attention is drawn to a mixed-race gay couple. He lines up a shot on the black man but is spotted by a police helicopter and flees.

Callahan and Gonzales are cruising the North Beach neighborhood looking for the sniper. This scene takes place amid an array of garish and sleazy strip joints. Harry says “they ought to throw a net over the whole bunch of them.” Here and in many other scenes throughout the five films, the filmmakers express their dislike of the unconstrained sexuality of the hip San Francisco lifestyle of the 1960’s and early 1970’s.

Callahan has to stop a man from jumping off a building. He ascends with the fire department’s cherry picker. The guy tries to take Harry down with him but Harry manages to subdue him by knocking him out with a blow to the face. He tells his partner that he’s called Dirty Harry because he gets all the dirty jobs. Ordinary working people will empathize with that message. And they’ll approve the use of force to save the jumper’s life (and to protect Harry as well).

After Scorpio strikes again, killing a black kid with another rooftop shot, Harry is issued a high-powered rifle for the upcoming stakeout. It could stop an elephant but, the officer tells him, “Remember Harry he’s not an animal of any kind.” Harry’s silence in response speaks

volumes. Obviously, he thinks Scorpio is indeed a dangerous animal who richly deserves to get shot down and killed.

In the stakeout Harry watches through binoculars a naked prostitute welcome two men to her apartment. Then they spot Scorpio, put a searchlight on him & there is an exchange of gunfire. Scorpio shoots out some Jesus Saves neon lights just for the sheer pleasure of it. Here and in the scenes where Scorpio tries to kill a priest the message is that Scorpio is particularly loathsome because of his obvious disrespect for organized religion.

The case takes a new turn when Scorpio kidnaps a fourteen-year old girl, Ann Mary Deacon. Scorpio claims he has buried her in a hole where she'll run out of oxygen unless the police get him \$200,000, delivered by one man with a yellow bag. That man, of course, will be Harry who tapes a switchblade to his leg. His lieutenant says, "It's disgusting that a police officer would know how to use a weapon like that." Harry responds with another eloquent silence.

Scorpio runs Callahan all over the city—he jogs for miles while carrying the heavy bag of cash. Violating orders, Gonzales has a listening device that enables him to overhear Scorpio's phone calls and follow Callahan to each new location. In this sequence, we get interesting pictures of sleazy San Francisco by night. There's an interchange with a transsexual who says "if you're vice, I'll kill myself." Harry responds "do it at home" clearly indicating his dislike for trans people. In phone calls, Scorpio calls him a "pig bastard" and a "rotten oinker," thus disrespecting the police. Finally they meet up and Scorpio breaks two of Callahan's ribs. When Scorpio announces he's going to kill Harry, Harry goes for his knife and cuts Scorpio badly. Gonzales appears and there's a shootout in which both Scorpio and Gonzales are badly injured.

Back at the station, Lt. Bressler reprimands Harry (on orders from Chief of Police) for not following orders. Of course, if he had followed them he'd be dead and the police would be no closer to Ann Mary. Harry says "when this mess is over and he wants my badge he can have that too." Clearly, the message here is that orders from the brass are often ridiculous and should be disobeyed.

Callahan and his new partner DiGiorgio track Scorpio to Kezar Stadium which they break into. They kick down the door of the room Scorpio lives in, all without a search warrant. Harry shoots Scorpio who begs for mercy and demands a doctor and a lawyer. Callahan tortures him into giving the location of Ann Mary who turns out to be dead.

Harry expects accolades from District Attorney Rooney. Instead, Rooney tells him he's "lucky I'm not indicting you for assault with intent to commit murder... Where have you been? Does *Escobedo* ring a bell? *Miranda*?²¹ I mean you must have heard of the Fourth Amendment."²² What I'm saying is, that man had rights... As soon as he's well enough to leave the hospital, he walks. I'm not wasting half a million of the taxpayer's dollars on a trial we can't possibly win. It's the law." All Callahan can reply is "the law is crazy." The viewer can only agree.

