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ESR

ESR

Ethnic Studies Review

The Journal of the
National Association for Ethnic Studies

Volumes 37 and 38
Black Lives Matter Special Issue

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Abstracts

#Black Lives Matter

Bahar Davary
University of San Diego

This short story begins with a reference to the tragic killing of Trayvon Martin and the acquittal of his killer as part of a pattern of behavior that shouts loud and clear: “black lives don’t matter”. The story traces the injustices of slavery and life and work on the plantations. It takes us from Jim Crow laws in the U.S. to the stifling of the national movement of the Congolese, from assassination of Patrice Lumumba, to the killings of Martin Luther King and Malcolm X. In short, the story is a reflection on the responsibility of educators in addressing the topic that Du Bois called “the problem of the century” over a hundred years ago. It points to the importance of discussing it in various disciplinary and interdisciplinary fields including religious studies, sociology, history, ethnic studies, political science, psychology, linguistics, etc

Challenging the System? The Potential for Radical Politics in the Age of Ferguson

Danae Hart
Claremont Graduate University

As a social movement continues to grow challenging the justice system that fails to prosecute and convict police officers use of deadly force, it is crucial to note what hegemonic constructs maintain the institutional power structures that continue to harm people of color. When police officers are acquitted when they inflict deadly harm on unarmed citizens the justice system is working to maintain the power structures that devalues Black lives. When hegemonic power structures perpetuate injustice it appears necessary to challenge and deconstruct the system as a whole. Do the protest movements choose to challenge hegemony or rather seek to conform to the ideals of the justice system? I ask this question utilizing a Cultural Studies framework putting Stuart Hall, Antonio Gramsci, and Slavoj Zizek in conversation with each other in order to illuminate how activism must contend with hegemony. Activist movements do not seek to radically dismantle hegemony, but work

within it in ways that reform and redefine how the concept of justice can be present in the lived realities of communities of color.

Black Lives Matter: Decrypting Encrypted Racism

Basil Ugorji
Nova Southeastern University

The agitation of the Black Lives Matter movement has dominated the public discourse in the United States. Mobilized against the killing of unarmed black people, the movement and their sympathizers have made a series of demands for justice and dignity for the black people. However, many critics have raised concern over the legitimacy of the phrase, black lives matter since all lives irrespective of race, should matter. This article does not intend to pursue the ongoing debate over the semantic use of black lives or all lives. Instead, the paper seeks to study, through the lenses of the African American critical theories (Tyson, 2015) and other relevant social conflict theories, the often neglected but important shift that has occurred in race relations in America, a shift from overt structural racism to its covert form - encrypted racism. It is the contention of this article that just as the Civil Rights Movement was instrumental in ending overt structural racism, open discrimination and segregation, the Black Lives Matter movement has been bravely instrumental in decrypting encrypted racism in the United States.

Hyphy Sparked a Social Movement

Andrea L.S. Moore
California State University, Sacramento

“Hyphy,” a genre of rap and lifestyle associated with Bay Area hip hop evolved into a counter-cultural social movement for marginalized youth in early 2000. Hyphy originated from Black youth as a musical protest in response to their historical lack of social power, economic resources and systematic institutional oppression. Hyphy provided a space to release tension, celebrate life and freedom of expression, primarily as a means of resisting hegemonic perceptions of Black youth and their cultural productions. Applying a cultural studies theoretical approach, this ethnographic research examines literature and media coverage pre and post Hyphy highlighting the ways in which it fostered a personal and political agenda, attracting organizations that employed hip hop to provide direct services to youth as a means of advocating for social justice. This article argues that the Hyphy Movement although dated, supported the foundation of the Black Lives Matter movement in the Bay

Area by playing a pivotal role in shifting the revolutionary consciousness of young people when addressing police violence during a pivotal social upheaval in 2009, the unjust murder of Oscar Grant III.

Key Words: Hyphy Movement, Oscar Grant III, Mistah F.A.B., Mac Dre, Black Lives Matter, hip hop, social justice, protests

The Black Lives Matter Movement and Why the Response of All Lives Matter Is Misleading

Scott Loken

This paper discusses the Black Lives Matter movement, its brief history and relevance, and the problem with the response of All Lives Matter and how it is misleading. It discusses incidents leading up to the initial Social Media hashtag and how the statement took off as a rallying cry in response to any incident which seemed to be racially motivated, especially in situations where police officers were involved resulting in the death of African American citizens. This article examines how the organization was first developed in response to the killing of Trayvon Martin by George Zimmerman and his acquittal of murder charges in the resulting court case in 2013. Additionally, I discuss the media and conservative backlash in response to the group's activities, and examine the criticisms of their actions, even trying to claim the Black Lives Matter organization itself should be considered a hate group. My paper comes from the perspective of a white male disgusted with modern racism having been a lifelong student of the Civil Rights and Black Liberation Movements while growing up in the diverse and politically charged atmosphere of Berkeley, CA and its surrounding Bay Area. Having been influenced and inspired by the powerful and socially conscious lyrics of Hip Hop of the late 80s through the 90s, I bring a unique voice to the conversation of current race relations.

