



January 11, 2022

Dear City of Chicago Elected Officials and Chicago Superintendent of Police David Brown,

We are writing on behalf of the Lawyers' Committee for Civil Rights Under Law¹ and the Chicago Lawyers' Committee for Civil Rights as we are deeply concerned about reports that the Chicago Police Department (CPD) currently employs an officer associated with the Proud Boys, an all-male extremist group with ties to white nationalism. According to the Sun-Times, Officer Robert Bakker was issued a five-day suspension after an internal investigation into his Proud Boys affiliation, but the suspension was stayed after the investigation was reopened by the Office of the Inspector General. As explained below, a five-day suspension is a strikingly inadequate sanction for conduct that undermines the effectiveness of CPD and strains its relationship with the community your officers have sworn to serve and protect. The Lawyers' Committee urges you to update the community on the status of the investigations into Officer Bakker and push for systemic changes within the department, including reforming investigative procedures so that officers such as Bakker do not remain employed by CPD months and years after they have shown themselves to be unfit. As it currently stands, we believe that the public evidence against Officer Bakker—including activity he has admitted to—more than justifies his termination.

I. Background

Robert Bakker's affiliation with the Proud Boys was uncovered in May 2020, when messages from a Telegram group chat² of white nationalists that Bakker actively participated in were leaked.ⁱ The group chat, named "Fuck Antifa," included Bakker, President of the Chicago Proud Boys Tom Christensen, and three open white nationalists.ⁱⁱ The chat logs show Bakker planning meetings between members of the group chat, being invited to an official Proud Boys event by Christensen, and using threatening language to refer to left-wing activists.ⁱⁱⁱ Most egregiously, Bakker explicitly told the chat he would use his position as a CPD officer to identify and locate antifascist activists.^{iv} When contacted by local media, Bakker did not deny his participation in the group chat.^v

As you likely know, the Proud Boys are an all-male extremist group with ties to white nationalism.^{vi} The group regularly engages in violence against people and organizations that show support for racial and ethnic minorities, women, non-Christians, and immigrants.^{vii} They have organized frequent rallies throughout the country and have appeared alongside other hate groups at violent gatherings, including the deadly "Unite the Right" rally in Charlottesville, Virginia in 2017.^{viii} At least 15 members or affiliates of the Proud Boys have been charged so far

¹ The Lawyers' Committee, a nonpartisan and nonprofit organization, was formed in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership in combatting discrimination and the resulting inequalities. The James Byrd Jr. Center to Stop Hate, at the Lawyers' Committee, supports communities and individuals targeted for hate and challenges white supremacy by using creative legal advocacy, disrupting systems that enable hate, and educating the general public and policy makers.

² Telegram is a cloud-based instant messaging service.

in connection with the January 6, 2021 attack on the U.S. Capitol; the Department of Justice has indicated in court filings that as many as 40 other Proud Boys actively conspired in advance of January 6.^{ix} The group is designated by the Southern Poverty Law Center as a hate group and by the Canadian government as a terrorist entity.^x

The published evidence reveals that Bakker was an active participant in a chat consisting exclusively^{xi} of avowed white supremacists and Proud Boys members:

- “Heathen,” a group chat member whose profile picture^{xii} included two Neo-Nazi hate symbols — a “Death’s Head” and a “triskele”^{xiii} — above text that said “Blood and Honour.” Blood and Honour is an active international racist skinhead group.^{xiv} “Heathen” has been identified as Jon Argumedo, leader of Anti-Antifa Chicago.^{xv}
- “Sean,” who also had several hate symbols in his Telegram profile picture: overlaid red and black flags, an “Anti-Antifa” symbol that promotes violence against left-wing activists,^{xvi} the Celtic Cross, a common white supremacist symbol,^{xvii} and what appears to be a Nazi flag. He has been identified as a member of Anti-Antifa Chicago.^{xviii}
- Tom Christensen, named “Tommy Chicago Pres” in the chat, is the president of the Chicago Proud Boys,^{xix} and was convicted in 2019 of stabbing someone at a concert who had confronted him about his ties to racist hate groups.^{xx}
- Nick Stiso, a member of the Proud Boys and also a member of Patriot Front, a white nationalist group founded after the Charlottesville neo-Nazi rally.^{xxi}