Callahan's various breaches of criminal procedure law are confirmed by Judge Bannerman, identified as an appellate court justice who also teaches constitutional law at Berkeley Law School (another contemptible left-wing bastion). Bannerman states that all the seized evidence (including Scorpio's hunting rifle) is inadmissible. "You should have gotten a

²¹ *Escobedo v. Illinois*, 378 U.S. 478 (1964); *Miranda v. Arizona*, 384 U.S. 436 (1966). These are well-known Supreme Court decisions that protect a suspect's right to remain silent and to have the assistance of a lawyer.

²² The Fourth Amendment to the U.S. Constitution prohibits unreasonable search and seizure and requires that the police obtain a search warrant in many situations.

search warrant.” “Search warrant? There was a girl dying.” “The court would have to recognize the police officer’s legitimate concern for the girl’s life,” Bannerman concedes, “but there’s no way they can possibly condone police torture. . .The confession and all physical evidence would have to be excluded. . . I couldn’t convict him of spitting on the sidewalk.” Harry replies “And Ann Mary Deacon--what about her rights? She’s raped, left in a hole to die. Who speaks for her? . . .Sooner or later he’s going to stub his toe and I’ll be right there.” Rooney replies that “this office won’t stand for any harassment.” It’s not difficult for the viewer to take Callahan’s side in this exchange.

Scorpio pays \$200 to a big black man to beat him up. As he’s hauled into the E.R., Scorpio yells to the reporters that the Callahan did it. Harry admits to the chief that he’s been following Scorpio (on his own time) The chief orders him to stop surveilling Scorpio, but it’s obvious Harry isn’t going to let up.

Harry visits his wounded ex-partner Gonzales in rehab; just about all of Callahan’s partners get killed or severely wounded in the line of duty. Gonzales says he’s thinking of leaving the force and going into teaching. His wife Noma tells Harry that she’s fed up too, with all the “pig-this and pig that” and not knowing if he’ll be coming home when he leaves for work. Harry concedes that his wife never got used to it either (she was killed by a drunk driver). He tells Norma that he supports Chico’s decision to quit. “Why do you stay in it?” she asks. Harry replies “I don’t know. I really don’t.” But we know why. He’s there to protect us from horrible criminals, regardless of the physical risks of getting killed or the frustration of dealing with police bureaucracy and the absurd rules of criminal procedure.

Scorpio hijacks a school bus and lets the city know the kids will be killed unless there’s a jet waiting for him along with the \$200,000. The mayor gives his word of honor that Scorpio

won't be harmed and orders Harry to cooperate. Harry replies that you can just get yourself another delivery boy. Disregarding a direct order to stay out of it, he sets out to intercept the bus. He flushes Scorpio out and shoots him. Harry goes through the same routine he did with the bank robber at the beginning. This time there's one bullet left and he finishes Scorpio off. Callahan hurls his badge into the water as the film ends.

2. *Magnum Force* (1973). This film doubles down on the police vigilante theme. A group of rookies, led by Lt. Briggs, are a "death squad" that kills criminals and gangsters, especially those who avoided conviction on technicalities. Callahan plays it pretty straight in this film and manages to crush the death squad by killing all of them. This film raises the obvious question of why typical viewers would view the death squad negatively but approve of Harry's brand of vigilantism. Perhaps the difference is Callahan usually kills or tortures evildoers only when it's necessary to apprehend a killer or save innocent lives, not just to administer extra-judicial punishment.

The title sequence of *Magnum Force* features a hand holding Callahan's .44 Magnum, which is cocked, pointed at the viewer, and fired. This is part of the gun glorification which takes place in several of the films. We see the death squad assassinate Ricca, a corrupt labor boss who was charged with killing a labor reformer and was acquitted on some sort of technicality involving excluded evidence. Callahan shows up at the crime scene but Lt. Briggs kicks him off. Harry has been relegated to stakeout duty because the brass doesn't want the public yelling police brutality. Briggs says he's never taken his gun out of the holster. Callahan remarks, "Well, you're a good man, lieutenant. A good man always knows his limitations," suggesting of course that more gunplay against criminals would be a good idea. Harry eats at a crummy burger joint near the airport. In a scene echoing the bank robbery in the first film, he kills a couple of

airplane hijackers at SFO by not waiting for order and by taking the initiative to stop the hijacking.

