

January 5, 2023

The Honorable Lori Lightfoot
Mayor of Chicago
Chicago City Hall
121 N LaSalle Street – 4th Floor
Chicago, IL 60602

The Honorable David O’Neal Brown
Superintendent of Police
Public Safety Headquarters Building
3510 South Michigan Avenue
Chicago, Illinois 60653

Dear Mayor Lightfoot and Superintendent Brown:

On behalf of the Southern Poverty Law Center (SPLC), the premier U.S. nonprofit civil rights organization working to counter hate and extremism, we are writing to express our concerns about the outcome of the investigation into Chicago police officer Robert Bakker, who was given a 120-day suspension for his ties to the Proud Boys, one of the most active and violent organizations now operating in the U.S. hate movement. We urge the city to adopt clear and unambiguous policies and procedures prohibiting city employees from actively associating with hate and extremist groups. We also believe Bakker should have been fired for his active participation in extremist activities – and then lying about it.

The Rules and Regulations of the Chicago Police Department (CPD), which outlines standards of conduct for officers, prohibits activities that “bring discredit upon the department.” The rule applies to on- and off-duty acts that “although not unlawful in themselves, would degrade or bring disrespect upon the member or the department, including public and open association with persons of known bad or criminal reputation...”¹ Associating with white supremacist extremists and organized hate groups would appear to violate this rule, but we urge policymakers to adopt a more clear and explicit prohibition against this conduct. Any individual who is tasked with protecting the public cannot be trusted to do so equitably when they associate with an openly racist, bigoted, and misogynistic organization.

The CPD is neglecting its commitments to protect and support Chicago communities by allowing Bakker to continue in his role as a law enforcement officer. Allowing Bakker to retain his role can create an environment of impunity for other officers who may associate with violent groups and contribute to the erosion of trust between the public and law enforcement authorities. In addition, the handling of this incident demonstrates that the Chicago Police Department lacks clear policies and procedures for how to address involvement of its officers in groups advocating extremist views and conduct. We urge you to adopt a strong policy against the involvement of Chicago Police officers in white supremacist and extremist activities.

¹ <http://directives.chicagopolice.org/#directive/public/6412?f=hate>

SPLC has documented a history of hateful provocation and violence by the Proud Boys. The group also has a history of using law enforcement agencies to legitimize and promote their bigoted ideas.

Established in 1971, the SPLC has been tireless in identifying and rooting out hate and extremist groups to create a fair, inclusive, and unified nation. We are a nonprofit advocacy organization serving as a catalyst for racial justice throughout the South and beyond. The SPLC's Intelligence Project has deep expertise in identifying domestic hate groups and monitoring the activities of these groups and other extremists – including the Ku Klux Klan, the neo-Nazi movement, racist skinheads, antigovernment militias, and others. We currently track hundreds of hate and extremist groups operating across the country and publish investigative reports, share key intelligence, and offer expert analysis to the media and public.

The Proud Boys are one of the most active and violent organizations operating in the U.S. hate movement.

As my colleague Cassie Miller has written,

the Proud Boys is an authoritarian, ultranationalist hate group that has a long history of violence. Their activities focus on dehumanizing and mitigating the perceived threat posed by those who they consider their political enemies: anti-racist activists, Muslims, feminists, transgender people, and, broadly, the political left. Over the years, members of the group have run for elected office; however, the group continues to use violence and intimidation to engage politics. Indeed, the founder of the Proud Boys, Gavin McInnes does not hide how the group uses violence as a political tool. "Fighting solves everything," he declared the year Trump won the presidency, "we need more violence from the Trump people – Trump supporters: Choke a motherfucker."² McInnes has since left the group, but he continues to laude the group's violence on his podcast. The group reveres Chilean dictator Augusto Pinochet and have attended rallies wearing shirts that read "Make communists afraid of rotary aircraft again" – a reference to Pinochet's death squads.³ As part of their long-running assault on multiracial democracy and liberal pluralism, Proud Boys were among the primary organizers and participants in the January 6 insurrection.⁴

Since the group's founding in 2016, the Proud Boys have instigated street fights across the country. A few notable examples include:

- On August 11-12, 2017, Jason Kessler, then a member of the Proud Boys, organized the violent Unite the Right rally in Charlottesville, Virginia where a white supremacist murdered counter-protester Heather Heyer. Other members of the group, including its most recent chairman Enrique Tarrio, were also in

² Adam Leith Gollner, *Vanity Fair*, "The Secret History of Gavin McInnes," <https://www.vanityfair.com/news/2021/06/the-secret-history-of-gavin-mcinnnes>, June 29, 2021.