Bakker’s association with the Proud Boys was also evident in chat logs. On July 17, 2019, Christensen invited the group chat, including Bakker, to a Proud Boys picnic in Chicago.^{xxii} The event description shared by Christensen advertised that the picnic might have a “tattoo machine for 3rd degrees,” referring to the Proud Boys’ initiation process.^{xxiii} Proud Boys membership is divided into four ranks, and to achieve level three, an initiate must get a Proud Boys tattoo.^{xxiv} On July 23, 2019, citing a tweet by activists outing Bakker in connection with the Proud Boys picnic, Christensen consoled Bakker, “nobody knew you were invited. I think they’re just grasping at straws.”^{xxv} Confirming that the antifascist group had correctly identified him, Bakker said in the chat: “They know my name huh? Well I have gov connects that officially label them as terrorists and have been in communicqon [sic] with high police about there [sic] wearabouts.”^{xxvi} In this message, Bakker not only explicitly invoked his employment at CPD, but bragged about exploiting his position to locate and presumably harass progressive activists.

After Bakker’s association with white nationalists was exposed, CPD launched an internal investigation into his conduct. The only sanction, as reported by the Sun-Times in June 2021, was a five-day suspension.^{xxvii} Despite affiliating with white nationalists and expressing a desire for violence against citizens he is charged to protect, Bakker apparently continues to patrol the streets of Chicago as a sworn officer, armed by CPD and empowered to enforce the law. Bakker’s activity not only undermines public trust in CPD, but also poses a threat to public safety, making his continued employment as a police officer untenable.

II. Chicago Police Department Policies

The Standards of Conduct and Rules of Conduct of the Chicago Police Department set out a stringent standard of professionalism for officers' on- and off-duty conduct.^{xxviii} Bakker has repeatedly and flagrantly violated these regulations. Bakker has defied the Standards of Conduct, which require that officers "at all times conduct [themselves] in a manner which does not bring discredit to himself, the Department, or the city"; "eliminate any attitudes which might impair his effectiveness and impartiality"; and have the "moral courage and emotional stability" to "fairly and impartially deal with human beings."^{xxix} These same Standards also require CPD to act on Bakker's violations, mandating that the department "seek[s] out and discipline[s] those whose conduct discredits the Department or impairs its effective operation."^{xxx}

In addition to defying the requirements detailed in the Standards of Conduct, Officer Bakker has also violated at least four acts specifically prohibited by CPD rules, including:

- Rule 2, which prohibits "[a]ny action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department";
- Rule 4, which prohibits "[a]ny conduct or action taken to use the official position for personal gain or influence"; and
- Rule 8, which prohibits "[d]isrespect to or maltreatment of any person, while on or off duty."

Contravening these standards and rules, Bakker's off-duty participation in white nationalist activity has brought "discredit" upon CPD, and his ties to the Proud Boys and other white nationalists indicate racist "attitudes" that call into question his ability to treat people of color and others fairly and with respect. (Standards of Conduct; Rule 2). Bakker has boasted about using his "official position" to target progressive activists for his "personal gain or influence," and disrespected those activists when he welcomed violence against them. (Rules 4, 8). By actively associating with a hate group and expressing a willingness to use law enforcement resources not to serve Chicago citizens but to advance the goals of white nationalism, Bakker has demonstrated that he is manifestly unfit for a position of public trust.

III. The First Amendment and white nationalism in law enforcement

CPD should not, and need not, give cover to white nationalism within its ranks. The First Amendment protects the right to speak and associate freely and assemble peacefully, including as a Proud Boy, but not to serve the community as a police officer or other government employee. As the U.S Supreme Court has recognized, the speech of public employees generally is protected only when employees speak on a matter of public concern and their speech interests outweigh the risk of disrupting the employer's operations.^{xxxii} This balancing test weighs the employee's speech interest against the state employer's interest in "promoting the efficiency of the public services it performs through its employees."^{xxxiii} When speech and associational rights are intertwined, a public employee's associational rights are subject to the same balancing test.^{xxxiii}