Harry has a revealing chat with a fellow cop named Charlie. Charlie is frustrated—if you kill a hoodlum you should just dump him on the street because “some snot nosed young guy down at the DA’s office will crucify you one way or the other . . . A hood can kill a cop, but just let a cop kill a hood...” We also see Harry at home, a miserably small and dark apartment with a tiny and empty refrigerator. Again, this helps to establish him as a working class hero.

When Harry finally figures out that Lt. Briggs is a member of the death squad, he has a revealing conversation with him. Briggs says, “We’re simply ridding society of killers that would be caught and sentenced anyway if our courts worked properly. There simply is no other way, inspector. You of all people, should understand that.” Harry: “I’m afraid you’ve misjudged me.” Briggs: “A hundred years ago in this city people did the same thing.”²³ History justified the vigilantes. We’re no different. Anyone who threatens the security of the people will be executed. Evil for evil, Harry. Retribution.” But Callahan can’t take the step from vigilantism in the service of catching criminals to executing criminals in cold blood.

3. *The Enforcer* (1976)

This film includes scenes of Harry as a member of an interview board considering promotions to homicide inspector. The brass insist that at least three women be promoted. Kate Moore (Tyne Daly) is chosen though she’s never made an arrest. She then becomes Harry’s partner and turns out to be pretty competent and brave, though she ultimately meets the same

²³ Briggs is probably referring to the San Francisco Vigilance Committees of 1851 and 1856, discussed in Part I of this chapter. However, he might also be referring to the SFPD’s Chinatown Squad, also discussed in Part I which was active from 1879--around one hundred years before the picture was made.

lethal fate as his other partners. In this scene, the filmmakers leave no doubt of their disdain for affirmative action in police promotions.

Meanwhile, a terrorist gang called The People's Revolutionary Strike Force pulls off a burglary to steal guns and explosives. After the Strike Force blows up a police building, the brass insists (over Harry's objection) on arresting the wrong man, Big Ed Mustapha (Albert Popwell, who appears in almost all of the Dirty Harry films). Mustapha runs an organization called Uhuru and was cooperating with Harry by identifying the actual leader of the Strike Force, Bobby Maxwell. Celebrating Big Ed's arrest, the brass give lavish praise to the incompetent mayor and to Harry and Kate, so the SFPD can get credit for promoting women. But Harry blows the whistle on the phony publicity and earns a suspension.

Harry continues working the case and Mustapha points him to Wanda who is working with Maxwell. The Strike Force kidnaps the mayor & kills a few more people. The cops plan to pay the ransom to get the mayor back—something that Harry always opposes. Looking for Bobby and Wanda, Harry finds his way to a church run by a leftist priest who he roughs up. Wanda, dressed as a nun, tries to shoot him but Kate Moore is quicker and shoots Wanda. The movie heaps derision on left wing churches that shield terrorists. Maxwell and his gang are holed up with the mayor on Alcatraz which Harry & Kate attack on their own, disregarding the normal protocol by not bothering with backup. After the usual chase scene and shootout, Moore is killed, but Harry kills all of the bad guys and rescues the mayor.

4. *Sudden Impact* (1983)

The film opens with a female judge dismissing a case because the only evidence was a gun seized by Callahan in an illegal search. In the usual scene in which Harry kills off armed robbers, Harry bluffs out a gunman holding a waitress as a hostage with the much-quoted line,

“Go ahead, make my day.” Operating on his own, as usual, Harry accosts a man at his daughter’s wedding, accusing him of killing a hooker, causing him to suffer a heart attack. The brass are furious at this unauthorized intimidation, which destroyed months of surveillance and investigation.