³ Cassie Miller, *Hatewatch*, "Why are Proud Boys so Violent? Ask Gavin McInnes," <https://www.splcenter.org/hatewatch/2018/10/18/why-are-proud-boys-so-violent-ask-gavin-mcinnnes>, October 18, 2018.

⁴ Cassie Miller to President Neeli Bendapudi et al., October 12, 2020, <https://www.splcenter.org/sites/default/files/splc-penn-state-mcinnnes.pdf>

attendance.⁵ Tarrío is currently in jail awaiting trial on charges of seditious conspiracy.

- On October 12, 2018, after McInnes spoke at a Republican club in New York City, the Proud Boys instigated a street fight with counter-protesters. Ten associates of the Proud Boys were charged with gang assault and rioting, with two individuals eventually sentenced to four years in prison.⁶
- On December 12, 2020, after attending a pro-Trump rally, the Proud Boys marched around Washington D.C., destroyed Black Lives Matter banners from two historic Black churches, and then attacked perceived political enemies, which led to four people being stabbed.⁷

In addition, the leader of the Illinois chapter of the Proud Boys, Edgar J. Delatorre, was charged with battery in suburban Chicago in April 2021 at a rally his group organized to protest President Joe Biden.⁸

The Proud Boys have recently been engaged in a campaign to harass and demonize LGBTQ people. In the last year, they have attended dozens of LGBTQ events around the country – sometimes armed – to intimidate attendees and falsely accuse them of child sex crimes in an inflammatory manner that downplays the seriousness of a very real problem.⁹ Their violence has directly impacted the Chicago area as well. In July 2022, an associate of the Proud Boys, Joseph Collins, was charged with a hate crime after he allegedly vandalized a business in the Chicago suburb Lake in the Hills that was hosting a drag show event. He is going to trial after pleading not guilty.¹⁰ Delatorre and Collins were also both present at the U.S. Capitol on Jan. 6, 2021.

The Proud Boys take cover behind claims of patriotism and often use pro-policing messaging to rationalize violence against their political enemies. This rhetorical tactic helps the Proud Boys appear moderate and recruit from the larger conservative movement. The Proud Boys have been known to build relationships with police to avoid legal scrutiny for their violent actions. Relationships between police officers and members of the Proud Boys extend far beyond Chicago, including in Portland, Oregon, Fresno, California and East Hampton, Connecticut.¹¹ For instance, Joey Gibson, a longtime associate of the Proud Boys, built a working relationship with Lieutenant Jeff Niiya, a police officer in Portland, Oregon, that resulted in Niiya offering advice to Gibson on how to avoid arrest on outstanding warrants while at a public demonstration. A father and son, who both worked as police officers in Florida, were arrested

⁵ Andy Campbell, *We are the Proud Boys: How a right-wing street gang ushered in a new era of American extremism*, Hachette Books: New York, p. 101.; <https://www.splcenter.org/20200810/when-alt-right-hit-streets-far-right-political-rallies-trump-era>

⁶ Ibid; Campbell, *We are the Proud Boys*, p. 120.

⁷ <https://www.splcenter.org/hatewatch/2020/12/16/proud-boys-destroy-churches-black-lives-matter-signs-during-protest-washington-dc>

⁸ <https://chicago.suntimes.com/metro-state/2021/4/7/22372893/proud-boy-capitol-riot-battery-schaumburg-edgar-delatorre-gonzalez-remy-del-toro>

⁹ <https://www.splcenter.org/hatewatch/2022/07/13/proud-boys-aid-right-wing-assault-lgbtq-community-and-reproductive-justice>

¹⁰ <https://twitter.com/chifreemedia/status/1551637705267757064>

¹¹ Campbell, pp. 147-162.

after they joined Proud Boys members at the January 6 insurrection.¹² Court documents reportedly reveal that the father told investigators his son was the vice president of the local Proud Boys chapter.¹³ Recently, in November 2022, Proud Boys members in Stanford, North Carolina were recorded attempting to recruit local police.¹⁴

Officers who have been found to affiliate with the Proud Boys have largely avoided professional discipline. While the officer in Fresno was fired for their affiliation, the officers in Portland and East Hampton remain on the job after their respective departments found the officers did not engage in misconduct.¹⁵ The father and son who worked as officers in Florida both resigned from their department without any disciplinary action taken.¹⁶

Bakker's association with the Proud Boys has been investigated twice by the Chicago Police Department's Bureau of Internal Affairs. He was first investigated in 2020 when an antifascist community group uncovered a chatroom used by Proud Boys members.¹⁷ Bakker and others did not attempt to conceal their identities, which included the then-leader of the Chicago Proud Boys, Thomas "Trigger Tom" Christensen, who was sentenced to three years in prison for stabbing someone outside a rock concert.¹⁸ The group used the chatroom to circulate misinformation about alleged leftist violence, plan violence against their political opponents, and share dehumanizing messages about LGBTQ communities.