In determining that balance, the state employer's interests are given particular weight in the area of law enforcement.^{xxxiv} Because policing requires extensive public contact, community trust,

and close working relationships, courts may grant further deference to a department's judgment that an officer's actions erode public confidence.^{xxxv} An FBI Intelligence Assessment on white supremacist infiltration of law enforcement similarly notes that although the First Amendment protects an individual's right to express his or her opinions, the government can limit the employment opportunities of individuals "who hold sensitive public sector jobs, including jobs within law enforcement" when their expression would interfere with their duties.^{xxxvi}

The likely impact of the First Amendment activity, and how it may complicate the ability of both the individual employee and the law enforcement employer to perform their duties, is key.^{xxxvii} In Chicago and elsewhere, a police officer's badge is a "symbol of public faith" and "public trust."^{xxxviii} Courts have often upheld decisions by police departments to fire employees whose off-duty expression undermines trust with the public.^{xxxix} In one illustrative case, the Seventh Circuit upheld the firing of a prison sergeant for associating with and promoting the Ku Klux Klan, including on a local newscast where he was identified as an employee at a state prison.^{xl} The state's interests in "maintaining safety and avoiding racial violence" outweighed the prison sergeant's speech and associational interests.^{xli} The court noted that a perception of tolerance of white supremacy would reflect on the entire staff, exacerbating racial tensions and mistrust of prison administrators.^{xlii}

That an employee's expressive conduct occurs in private does not shield them from disciplinary action if the conduct poses a substantial risk of disruption to the agency's operation.^{xliii} This is especially true when, as here, the employee's speech is related to their employment, thereby directly threatening the employer's public image. Bakker bragged about his law enforcement connections to the group chat and explicitly referenced his employment as a CPD officer. He sought to "exploit his employer's image," a factor that the Supreme Court has found can bring the "mission of the employer and the professionalism of its officers into serious disrepute" and weighs against the employee's speech interests.^{xliv}

Erosion of public trust is a particular concern in communities of color, where a history of violent and disrespectful interactions with police has bred mistrust. Communities who lose trust in law enforcement are less likely to productively engage with police, which may obstruct the application of justice and make communities less safe. When an officer affiliates with white nationalists, as Officer Bakker has done, existing trust in law enforcement is further eroded.^{xlv} Even the mere perception of police officers harboring racist or bigoted sentiment jeopardizes the integrity of law enforcement, endangers individual officers and community members alike, and deepens the divide between police officers and communities of color.^{xlvi} And, in this case, Bakker's stated intention to exploit law enforcement resources on behalf of active white nationalists recalls a sordid history of racist violence committed by police officers under color of law.^{xlvii}

IV. The City must thoroughly reckon with white nationalism within law enforcement to earn the trust of its residents

While we welcome the deeper investigation by the Chicago inspector general's office into Bakker's Proud Boys ties, we believe that Bakker's apparent continued presence on the force severely impedes the department's ability to effectively serve the public. The five-day

suspension that Bakker was initially issued, which it appears he has not yet served, is a plainly inadequate sanction given the severity of his misconduct; association with white nationalists advocating for racial and political violence destroys public trust and thus warrants dismissal. As the investigation continues, we urge you to suspend Bakker, recognizing that his willingness to use his position of public trust to target those he views as enemies poses a threat to public safety. After a full investigation corroborates the facts we have outlined, Bakker should then be promptly terminated. The CPD must send the message that it will not tolerate white nationalism among its officers.

Law enforcement agencies across the country are addressing racist extremism within their ranks, finally responding to decades of activism. Affiliation with groups like the Proud Boys again and again has warranted termination. For example, the Clark County, Washington Sheriff fired a deputy who was photographed wearing Proud Boys' clothing and advertising Proud Boys merchandise on social media.^{xlvi} The Fresno, California police chief fired an officer who was a member of the Proud Boys and had a history of racist, violent rhetoric.^{xlix} The Pacific Grove Police Department in California fired an officer who associated with a different anti-government extremist group and shared social media content disparaging racial justice protesters.¹ The Wilmington, North Carolina police chief fired three officers after discovering footage of them exchanging racist and disparaging remarks.^{li}

It is time for Chicago to act accordingly. We urge you to update the community on the various investigations into Officer Bakker and swiftly terminate him should the public evidence be confirmed. While properly addressing the situation with Officer Bakker is a step in the right direction, we also know that no singular action will repair trust in the department. We therefore also urge you to seize the opportunity for systemic change at CPD by, amongst other things, reforming CPD investigative procedures so that white nationalism and racial bias are not allowed to fester indefinitely, and meaningfully partner with residents to build a police department worthy of the public's trust. We are happy to meet with you to discuss the issue and assist you with this matter. You can reach our office by contacting Arusha Gordon, Associate Director of the James Byrd Jr. Center to Stop Hate at the Lawyers' Committee for Civil Rights, at byrdcenter@lawyerscommittee.org.