On finding a dead body in a car, Harry describes his job to a reporter. “...wading through the city’s scum, being swept away by bigger and bigger waves of corruption, apathy and red tape. . . Our fingers are in the holes and the whole dike’s crumbling around us...” The reporter says, “You’re a dinosaur, Callahan—your ideas don’t fit today.” “What ideas,” Harry replies, “that murder’s a crime, that it should be punished?”

This film concerns Harry’s attitude toward private vigilantism. Artist Jennifer Spencer (Sondra Locke) survived a gang rape which left her sister in a vegetative state. Spencer kills five men who had taken part in the assault. Ultimately, Harry catches Jennifer who comes up with a stirring tribute to private vigilantism. Harry says, “I guess now I’ve got to. . .” Jennifer interrupts: “Read me my rights? What exactly are my rights? Where was the concern for my rights when I was being beaten and mauled? What about my sister’s rights when she was being brutalized? There is a thing called justice. Was it justice that they should just walk away? You’d never understand, Callahan.” Harry lets her walk free, indicating his reluctant approval of her acts of private vengeance.

5. *The Dead Pool* (1988). This inferior final sequel begins with the brass ordering Harry to capitalize on his good PR and cooperate with the press. He has nothing but contempt for the idea. Indeed, he grabs a TV journalist’s camera & smashes it as she photographs a grieving friend of a murder victim, thus firmly allying him with murder victims against the press. The theme of this movie (if it can be called that) concerns a “dead pool” of celebrities (including

Harry himself). Participants bet on which celebrity will die next, thus providing an incentive to murder list members. The killer is a director of various slasher films. He kills off a critic who trashed the films and a commentator who wants to ban these films.

C. The messages in the *Dirty Harry* movies

These five entertaining films were financially successful and developed a large following. Many fans still remember them today (almost fifty years after *Dirty Harry* was released in 1971). The messages propagated by these films are clear and consistent. They message resonated in the 1970s, a decade of rising crime rates and distrust in all governmental institutions including the police. The films strongly support police and private vigilantism as well as a set of politically conservative ideas.

Harry is obviously a regular working stiff, like many of his fans; he eats cheap food, wears cheap clothing, lives in a cheap apartment, gets stuck with dirty jobs, suffers with incompetent bosses, and wouldn't dream of putting in for overtime. He didn't go to college and is suspicious of those who did. All this endears him to working class audiences and helps to sell the highly contestable ideas underlying the films.

1. Police vigilantism

Harry despises the ridiculous rules of criminal procedure (such as exclusion of evidence resulting from an illegal search and seizure) and he feels free to flout these rules. When necessary, he doesn't hesitate to torture bad guys into giving information and he frequently executes them extra-judicially. At one point in *Dirty Harry*, Professor Bannerman, a judge and professor of constitutional law at UC Berkeley opines on criminal procedure. Obviously, Harry doesn't think much of Bannerman in particular or the famously liberal Berkeley in general.

Harry can't stand the excessive caution displayed by his bosses who are often more concerned with public opinion and political correctness than actually catching criminals. Harry has nothing but contempt for elected officials like the mayor who care only about good publicity and mess around with police work for political purposes. The same goes for the media; he doesn't care about pleasing reporters and is contemptuous of public relations. He particularly dislikes paying ransom to the crooks.

Harry frequently disregards the orders of his superior officers and pays no attention to the limitations they seek to impose on him. If he's working a case, nothing can stop him. If immediate action is called for, he doesn't wait for orders, he just jumps in and starts shooting. Of course, Harry always turns out to be right; his plans for stopping crazed killers work out well and the overly cautious brass was always wrong. It follows that a good cop should do exactly what he thinks is best (including the use of extreme violence) without seeking authorization and should feel free to disregard inconvenient contrary orders from his superiors.