The first Bureau of Internal Affairs investigation found that Bakker lied to police officials about an interview he gave to the FBI in early 2020, before the allegations against him were made public. However, the allegations that he associated with the Proud Boys were not sustained by the review board. But, according to letters from the city's Inspector General, Deborah Witzburg, to police leaders, uncovered by the *Chicago Sun-Times*, the first investigation into Bakker's conduct was deeply flawed. Witzburg reportedly said that Bakker's case file includes messages highlighting his close ties to the Proud Boys. Witzburg pushed the Bureau of Internal Affairs to reopen the investigation.¹⁹

The Bureau of Internal Affairs opened a second investigation into Bakker's association with the Proud Boys, and this time they sustained five allegations against him, including:²⁰

- 1) Making "contradicting statements" about participating in a Proud Boys chatroom;
- 2) Making a "false statement" about participating in a barbecue the Proud Boys hosted;

¹² https://www.washingtonpost.com/local/legal-issues/proud-boys-police-indictment-florida/2021/07/16/1fdb642-e5a4-11eb-8aa5-5662858b696e_story.html

¹³ <https://www.clickorlando.com/news/local/2022/05/05/former-apopka-police-officer-served-as-proud-boys-chapter-leader-investigators-say/>

¹⁴ <https://archive.vn/wX6FL>

¹⁵ Campbell, pp. 157-160

¹⁶ <https://www.clickorlando.com/news/local/2022/02/02/man-files-excessive-force-lawsuit-against-apopka-police/>; https://www.washingtonpost.com/local/legal-issues/proud-boys-police-indictment-florida/2021/07/16/1fdb642-e5a4-11eb-8aa5-5662858b696e_story.html

¹⁷ <https://antifascistchicago.noblogs.org/post/2020/05/25/chicago-proud-boys-telegram-leaks-chicago-police-officer-rob-bakker/>

¹⁸ <https://chicago.suntimes.com/2019/11/18/20971345/northerly-island-stabbing-thomas-christensen-sentence-proud-boys>

¹⁹ <https://chicago.suntimes.com/crime/2022/10/25/23423522/watchdog-cpd-overlooked-evidence-investigating-cops-ties-to-proud-boys-fired-him>

²⁰ <https://igchicago.org/2022/10/14/oig-third-quarter-2022-report/>

- 3) Failing to report a bar fight involving Proud Boys members;
- 4) Participating in the Proud Boys chatroom; and,
- 5) Expressing support for the actions of a Proud Boys member in the chatroom.

Bakker now admits to participation in the chatroom, but denies that this constitutes involvement in the group and also denies he is a member. After the first investigation, Bakker was given a five-day suspension. After the second investigation, reportedly *at his own request*, he was suspended for 120 days. Regardless of how or where the punishment originated, we believe the suspension is wholly inadequate in light of the Bureau's aforementioned findings regarding Bakker's conduct.

Compounding our concern about how CPD handled the investigation are the confusing and contradictory statements about how police and city officials respond to involvement in extremist activities by police officers and city employees.²¹

In the October budget hearing at the Chicago City Council, police Superintendent David Brown said, "The Chicago Police Department has zero tolerance for any of its sworn members being members of hate groups or associated with hate groups." Even though the second Internal Affairs investigation found that Bakker participated in Proud Boys events and in online chatrooms, Brown claimed Internal Affairs did not secure enough evidence to show Bakker "associated with or was a member of a hate group, Proud Boys or any other group."

At the same budget hearing, Internal Affairs Chief Yolanda Talley appeared to fixate on the hate group label and suggested that since the FBI does not designate the Proud Boys as a hate group, the investigation into Bakker's conduct was limited.²²

"This investigation would look totally different," Talley claimed, if the FBI designated the Proud Boys as a hate group. The FBI has investigated individual Proud Boys as domestic terrorists, according to congressional testimony given by FBI Director Christopher Wray.²³ In addition, five members of the Proud Boys have been charged with seditious conspiracy in connection with their role in the January 6 insurrection. One member has pleaded guilty. In the aftermath of the violence at the U.S. Capitol, the Canadian government designated the Proud Boys as a terrorist group.