Sincerely,

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Associate Director
James Byrd Jr. Center to Stop Hate
Lawyers' Committee for Civil Rights Under Law

Bonnie Allen
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- ⁱ Tom Schuba and David Struett, *Chicago Police Department investigating officer's alleged ties to the Proud Boys*, Chicago Sun-Times (May 27, 2020), <https://chicago.suntimes.com/2020/5/27/21272143/chicago-police-department-officers-antifa-proud-boys>.
- ⁱⁱ Tess Owen, *Chicago Police Are Investigating an Officer Accused of Being a Proud Boy*, Vice (May 26, 2020), <https://www.vice.com/en/article/v7ged9/chicago-police-are-investigating-an-officer-accused-of-being-a-proud-boy>; Chicago Antifascist Action, *Chicago Proud Boys Telegram Chat Logs Identify Chicago Police Officer Rob Bakker as Proud Boy* (May 25, 2020), <https://antifascistchicago.noblogs.org/post/2020/05/25/chicago-proud-boys-telegram-leaks-chicago-police-officer-rob-bakker/> [hereinafter CAA].
- ⁱⁱⁱ *Id.*
- ^{iv} *Id.*
- ^v Tess Owen, *Chicago Police Are Investigating an Officer Accused of Being a Proud Boy*, Vice (May 26, 2020), <https://www.vice.com/en/article/v7ged9/chicago-police-are-investigating-an-officer-accused-of-being-a-proud-boy> (when asked why he helped coordinate Proud Boys meetings in the Telegram chat, Bakker said without further explanation, “that was in regards to something else.”).
- ^{vi} *Proud Boys*, Southern Poverty Law Center <https://www.splcenter.org/fighting-hate/extremist-files/group/proudboys> [hereinafter SPLC].
- ^{vii} *Id.*
- ^{viii} *Id.*
- ^{ix} Clare Hymes, Cassidy McDonald, and Eleanor Watson, *More than 535 arrested so far in Capitol riot case, while more than 300 suspects remain unidentified*, CBS News (July 15, 2021), <https://www.cbsnews.com/news/capitol-riot-arrests-latest-2021-07-15/>; Nordean Biggs Rehl Donohoe Indictment, available at <https://www.justice.gov/usao-dc/case-multi-defendant/file/1377586/download>.
- ^x *SPLC*, *supra* note 8.
- ^{xi} The sixth member of the “Fuck Antifa” group chat was the activist who infiltrated the chat to uncover its activities.
- ^{xii} *CAA*, *supra* note 4.
- ^{xiii} Anti-Defamation League, Hate on Display Hate Symbols Database, *Totenkopf*, <https://www.adl.org/education/references/hate-symbols/totenkopf>; Anti-Defamation League, Hate on Display Hate Symbols Database, *Triskele*, <https://www.adl.org/education/references/hate-symbols/triskele>.
- ^{xiv} Anti-Defamation League, Hate on Display Hate Symbols Database, *Blood & Honour*, <https://www.adl.org/education/references/hate-symbols/blood-honour>.
- ^{xv} *CAA*, *supra* note ii; Chicago Antifascist Action, *Meet Jonathan Alexander Argumedo aka Jon Heathen aka John Alexander, leader of “Anti-AntiFa Chicago,”* Chicago Antifascist Action (May 29, 2019), <https://antifascistchicago.noblogs.org/post/2019/05/29/jonathan-alexander-argumedo/>.
- ^{xvi} Anti-Defamation League, Hate on Display Hate Symbols Database, *Anti-Antifa Images*, <https://www.adl.org/education/references/hate-symbols/anti-antifa-images>.
- ^{xvii} Anti-Defamation League, Hate on Display Hate Symbols Database, *Celtic Cross*, <https://www.adl.org/education/references/hate-symbols/celtic-cross>.
- ^{xviii} Chicago Antifascist Action, *Sean Dolan, of Uptown, known white nationalist skinhead & a study in bad opsec and security culture*, Chicago Antifascist Action (June 6, 2019), <https://antifascistchicago.noblogs.org/post/2019/06/06/sean-dolan-a-study-in-bad-opsec-and-security-culture/>.
- ^{xix} *Owen*, *supra* note ii.
- ^{xx} Andy Grimm, *Man convicted in Northerly Island stabbing sentenced to 3 years*, Chicago Sun-Times (November 18, 2019), <https://chicago.suntimes.com/2019/11/18/20971345/northerly-island-stabbing-thomas-christensen-sentence-proud-boys>.
- ^{xxi} Chicago Antifascist Action, Nicholas John Stiso: *Patriot Front Member and Current Chicago Proud Boy*, *Chicago Antifascist Action* (September 20, 2019), <https://antifascistchicago.noblogs.org/post/2019/09/20/nicholas-john-stiso-patriot-front-member-and-current-chicago-proud-boy/> (referencing chat logs leaked by non-profit media collective Unicorn Riot).
- ^{xxii} *CAA*, *supra* note ii; *Owen*, *supra* note ii.
- ^{xxiii} *Id.*
- ^{xxiv} Anti-Defamation League, *Proud Boys*, <https://www.adl.org/proudboys>.
- ^{xxv} *CAA*, *supra* note ii.
- ^{xxvi} *Id.*

