



“Flak Catching” and How to Improve Government Response to Urban Uprisings

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The government response to race-based urban violence has been remarkably similar throughout the decades: the creation of a riot commission. Some of these commissions are well known, such as the Chicago Commission on Race Relations, which studied the 1919 riot, a deadly two-week long riot that began when a Black teenager drowned after transgressing the color line on a segregated Chicago beach; and the Kerner Commission, which studied the nationwide 1967 riots that took place mostly during the “long, hot summer” when over 100 uprisings occurred in many of America’s urban cities. Others are obscure, such as the Assembly Special Committee on the Los Angeles Crisis, which studied the 1992 riot that was sparked by the acquittal of four police officers who had badly beaten Rodney King, a Black man. However, regardless of the public’s knowledge of their existence, they have all been “flak catchers,” serving to give the appearance of action and calm the public, but without necessarily forwarding meaningful institutional change. To be effective, race riot commissions should: receive adequate funding and reasonable timelines, ensure wide-ranging community representation with regard to commissioner selection, provide estimates for costs on any recommendations they make, and appoint an oversight body to manage implementation of recommendations after the commission has completed its work.

“Flak Catcher” Commissions

I first used the term “flak catcher” in my 2011 book on riot commissions. The term comes from a 1970 Tom Wolfe short story exploring racialized confrontation between government bureaucrats (the flak catchers) and the “frustrated ghetto youth” in 1960s San Francisco. I used the term similarly to Wolfe, as a way to reference the manner in which these commissions act as stopgaps, typically doing nothing more than giving the appearance of strong and responsive government action during an uncertain time. In some cases, they treat the violence primarily as a problem of law and order—that is, of there not being an adequate response to the violence by law enforcement—and in doing so, they fail to explore the long-simmering root causes of the violence. In other cases, they may study these root causes—for instance, the endemic problems of inequity, poverty, and injustice in these urban cities—but even then, their recommendations are rarely implemented. In the most egregious cases of flak catching, the riot commission both looks at the violence only superficially *and* does not act in any substantive manner. In all of these cases, the result is that the commissions primarily benefit the instituting body (usually a governor, mayor, or the president) by giving them credit for responding, while essentially undermining any larger civil rights message behind the violence.

What Was the Response in Ferguson?

In the wake of the killing of an unarmed Black teenager by a White police officer in Ferguson, Missouri in 2014, the city of Ferguson and the surrounding St. Louis area erupted in protest—sometimes peaceful and other times more violent. A few months later, Governor Nixon announced that an independent, state-level commission (the “Ferguson Commission”) would study the broad social, economic, and political issues underscored by Michael Brown’s death and the resulting unrest. Additionally, Governor Nixon asked the Commission to issue honest and tough recommendations and assured the community that the Commission would not hesitate to wade into uncomfortable territory.

But did the Ferguson Commission just end up acting as a flak catcher? Initially, it appeared that way; indeed, just over four months after the Commission released their final report, Governor Nixon gave his final State of the State address without mentioning the Commission once.

Thus, in some ways, the Ferguson Commission operated similarly to previous riot commissions. This is most evident in the implementation process, as the Ferguson Commission has struggled to get its recommendations put into action. A recent “State of the Report,” assessment found that only five of 47 “signature priority” calls to action in the Commission’s report had been achieved, though some progress had been made on all 47. Using a scale of implementation ranging from zero (“no or little implementation activity at any level”) to five (“nearly complete or complete implementation at the highest appropriate level”), the signature priority calls to action achieved an overall implementation score of 2.54, indicating that commission-recommended policy implementation was falling far short.

Yet, in many ways, the Ferguson Commission functioned differently from previous riot commissions. First, it had enough time and money to do a thorough study, and the commissioners came from a variety of backgrounds and perspectives, ensuring that the Commission would not just promote the status quo and the protection of power. Second, the most notable aspect of the entire commission report is the way in which they placed race (and racial equity) at its center, something that previous commissions had been unwilling to do despite the obvious race-based nature of the unrest. Third, in terms of recommendations made, those of the Ferguson Commission are far-reaching and hard-hitting and included an “accountable body(ies)” section under each of the 189 calls to action, making it very clear who should be held accountable for action (or lack of action). Finally, the Commission ensured continued action, even after they disbanded, by instituting a post-commission body to oversee progress on the Commission’s recommendations. They did so by erecting a non-profit organization—Forward Through Ferguson—to push for the changes outlined in the Commission’s final report. With a permanent staff of five, the organization has advocated for implementation of recommendations from the Commission report, such as by organizing racial equity summits and distributing grant money to local community groups in the St. Louis region.

Toward a More Effective Response to Urban Unrest

If future urban uprisings occur, should governments respond with a commission or are they inevitably ineffective? My analysis shows that a commission may be an appropriate response and can indeed offer insight. What can be done to increase efficacy? First, the commission should be fully funded and have a reasonable timeline that allows for a robust, but not drawn out, study. Second, the commissioners should be representative of multiple perspectives, experiences, and demographics. Third, the commission report should include cost estimates and possible sources of funding. Finally, and perhaps most importantly, the work of the commission should not end with the release of the report. Accountability is not guaranteed but is much more likely when an oversight body, such as the Forward with Ferguson non-profit organization, is continuing to advocate for policy implementation.

Government-instituted commissions need not be flak catchers; there are steps they can take to increase their efficacy, power, and influence. This is true of not just riot commissions, but any commission tasked by government to study an issue and recommend changes. However, as with any policy implementation process, the government needs to be willing to step away from the flak catcher role. If they are not willing to do so, then the commissions are working exactly as the government hopes they will: as a mechanism of evasion that serves to look responsive but which simply upholds the status quo.

Read more in Lindsey Lupo, “Responding to an Uprising: An Analysis of the Ferguson Commission.” *Journal of Urban Affairs* (February 2022).