At a press conference in October, Mayor Lightfoot echoed Superintendent Brown's remarks. SPLC has reached out to the Mayor's Office through email regarding the Bakker matter and received a statement that contained more contradictions that "there is no place in our police department—or any other City department, for that matter—for white supremacists or other extremist ideology," but the mayor stands by the Bureau of Investigative Affairs' decision to allow a man with links to an extremist group to remain a member of the CPD. According to the mayor's statement, the Bureau of Internal Affairs insisted that they "recommended a punitive response that they indicated was proportionate to the behavior in question."

²¹<https://www.chicagotribune.com/politics/ct-chicago-police-proud-boys-david-brown-budget-20221021-hxctvclaz5cdvdiqnvbd36sm-story.html>; <https://archive.ph/pNwMB>

²² Ibid

²³ <https://www.politico.com/video/2021/03/02/graham-asks-fbi-director-if-the-proud-boys-are-a-domestic-terrorist-group-150665>

We are unfamiliar with any Chicago city or Chicago Police Department policy which prohibits city employees or CPD officers from active involvement in white supremacist or extremist activities. In response to our inquiries, the Mayor's communication team shared information via email about efforts to reduce hate crimes in the community at-large.

For guidance, we would call your attention to several ways federal and state officials have recently acted to more explicitly prohibit such activity.

1) In December, 2021, the Department of Defense revised its Instruction 1325.06, on Handling Protest, Extremist, and Criminal Gang Activities Among Members of the Armed Forces to prohibit military personnel from active participation in extremist activities, as defined in the Instruction.²⁴ The Instruction includes a clear rationale for this prohibition:

“such active participation undermines morale and reduces combat readiness. Second, it calls into question the individual's ability to follow orders from, or effectively lead and serve with, persons of diverse backgrounds, preventing maximum utilization and development of the Department's most valuable asset: its people. Finally, such behavior damages the Nation's trust and confidence in the Department as an institution and the military as a professional fighting force.”²⁵

2) In May, President Biden issued his *Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety* which includes a requirement that the Office of Personnel Management

“develop best practices for conducting background investigations and implementing properly validated selection procedures, including vetting mechanisms and ongoing employment screening, that, consistent with the First Amendment and all applicable laws, help avoid the hiring and retention of law enforcement officers who promote unlawful violence, white supremacy, or other bias against persons based on race, ethnicity, national origin, religion, sex (including sexual orientation and gender identity), or disability.”²⁶

3) In Washington state, a new Washington Administrative Code (WAC) provision effective on July 22 expands the criteria for which an applicant may be eligible to become a peace officer²⁷ and grounds for an officer's certification to be denied or suspended – including “affiliation with one or more extremist organizations.”²⁸ The WAC then provides concrete definitions for “extremist organization” and “affiliation.”²⁹

4) Finally, the Minnesota Board of Peace Officer Standards and Training (POST) has proposed changes to existing rules and regulations to make it easier to dismiss officers who “create an appearance of impropriety, or disrupt the cohesive operation of law enforcement by supporting, advocating, or participating in any form in the activities of a white supremacist,

²⁴ <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/132506p.PDF>

²⁵ <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/132506p.PDF>

²⁶ <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/05/25/executive-order-on-advancing-effective-accountable-policing-and-criminal-justice-practices-to-enhance-public-trust-and-public-safety/>

²⁷ <https://apps.leg.wa.gov/RCW/default.aspx?cite=43.101.095>

²⁸ <https://apps.leg.wa.gov/RCW/default.aspx?cite=43.101.105>

²⁹ <https://app.leg.wa.gov/WAC/default.aspx?cite=139-01-310&pdf=true>

hate, or extremist group or criminal gang that: (1) promotes derogatory or harmful actions against other persons based on a person's perceived race, color, creed, religion, national origin, disability, sex, sexual orientation, gender identity, public assistance status or any protected class as defined in Minnesota Statutes, or federal law” or “support, advocate for, or participate in a white supremacist, hate, or extremist group or criminal gang” activities, as defined by the Rule.³⁰

We urge you to reconsider the mild discipline of temporary suspension for Officer Bakker and we urge city officials to adopt prohibitions against active participation in white supremacist or extremist activities that are both clear and understandable and appropriately protective of First Amendment speech rights

Please let us know if you have questions about these issues. We look forward to hearing from you on this matter.

Sincerely,



Jeff Tischauser, PhD
Sr. Research Analyst
Southern Poverty Law Center

³⁰ <https://dps.mn.gov/entity/post/meetings/Documents/rd4641-5-12-22.pdf> and see <https://www.theadvocatesforhumanrights.org/News/A/Index?id=304>