^{xxvii} Tom Schuba, *CPD suspends cop tied to Proud Boys, launches probe into sex abuse claim*, *Chicago Sun-Times* (June 10, 2021), <https://chicago.suntimes.com/news/2021/6/10/22526507/cpd-robert-bakker-proud-boys-police-copa-investigation-probe-vice>.

^{xxviii} Chicago Police Department, *Rules and Regulations of the Chicago Police Department* (April 16, 2015), available at <http://directives.chicagopolice.org/directives/data/a7a57bf0-12d7c186-a4912-d7c1-8b12822c2ca106c4.pdf?ownapi=1>.

^{xxix} *Id.*, at Article I, Section B, “Standards of Conduct.”

^{xxx} *Id.*

^{xxxi} See *Connick v. Myers*, 461 U.S. 138 (1983).

^{xxxii} *Pickering v. Board of Education*, 391 U.S. 563 (1972).

^{xxxiii} See *Graber v. Clarke*, 763 F.3d 888, 894 (7th Cir. 2014) (finding that where speech and association claims are intimately intertwined, “the claims should be analyzed together”); see, e.g., *Gregorich v. Lund*, 54 F.3d 410, 414 (7th Cir. 1995), and *Griffin v. Thomas*, 929 F.2d 1210, 1212–14 (7th Cir. 1991).

^{xxxiv} *Breuer v. Hart*, 909 F.2d 1035, 1041 (7th Cir. 1990).

^{xxxv} See, e.g., *Pappas v. Giuliani* 290 F.3d 143 (2d Cir. 2002) (recognizing a police officer’s job quintessentially involves public contact, and holding the public’s perception of officer’s speech factors into whether it disrupts Government operations); see also *Dible v. City of Chandler*, 515 F.3d 918, 928 (9th Cir. 2008) (“The public expects officers to behave with a high level of propriety, and, unsurprisingly, is outraged when they do not do so.”), and *Locurto v. Giuliani*, 447 F.3d 159, 178–79 (2d Cir. 2006) (recognizing NYPD’s legitimate interest in its public perception, particularly among minority communities whose relationship with NYPD already was fraught, and upholding termination of officers who engaged in “disruptive” expressive activities that could perpetuate widespread perception of NYPD officers as racist).

^{xxxvi} FBI Counterterrorism Division, *Intelligence Assessment: White Supremacist Infiltration of Law Enforcement* (Oct. 17, 2006), available at <https://assets.documentcloud.org/documents/3439212/FBI-White-Supremacist-Infiltration-ofLaw.pdf> (emphasis added).

^{xxxvii} See, e.g., *Campbell v. Towse*, 99 F.3d 820, 830 (7th Cir. 1996); see also *Greer v. Amesqua*, 212 F.3d 358, 372 (7th Cir. 2000).