Harry seems pretty sympathetic to private revenge vigilantism as well. In *Sudden Impact*, he catches but releases Jennifer Spencer, who killed five people in revenge for a sexual assault on Jennifer and her sister. He's highly sympathetic to this private vigilante. But as much as the *Dirty Harry* films support and praise police vigilantism, there's a line Harry won't cross. In *Magnum Force*, Harry smashes the "death squad," a group of police vigilantes who assassinate criminals who escaped justice. The squad wants Harry to join them, but he refuses. Some of the victims of the "death squad" could have been arrested by the police and prosecuted; they didn't need to be killed. And some of them had already been acquitted through the judicial process. When innocent lives are not at stake, Harry is opposed to police vigilante tactics.

2. San Francisco²⁴

The *Dirty Harry* films are almost completely set in San Francisco, then and now a politically liberal and sexually permissive urban environment. The views are stunning, but the City is portrayed as a pit of depravity, plagued by crime, vicious criminals, and sleaze of every description. The films constantly portray prostitution and pornography. LGBTQ people are treated with contempt. The counter-culture, including hippies and political leftists, is presented in a very negative light. As Harry suggested to his partner in the first film, “they ought to throw a net over the whole bunch of them.” Perhaps only police and private vigilantism can clean up such a pesthole.

3. Conservative ideology.²⁵

The *Dirty Harry* films reflect Eastwood’s strong conservative and individualistic philosophy. Harry disdains affirmative action and political correctness. The rights of victims of crime are much more important than the rights of criminals. Harry’s hostility toward sexual permissiveness in San Francisco is unmistakable. The films strongly reflect gun culture which is deeply rooted in America. They romanticize and fetishize Callahan’s .44 Magnum. The films also display a reverence for organized religion, as long as it sticks to traditional religion. The repellent Scorpio obviously has only contempt for religion—he wants to kill a priest and he shoots out the “Jesus Saves” lights. And Harry’s disdain toward leftist priests and churches that shelter terrorists in *The Enforcer* is very clear.

4. Other police vigilantes

²⁴ See Street (2016) ch. 3.

²⁵ Street (2016) chapter 2.

There have been a vast number of police procedural movies and many of them feature cops who walk in the shoes of Harry Callahan. One notable example is Officer Bud White (Russell Crowe) in *LA Confidential* (1997). White is the police muscle. He uses brute force to extract information, coerce confessions, and scare mobsters out of moving into Los Angeles to fill the vacuum caused by the conviction of Mickey Cohen. The LAPD is hugely corrupt and White is an honest but extremely violent cop. Viewers probably find him a sympathetic character, since the violence is often in defense of abused women, and because he offers such a contrast to the crooked and sleazy cops in the department.

Gangster Squad (2013) took police vigilantism to the limit--far beyond anything that Harry Callahan ever imagined. LAPD Chief Parker sets up a secret "gangster squad" to get rid of Mickey Cohen (Sean Penn) by any means necessary. John O'Mira (Josh Brolin) leads a group of cops without badges who bug Cohen's house without a warrant, bust up his various assets and businesses, and kill anyone who gets in the way. Of course, they succeed to vast public acclaim. Parker keeps his job, and the public never finds out that O'Meara did the dirty work.

III CONCLUSION

Vigilantism is deeply rooted in American culture. From the earliest times, Americans have taken the law into their own hands and administered popular justice. Vigilantism mostly was motivated by crime control, often on the frontier where law enforcement was weak, and it very much included racial lynching. Generally vigilantes received strong public approval. The San Francisco Vigilance Committees of 1851 and 1856 and the Chinatown Squad were atypical because they were urban, but their brand of popular justice apparently enjoyed massive local support.

Given the centrality of popular justice in American history, it is hardly surprising that it is a familiar theme in popular culture. Much of this cultural product concerns private revenge vigilantism, but a good deal of it represents popular justice. This chapter focused on public-sector vigilantism in the movies, particularly as carried out by the police. The *Dirty Harry* movies strongly support the idea that the police should take the law into their own hands when they believe it is necessary to catch criminals or protect innocent civilians. These films and many others send a powerful supportive message to consumers of pop culture in favor of police officers who act with extreme violence and disregard police bureaucracy as well as the legal rules of criminal procedure in the service of administering popular justice.

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