Against Critical Race Theory

Paul C. Mocombe
West Virginia State University

Critical Race Theory (CRT) seeks to apply the negative dialectics of critical theory to the intersection of race, law, and power in the pursuit of racial and ethnic equality in Western society. That is to say, critical race theorists seek to convict Western society for not identifying with their values due to the prevalence of racial and ethnic oppression and subordination in the society. I argue here that this pursuit of racial emancipation and anti-subordination through the negative dialectics of

critical theory by critical race theorists offers a false sense of racial difference which is convicting the values of the West for an alternative ontology and epistemology upon which to re-constitute its ideals in particular and society in general. I conclude that the postmodern/poststructural emphasis on the politics of the racial and ethnic physical bodies as offering an ontological and epistemological difference from the episteme of the West is baseless. The tenets of critical race theory are a reflection or inversion of the values and ideals of the West against themselves for their non-identification, and do not offer an oppositional alternative discourse from which to replace Western ontology and epistemology for its oppression and subordination against humanity and the earth. As such, I conclude that critical race theory is a conservative discourse that offers no real substantive solution to the crisis facing humanity and the earth in the face of the Protestant Ethic and spirit of capitalism's exploitation and oppression. In fact, I want to go so far as to suggest that CRT prevents social change amidst the social and ecological devastation Western episteme has unleashed unto the world.

Keywords: Racial Identity, W.E.B. Du Bois, Frantz Fanon, Black Diaspora, Spiritualism, Critical Race Theory, Negative Dialectics, Liberalism, Anti-dialectics

The Birth of a Cinematic Storyline Normalizing Violence Against Black Lives

James Curiel
Norfolk State University

The first Hollywood blockbuster, *The Birth of a Nation*, did more than establish cinematic conventions of camera techniques and movie distribution, for it also established a conventional storyline whereby white, patriarchal power is re-established through violence led by a white savior. This storyline can be traced throughout the history of major blockbusters such as *Gone with the Wind* of 1939, the cavalry trilogy by John Ford in the 1940s, *The Omega Man* from 1971, and *The Outlaw Josie Wales* from 1976. A quandary thus arises as to why *The Birth of a Nation* is held in such infamy and disdain when subsequent films that employ the same storyline are held in such high regard? I pose one explanation of this double standard in judgment as being caused by what I call "social distance by layering." The larger issue is this storyline normalizes white male gun violence against blacks, liberals, and feminists.

The Color of Mass Incarceration

*Ronnie B. Tucker, Sr.
Shippensburg University*

This article looks at the issue of incarceration with a focus on the number of African Americans both male and female who are now incarcerated in the United States. The article takes an analytical perspective in reviewing the fact that the majority of African Americans in the prison population are not there for violent crimes, but yet, African Americans contribute to the mass color of incarceration. The article also includes discussion on how the “so-called’ justice systems has treated African Americans unfairly when charged with the same criminal offenses as those of the majority population. The paper also addresses the issue of whether or not mass incarceration of African American men is an “institutional” means for decreasing the African American population in the United States.

EDITOR'S NOTE

BLACK LIVES MATTER: IMAGINING AND REALIZING AN EQUITABLE BLACK FUTURE

*Special Guest Editor's Note by Ravi K. Perry
Virginia Commonwealth University
President of the National Association for Ethnic Studies*

The idea for this special *Ethnic Studies Review* edition, Black Lives Matter: Imagining and Realizing an Equitable Black Future, germinated prior to the election of the 45th president of the United States. However, what this series of articles and commentaries contribute to the movement for Black lives is even more critically important.

Black bodies are the original currency in the United States; the United States was founded on the literal mattering of Black lives. Meanwhile, a central component of some of the most effective Black political activity has included the mobilization of Black people targeting the state and demanding its active engagement in the expansion of resources and opportunities available to Black communities. According to organizers, “Black Lives Matter is an ideological and political intervention in a world where Black lives are systematically and intentionally targeted for demise. It is an affirmation of Black folks’ contributions to this society, our humanity, and our resilience in the face of deadly oppression.” Black Lives Matter activists have lamented that Blacks do not have time to negotiate a radical future because many are trying to live. Thus, the context of the mattering is critical vis-à-vis the historical emergence of white supremacy.

Worldwide, as human beings nearly everywhere sought to mobilize against the racial and ethnic rhetoric of terrorism from candidate Donald J. Trump, American voters failed to prevent the Ku Klux Klan endorsed candidate from winning the most powerful public office on the planet. Throughout the presidential campaign, but particularly in the aftermath of the November 2016 election, people have attempted to grasp what the country does now immediately after the two terms of the nation’s first Black president.