^{xxxviii} *Rules and Regulations*, *supra* note xxviii.

^{xxxix} See, e.g., *Lalowski v. City of Des Plaines*, 789 F.3d 784, 792 (7th Cir. 2015) (upholding police officer’s termination for using profane language while confronting anti-abortion activists off-duty, citing the potential for disrupting the department’s operations, such as by compromising “the community’s trust in its police officers.”).

^{xl} *Weicherding v. Riegel*, 160 F.3d 1139, 1141, 1143 (7th Cir. 1998).

^{xli} *Id.* at 1143.

^{xlii} *Id.*

^{xliii} See, e.g., *Heller v. Bedford Cent. Sch. Dist.*, 665 F. App’x 49, 50 (2d Cir. 2016) (upholding dismissal of public school teacher for telling a friend in a private online conversation that he wanted to “kill people,” emphasizing the school district’s substantial interest in protecting public safety).

^{xliv} *City of San Diego, Cal. v. Roe*, 543 U.S. 77, 81–84 (2004); see *Lalowski* 789 F.3d at 793 (7th Cir. 2015) (plaintiff police officer’s “speech interests were diminished by the capacity in which he spoke” because he “represented himself as an off-duty police officer” while confronting anti-abortion protestors).

^{xlv} See, e.g., Kenya Downs, *FBI Warned of White Supremacists in Law Enforcement 10 Years ago*. Has Anything Changed?, PBS (Oct. 21, 2016), <https://www.pbs.org/newshour/nation/fbi-white-supremacists-in-law-enforcement>.

^{xlvi} See Giffords Law Center, *In Pursuit of Peace: Building Police-Community Trust to Break the Cycle of Violence* (Jan. 2020), <https://lawcenter.giffords.org/wp-content/uploads/2020/01/Giffords-Law-Center-In-Pursuit-ofPeace.pdf> (finding lack of trust between police and communities is a major driver of national gun violence). See Department of Justice, *Importance of Police-Community Relationships and Resources for Further Reading*, <https://www.justice.gov/crs/file/836486/download> (emphasizing community trust in police is critical to public safety, and stating community trust depends on perceptions that police actions reflect community values). See Desmond, Matthew, Andrew V. Papachristos, and David S. Kirk, *Police Violence and Citizen Crime Reporting in the Black Community*, *Am. Soc. Rev.* 81.5 (2016) (finding that news of police abuses led to fewer 911 calls and diminished community safety).

^{xlvii} Michael German, *Hidden in Plain Sight: Racism, White Supremacy, and Far-Right Militancy in Law Enforcement*, Brennan Center for Justice (August 27, 2020), <https://www.brennancenter.org/our-work/research-reports/hidden-plain-sight-racism-white-supremacy-and-far-right-militancy-law> (“There is an unbroken chain of law enforcement involvement in violent, organized racist activity right up to the present.”)

^{xlviii} Katie Shepherd, *Clark County Sheriff Deputy Fired After Wearing A Proud Boys Sweatshirt*, Willamette Week (July 20, 2018), <https://www.wweek.com/news/courts/2018/07/20/clark-county-sheriff-deputy-fired-after-wearing-a-proud-boys-sweatshirt/>.

^{xlix} Hannah Knowles, *California police fire officer who was a Proud Boy, saying they have no tolerance for 'hate groups'*, The Washington Post (April 11, 2021), <https://www.washingtonpost.com/nation/2021/04/11/fresno-rick-fitzgerald-proud-boys/>.

¹ Mary Duan, *Pacific Grove Police officer linked to anti-government group no longer with the department, chief announces via video*, Monterey County Weekly (January 13, 2021), https://www.montereycountyweekly.com/blogs/news_blog/pacific-grove-police-officer-linked-to-anti-government-group-no-longer-with-the-department-chief/article_d8e73b3c-55f3-11eb-aedb-af9c9cf25449.html

ⁱⁱ Jason Slotkin, *North Carolina Police Chief Fires Three Officers Over Racist Comments Caught On Tape*, NPR (June 25, 2020), <https://www.npr.org/sections/live-updates-protests-for-racialjustice/2020/06/25/883358818/wilmington-n-c-police-fires-three-officers-over-racist-comments-caught-on-tape>.