Many Black leftists made morally righteous claims that a vote for anyone other than Hillary Clinton or Donald Trump was the most “socially conscious” decision. Other leaders hinted that a vote for Jill Stein, for example, was justified because she, in their view, held beliefs closest

to that of the marginalized Black voter. Much of this discord was and remains within the Black political community. Op-eds, social media commentaries, and media personalities' stints on television networks – all demonstrated a core disagreement within the mindsets of many Blacks heading to the polls in November 2016. At the center of the disagreement is one's conceptualization of the presidency, one's knowledge of what the president does (*vis-à-vis* the other two branches of government), and what matters most when voting: shared ideological beliefs or shared interests.

The articles in this volume speak to that contention. This special edition includes views about the status of the movement for Black lives in the United States with which the National Association for Ethnic Studies does not agree, but that we believe are central to give voice to so that we can better understand opposing views as we build a movement to combat dangerous ideology. This special edition is also 'special' because we conceptualize the viewpoints around Black Lives Matter as a political reckoning. Hence, the contributors herein responded to a call for submissions that sought to frame the discussion around the central importance of Black lives as a sociopolitical phenomenon. Thus, we, in part, seek to explore the pragmatic, short-term and long-term avenues for collective mobilization. We move beyond a theory of justice about the value of Black Lives Matter, to an actionable set of ideas that can be implemented to maximize the greatest possible impact on the socioeconomic and political conditions of Blacks in the United States.

As the contributors to this special edition argue, the Black Lives Matter network and the movement for Black lives is about more than policing, and the movement began long before the twenty-first century. Policing is just the most egregious act against Black lives. What is equally important to be mindful of is that there have been demands from Blacks in the United States for a long time with only tepid success. Central to this reality is the understanding that any Black future in the twenty-first century and beyond must be equitable for all members of the Black community – where Blackness is both an ascriptive identity and a political identity, where Blackness is not bounded by hegemonic perceptions that seek to narrow the breadth of Blackness.

Our challenges are many. How do we build a social and political justice movement centered on the insecurity of Black American lives? How do we ensure the success of calls for resistance? What does resistance look like? How do we explain the role of minority and women voters – urban and rural – in directly and indirectly helping to elect the first Ku Klux Klan endorsed candidate for president in modern history? Where do we focus our critiques and discord – the Democratic Party, the two party system, capitalism, the "failure" of the candidacy of Hillary

Clinton, a lack of political education, or all of the above? Perhaps most importantly, if we claim to care about Black lives – both now and in the future –how do we negotiate priorities? Do we espouse a series of core beliefs that are designed to ensure a greater protection of Black lives in the future? What is the best way to address the immediacy of danger surrounding many Black lives today? This volume does not seek to provide answers to those queries, but we do hope that the varied perspectives on how best to politically protect and engage Black lives serves as a generator of ideas that may spark the implementation of solutions to some of significant challenges faced by Blacks in America today.

One critical point of agreement in the essays in this volume is that Black political progress has to be more than theoretical. Ideas for substantive improvement in the socioeconomic condition of Black lives must be framed around more than moral crusades that embody the luxury of gradual solutions to pressing problems. Political actions must also be strategic, immediately impactful, and yet have implications for the long term. As these essays will attest to, without such an approach we may be boldly imagining a strong Black future, but will we witness the realization of an equitable Black future?

FOREWORD

WHAT THE BLACK LIVES MATTER MOVEMENT DEMANDS OF ETHNIC STUDIES SCHOLARS

Melina Abdullah
California State University, Los Angeles
Black Lives Matter

“Come in. Sit down. Close your eyes. Be silent and listen.” Melody engulfed the room. Our bodies unwittingly swayed softly to rhythms that conjured Ancestral memories. The bald, brown-skinned, goateed, dashiki-wearing man in front of the room exuded both warmth and strength. As a fourteen year-old ninth grader, the constancy of my giggle was interrupted by the sanctity of the space. Squeaks of the crotchety wooden desks that formed a large circle joined the music that hummed from the old record player at the front of the room. Minutes felt like days. Sound transported us through time and space and as the song came to an end, Mr. Navies instructed us, in a voice that prolonged the Spirit of what we had just experienced, “Now, write down your thoughts.” Silently, we scribbled down the ideas, poems, and stories that danced out of our Souls. We were greeted this way every single morning in African American History, Black Gold English, Black Male-Female Relationships, and the dozens of classes that comprised the Black Studies Department curriculum at Berkeley High School. At the close of each week, we would share our writings with the class, inspired by “classical Black musicians” from Charlie Parker, to Thelonius Monk, to Billie Holliday. Dassine, LaRae, Trinice, and Tomorrow would share poems. Ameer, always sat directly to my left and would break up the passionate tear-eliciting prose shared by others, with stories and jokes so hilarious that Mr. Navies would sometimes have to turn his back and hurriedly race across the room to shield his laughter from the class.

As a Black girl coming of age at the height of the crack cocaine epidemic in East Oakland, Black Studies classes became my refuge and the refuge of an entire generation of Berkeley High School students who flourished during “Back to Black Week” and “Malcolm X Week” when classes were suspended and African-Haitian dance performances, speeches by scholars like Oba T’shaka and Angela Davis, and our own brilliant poetry and essays became massive campus-wide presentations in the school auditorium. Somehow, the murder of my eighth grade boy-

friend, Curtis Belton, was not quite so haunting. I was able to escape the constant counting of bodies. . .of friends. . .children. . .who were gunned down or imprisoned by systems that sought to dehumanize us on a daily basis. As I wrapped myself in a lapa and danced to drum beats, my heightened sexualization by grown men who sought to prey on me at bus stops was beaten back. Our collective power was harnessed off campus too. When the corner store implemented a racist policy, requiring Black students to enter one at a time (allegedly to prevent shoplifting), we made signs on the floor of Mr. Navies' classroom and picketed for weeks. . .until Blue & Gold Corner Grocery halted these unjust practices. There were bus trips to Sacramento to challenge policies and conversations that reminded us of the richness and power of our people. Mr. Navies became our savior, who we never dared to tell how much we loved, honored and respected. Black Studies literally saved my life. . .our lives.

Leukemia took the body of Richard Navies before I ever got the chance to tell him any of this, before I earned my degree in African American Studies from Howard University, before I went on to graduate school, before I became a professor of Pan-African Studies, before I became a mama, or a full-fledged community organizer. I watched him watch me come to class high, sit out in front of the school and flirt with the boys who rolled up in Mercedes and five-point-0s, begin to mold myself into the person that my environment imposed. I became a "fly girl," a drug-dealer's girlfriend. I dropped out of traditional school and relied on my physical appearance rather than my intellect. I do not know if he knows how the seeds that he planted took root, that those moments of imposed identities were impermanent and how the foundation that he laid for us formed the core of our beings. I pray that his Spirit sees how deeply committed we all are to honoring him with our work.

I share this experience in hopes of reminding Ethnic Studies scholars of our power and purpose. So many of us were pulled into the discipline not because of aspirational career trajectories, but because our very Souls commanded it. Our work is deeply personal and driven by what it produces for the collective. And while so many of us are *in* institutions, we must not become *of* it. Ethnic Studies is meant to liberate. . .to be an antidote to crack cocaine epidemics, to media images that degrade Black bodies, to intersectional everyday oppressions, to systems of mis-education. Ethnic Studies is meant to echo and deepen calls for liberation and empowerment. . .and most loudly and most clearly in this moment to affirm that Black Lives Matter.

As scholars, we are driven to research and publish. We engage critical questions and attempt to contribute to the body of knowledge. We are trained to measure our success by the degree to which our work is discussed and cited by other scholars. Entire reports are generated that ana-

lyze the reach of our work in this way. Considerations are further bolstered by subjective determinations around the relative importance of research questions and the ranking of the journals or university presses that publish our work. Rarely do we examine the impact, or lack thereof, that our work has on the world of which we are a part.

Under such a model, academics can choose to reject, ignore, or challenge from the comfort of “reserved” padded corner chairs at Starbucks or university clubs, the experiences, realities, and struggles of people who become objects for analysis, variables in equations. Even in historic moments like the one in which we currently find ourselves, where Black people and allies are refusing to get in line, boldly challenging power, and demanding not just reform, but transformation, many academics remain so tied to research agendas that they continue to churn out regression analyses that highlight their own mathematical genius or theoretical pieces that obsess in the coining of terms which carry no meaning for the vast majority of people. And then there are the others, those who monitor trends and whose writing jumps and shifts to accommodate, to keep the scholar “hot.” While, their work is often more accessible and relevant to the public, these scholars write (and sometimes study) upon communities rather than with them. Their work is for the purposes of advancing their own careers and profiles. This Black Lives Matter moment challenges scholars to do something different. As spaces are disrupted and attempts are made to completely reimagine key systems. . .from public safety to education. . .we must also reconsider our own roles.

As Ethnic Studies scholars, we must refuse to align with principles and practices that have never benefitted people of color and oppressed communities. We are challenged to recall and adhere to the revolutionary foundations of our discipline that transform the lives of entire generations, empower communities, and inspire and support radical action. Ethnic Studies was never meant to be a part of the ivory tower, but to disrupt it. Ethnic Studies scholars who are true to our field are not academics, but intellectuals whose work must challenge the order of things and should make a contribution to freedom and justice struggles. “There is no politically neutral intellectual work. Knowing this should empower intellectuals to make political choices that we can claim while still holding on to an ethical commitment of open engagement with ideas. Intellectuals can offer any radical movement for social change transformative visions and insights” (bell hooks, *Killing Rage: Ending Racism*, 239).

This rejection of the false notion of neutrality challenges us to constantly remember whose side we are on. . .we must always, unwaveringly, be on the side of the people, not simply conceptually, but tangibly. Bell hooks’ call is meant to challenge scholars broadly to become intel-

lectuals rather than academics and is rooted in the praxis of Ethnic Studies. Our field was not birthed by research questions, but by a resistance movement entrenched in community calls for liberation. The 1968 community and student struggle that gave rise to our field was one component of the broader Black and Third World liberation struggle; it was not simply simultaneous to the Black Power Movement, but a part of it. In many senses, our field is one of the movement's greatest and most enduring victories. As such, our work is meant to deepen the intellectual frame from which we struggle, with active engagement constantly informing and benefiting from our work. For Ethnic Studies scholars, intellectual work must necessarily be movement work.

We must also understand the movement as continuous and enduring. As Angela Davis reminds us, "freedom is a constant struggle." We are at a deeply critical juncture. Black Lives Matter, born in 2013, is a moment of reawakening, reimagining, and rebuilding of the Black freedom movement. Inasmuch as Black Lives Matter is a collective outcry that honors the life of Trayvon Martin, Mike Brown, Ezell Ford, Aiyana Stanley-Jones, Tamir Rice, Redel Jones, Wakiesha Wilson, Emmitt Till, Malcolm X, Nat Turner, and the thousands of others whose lives were stolen by the state, this iteration of the movement is more than a response. Black Lives Matter was built to topple state-sanctioned violence against Black people and has worked for more than three years to disrupt the policing system that was built intentionally and deliberately to target Black people for demise. It was birthed to dismantle policing as a tool of White-supremacist-patriarchal-heteronormative-capitalism. And more than that, it challenges us to wake up, step up, struggle for, vision, and build Black freedom, recalling Mama Harriet Tubman's admonition to "be free or die."

Just as Black Lives Matter embraces the disrupt/build model. . . one that directly challenges institutions, while visioning and building liberatory models. Ethnic Studies scholars are challenged to determine how to fully engage as intellectuals. In what ways can our research, writing, classrooms, and campuses serve as spaces for disruption and building? How will the political decisions that we make as scholars confirm that we are on the side of the people? How well will we adhere to the calls of our discipline to fully entrench ourselves in the Black freedom movement that is currently taking form as Black Lives Matter? I submit that all of us must commit three things to the movement: voice, body, and resources. Voice means amplifying the call for Black freedom as expressed through Black Lives Matter. As intellectuals, we are uniquely positioned to do this piece of the work. We have an opportunity to counter the heavily resourced rhetoric of institutions by lifting up the voices of the people through our research and writing. This is one of the

functions and intentions of this journal edition. And we must go further. The second commitment that we must make. . .that of our body. . .means that we must show up. It is not enough to write about what we read or watch in media. Intellectual work entrenched in the movement means that we must participate with the folks on the front lines. The energy and power of the movement cannot be understood or fully captured through interviews and focus groups. This moment requires action research in partnership with fully engaged practitioners. Finally, we must commit resources. Campuses are spaces of tremendous resource, even the underfunded ones. There is classroom space that can double as meeting space. There are funds for speakers and activities. There are copy machines. There are people – students, faculty and staff, whose lives do not begin and end with their roles on campus.

It is not coincidental that nearly half of those who heeded the call of Patrisse Cullors (who had been in conversation with Alicia Garza and Opal Tometi) to convene the night of July 13, 2013 were Pan-African Studies students. There were a million stars that night as we gathered in the courtyard of St. Elmo's Village. . .the Black artist community where Patrisse was living. As we held hands, committed to build the Black Lives Matter movement as more than a response moment, and chanted "Assata," we were also honoring the traditions carried by Mr. Navies, C.R.D. Halisi, Manning Marable, Huey P. Newton, Cedric Robinson, and all of the other Black Studies and Ethnic Studies scholars who have walked before us, who have forged a path of revolutionary intellectual work that, at its core, is meant to get us free. May the Black Lives Matter edition of the *Ethnic Studies Review* jar us into recognizing that our work must refuse the confines of academia; it must be in the tradition of revolutionary intellectualism; it must be entrenched in movement.

ARTICLES

#BLACK LIVES MATTER

Bahar Davary
University of San Diego

“If you’re not careful the newspapers will have you hating the people who are being oppressed, and loving the people who are doing the oppressing.”

—Malcolm X

She rushed downstairs, looking for her phone. On the dining room table somewhere in the midst of books and papers, she found it. As she grabbed the phone, her brisk pace was slowed to a halt. “I cannot believe this,” she muttered, shaking her head in denial. The news feed from the *New York Times* read: “George Zimmerman acquitted in Trayvon Martin killing.” It was hard enough to believe that a volunteer entrusted with keeping the neighborhood secure, fatally shot a seventeen-year old boy who was walking with a packet of skittles in one hand and a can of soda in the other. More shocking was that over a year later the killer had been acquitted. The most incriminating piece of evidence turned out to be his hoodie.

Astounded by the news, she gathered the rest of her things and headed for the door. Finding a parking space after 7:30 a.m. was going to be a hassle, she thought to herself. A fairly mundane thought in the midst of frustration and confusion. As she started the car, NPR’s analysis of this news filled the air. She was immediately drawn into the discussions. Among the many views expressed, even those who were highly sympathetic toward Trayvon viewed this series of events as an exception or an anomaly. Distracted by the radio chatter, she saw the sign for her exit out of the corner of her eye; quickly she took a sharp bend in front of the car in the next lane. She immediately raised her hand as a gesture of apology to the other driver. He looked distressed, apparently not for the mishap that just took place. He waived back. His expression reflected a heaviness of heart as if he were listening to the news as well.

The rest of the commute went by quickly. Without realizing the passing of time, she had reached the campus. There was ten minutes left to find a parking space, go to her office, grab her books, and rush to class on the other side of the campus. The day’s topic was the relationship

between the methods and the respective struggles of Malcolm X and Martin Luther King, Jr. She thought to herself that it has been more than 150 years since the signing of the Emancipation Proclamation. Before that, four million black people had been slaves in this country. Millions of others lost their lives in transit from Africa. The advancement and progress of the new world is owed to the arduous labor of those who survived the transatlantic voyage. Tobacco, cotton, rice, rubber plant, and other raw materials were made with their blood, sweat, and tears.

Her thoughts turned to before the Emancipation Proclamation; to the days when one hundred thousand black people died during the American Revolutionary War, and the days when around forty thousand of them lost their lives fighting the Civil War. These tragic pages of history were the driving force behind the struggles of Malcolm and Martin to reach true equality for American citizens, black and white. Although both of them lost their lives while treading this path, their hopes for the future of black people in America seem to be a long way from becoming realized.

She remembered when she was a child she had watched Muhammad Ali (formerly Cassius Clay) on television announcing that he had changed his name, and his religion too. She remembered him telling the story of the time when after his victory in the Olympics and being awarded a gold medal over his Polish and Russian competitors, he went to a restaurant in his hometown of Louisville, Kentucky, sat at the counter, and ordered a hotdog and a coffee. He told the story of how the owner had gestured to one of the waitresses, and the waitress had said to him: "We do not serve negroes." The world's boxing champion who had just won gold medals for his country was not allowed to eat at a restaurant in his own hometown. He had a charming poetic yet funny way of telling the story of how when he was a child he asked his mother why everything good was white and everything bad was black. He asked why Jesus was white? Why the angels were white? Why Tarzan, the king of Jungle in Africa was white? He was also the only one who knew the language of the animals? He had asked why Angel food cake was the white cake and the devil food cake was the chocolate cake? Why the black duckling was considered ugly, and the black cat was the bad luck, and why extortion was called black mail? He said it all very simply yet he questioned the effects of racism not only in the streets, cafes, and bars, or in the media but hinted to the roots of it in the formation of language.

All of these thoughts rushed through her mind. She remembered when, in November 2008, the announcement that Barack Hussein Obama had won the presidential elections drove unstoppable tears down her cheeks as she celebrated with other people who could not hold back their expressions of joy. She thought of Patrice Lumumba predicting the day

of glory and dignity of countries and peoples emancipated from colonialism. The great hero of the Democratic Republic of the Congo and its first legally elected prime minister expressed those hopes about the future of Africa, before he was brutally shot and dismembered by Congolese accomplices and a Belgian execution squad in 1961. His assassination was plotted by both Belgian and the United States governments according to Georges Nzongola-Ntalaja.

Here in America, many were awaiting glory and dignity for people who have long been denied. The 2008 election victory was seen as a great turning point. How devastating and perplexing that during the presidency of a “black man”, black people – men, women, and children – get killed on the streets and in their homes for the crime of crossing the street, playing with a toy gun, shopping at a store, holding up a pen, or selling cigarettes in the street. Those who killed these individuals were the enforcers of the law; the officials charged with the responsibility of ensuring the security of the people. That day, she had not yet realized that Trayvon was not an exception. She could not have imagined that the names of many other casualties would also make headlines: Michael Brown, Eric Garner, Tanisha Anderson, Freddy Gray, Brendon Glenn, Tamir Rice, Jeremy McDole, and more. In fact, most people do not know or do not want to believe that these casualties are simply the few whose names have become known to the general public. They do not know that in the year 2015 alone, approximately 1200 people in the United States were killed by police officers, or that two thirds of these people were black. Just as they did not know that for every ten of these individuals, one would suffer from a mental disorder. Just as most Californians do not know that their state leads the rest of the nation in the number of police killings. They do not know that the number of prisons in the country is more than the number of universities. Even more sobering is that – according to the FBI statistics – two innocent black men, women, or children are killed each week by police. She remembered reading Isabel Wilkerson’s observation that this number equaled the number of blacks who were lynched in the streets during the early twentieth century, without trial and often without even being charged. It was in that period that the black intellectual and peace activist W.E.B. Du Bois declared the color line the problem of the century in his book: *The Souls of Black Folk* (1903). He had concluded that capitalism was a primary basis for racism. Du Bois eventually left his country of birth for Africa, where he spent the rest of his life.

She had almost arrived, talking to herself all the while. In a whisper, she uttered: “the specter of racism which Malcolm and Martin lost their lives struggling against, is still alive and well; it has only changed its form.” She found herself at the threshold of her classroom and entered.

Contrary to her routine greetings, she stood there facing the students and bluntly uttered: "How many of you know Leopold II?" Everyone was silent. No one raised their hand. She continued: "How many of you know Hitler?" The entire class raised their hands. "How many of you know the death toll under Joseph Stalin's rule?" A few hands went up. "Who among you knows the number of Indians starved as a result of Churchill's policies?" Only one student knew that about 6-7 million people starved in India during "Winston's War." Surely, the students must know about the 80,000-100,000 Native Americans who were killed in North, Central, and South America. She said: "Let's get back to Leopold II. He was the king of Belgium, crowned towards the end of the nineteenth century." Still, no one raised their hand. Not a single student. Some were taken aback by the seemingly irrelevant question. One of them said: "Professor, did you hear the news about Zimmerman?" She had expected at least a few of them to ask this question. "Yes, I have," she replied. After a pause, she continued: "It is for this reason that I start today's class discussion with this question. I want you to think about the following topic and write a short essay."

"Between the years of 1885 and 1908, policies of Leopold II caused the death of at least 10-15 million Congolese. Why do history textbooks say nothing, or next to nothing, about it?" Students listened closely, as she continued: "What is the relation between this bloody event, its erasure from history books, and the movements of Malcolm and Martin? And finally: Do you have hope that what James Baldwin declared fifty years ago as the perpetual achievement of the impossible in his book *The Fire Next Time* (1963), to become a possibility in the twenty-first century? For those who may not remember, Baldwin had tied the possibility for a real change for black people in this country to radical changes in the American political and social structure." The class fell silent, as she sat down and buried her face in a book, with a disquiet feeling of trepidation and hope.

CHALLENGING THE SYSTEM? THE POTENTIAL FOR RADICAL POLITICS IN THE AGE OF FERGUSON

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In this article, I will put Cultural Studies scholarship, specifically different views on how hegemony functions within society, in conversation with the activism that has emerged within Ferguson, Missouri. The formation and solidification of activism networks within the small city occurred in the days succeeding the shooting death of the unarmed Black youth Michael Brown. My approach will focus on a discussion of hegemony and how it is maintained or reinforced through activism even if these acts are understood to be forms of resistance against the system. There is also activism that seems to work within the system or to be supportive of it that may in fact pose a significant challenge to hegemonic norms. I believe it is crucial to recognize hegemony's relationship to the activism that emerged after the failure to indict Darren Wilson specifically within the city of Ferguson in order to note how hegemonic constructs, seen in the failure to note the realities of the United States justice system, must be dismantled to create change. In the events during the aftermath of the death of Michael Brown at the hands of police officer Darren Wilson, the town of Ferguson, Missouri mobilized around the issue of injustice suffered by Black citizens within the justice system. Although the specific case's details were being discussed throughout the media, the essential aspect to understand about this case is how Brown became a symbol for the fight against police brutality. The murder of Michael Brown brought not only issues of race to the forefront, but directly challenged an important tenet within the system, the ability of the representatives of the justice system to carry out acts of violence that become justifiable through their relationship to the powers of the State. Debates centered around specific aspects of the case were engaged in to individualize the situation in order to avoid a dialogue about broader issues within the system as a whole that is only exemplified in the injustice of Brown's killer facing no legal consequences. This article will focus on how hegemony is challenged through acts of activism and understanding how some of the emerging activism may in fact reinforce hegemonic ideals. I will focus specifically on the creation of the activism network Hands Up United as a conglomerate of several different official and unofficial organizations, which emerged in the days following Brown's

murder as well as the nationally recognized organization of the NAACP (National Association for the Advancement of Colored People) and their Justice for Michael Brown campaign. I will look at these activism efforts through a Cultural Studies lens to differentiate the ways in which hegemony is understood or viewed by them in order to better understand how they have attempted to forge a radical politics or have fallen short at challenging problematic dominant beliefs.

It is crucial to understand the ways in which hegemony is reproduced in order to challenge its perpetuation. Hegemonic norms are constructed and have become so easily reduced as “common sense,” an established norm that should be undoubtedly accepted. This process can be recognized from the perspective of an activist in order to devise a strategy using similar tactics to circulate norms with the intention of disrupting dominant ideologies. According to Althusser, hegemonic ideals are naturalized through RSA’s (repressive state apparatus) and ISA’s (ideological state apparatus) in order to manufacture free consent. These forces use different tactics in order to establish hegemonic constructs even though the RSA’s use outward displays of force in order to engrain hegemonic ideals. ISA’s use a model that is very similar. Dominant norms are not perpetuated through the use of direct force (especially within ISA’s) but instead are understood as an exercise of an individual’s freedom or the choice to believe. This choice is seen as a result of free consent, but it is essential to understand how this consent is actually a product that has been manufactured through the use of RSA’s as well as ISA’s. The justice system is connected to both RSA’s and ISA’s because it is represented through police forces (RSA) and the legislative branch of the government (ISA). Even though police brutality is what is being challenged through these activism efforts, the existence of violent strategies in the exchange between officers and citizens is a necessary component of the way in which the justice system operates. The problems in the justice system go far beyond just the police forces, but are seen within every aspect of the justice system that results in treatment that is unequal for Black citizens. The problem is not just within police officers’ discriminatory practices, which is seen by Darren Wilson feeling completely justified in confronting Michael Brown without any knowledge of any wrongdoing, but continues within the legal system as seen through the failure to indict Wilson for his decision to use deadly force on an unarmed citizen. Michelle Alexander notes the widespread issues within the system, “Judges are just as reluctant to second-guess an officer’s motives as they are to second-guess prosecutors’. So long as officers refrain from uttering racial epithets and so long as they show the good sense not to say ‘the only reason I stopped him was ‘cause he was black,’ courts generally turn a blind eye to patterns of discrimination by the police”

(Alexander, 133). The legal language perpetuated through ISA's is constructed to treat Black citizens only as criminals, but has evolved past the use of racial language in order to hide the explicit racial implications of the application of the law.

How the RSA's and ISA's converge in order to perpetuate hegemonic ideals as seen through the operation of the justice system is a critical aspect of the maintenance of hegemony. Althusser argues, "To my knowledge no class can hold State power over a long period without at the same time exercising its hegemony over and in the State Ideological Apparatuses" (Althusser 146). The justice system is heavily invested in state ideological apparatuses and is often viewed as synonymous with the state itself. As Althusser notes the ability to hold this power is seen within the naturalization of roles illustrated by the societal need for children to attend school regularly as necessary to reproduce a system of labor. This same naturalization is seen in citizens' relationship to the justice system as a necessary force to combat harm or the fear of harm within our society. The concept of the necessity of police forces within all communities, the belief that penitentiaries are necessary to deal with citizens who engage in transgressive behaviors, and the ability of the system to dictate what behavior should be criminalized in order to maintain peace or order, are just a few of the naturalized concepts the justice system relies on as a means of sustaining hegemonic normative constructs.

Althusser continues with the example of the school as an ISA and how it functions, "In other words the school teaches 'know-how', but in forms which ensure subjection to the ruling ideology or the mastery of its 'practice'" (Althusser, 133). Hegemonic power is maintained through reproduction (often unknowingly) of the system through a perpetuation of normative practices that are not challenged because they have become naturalized. The naturalization of the oppressive tactics utilized by the justice system is what Michelle Alexander is challenging in her book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* by highlighting how racism is a necessary component of the justice system as it works today. Alexander argues, "What is painfully obvious when one steps back from individual cases and specific policies is that the system of mass incarceration operates with stunning efficiency to sweep people of color off the streets, lock them in cages, and release them into inferior second-class status" (Alexander 103). I believe Alexander would be highly critical of the demands created by the NAACP and Hands Up United as being too focused upon an individual case without noting how the construct of criminalization must be dismantled in order to fully understand the problems inherent in the justice system. Failing to question the justice system as a whole and deciding to work within the constructs

of the system is often believed to be the easiest route to achieve progress, but it fails to note how incidents should be understood in the context of a larger system. Advocating to work within the system not only comes from organizations such as the NAACP where it may be expected, but is seen even within the on- the-ground mobilization occurring in the wake of the grand jury decision to not indict Darren Wilson. The role of the justice system is not questioned and is represented as natural even within the organization Hands Up United's list of demands, which focus on achieving some form of prosecution through the justice system. The list of demands is split between two different categories, the "local demands" focusing specifically on the actions of Darren Wilson and the St. Louis Police Department, and the "national demands" they see as applicable to the entire nation to address this issue. The local demands include actions such as the "Immediate arrest of Darren Wilson, the firing of Ferguson Police Chief Thomas Jackson, and the immediate release of individuals who have exercised their rights to assemble and protest" (Hands Up). The national demands include: "Obama to come to Ferguson to meet with the people whose human rights have been violated by aggressive and militarized policing, including the family of the victim – Michael Brown and the immediate suspension without pay of law enforcement officers that have used or approved excessive use of force. Additionally, their names and policing history should be made available to the public" (Hands Up). This reliance on the perpetuation of the normalization of the justice system has been utilized as a tactic in order to challenge hegemonic norms through a method in which they are rearticulated in a manner that calls for citizens to overconform to the current ideologies. The role of the justice system as a necessary construct to attain peace and order within the state is reinforced through the activism that calls for justice according to its socially constructed meaning that centers around the methods utilized by legal forces. Activists are calling for justice through a conviction of Darren Wilson and the reliance on an understanding of justice that works within the system because it is the very system and mentality that has been used to oppress them.

Gramsci notes how hegemony is maintained through a "spontaneous consent" as well as the coercive power of the State. This two prong understanding of hegemonic forces mirrors Althusser's conceptual formation, but Gramsci contrasts with Althusser in his discussion of human agency within this process. Gramsci also does not see hegemony as a uniform set of beliefs that is internalized by the ruling class, but folklore beliefs that are intended to be circulated. An example of this is the folkloric belief that cops are within communities to protect and to serve. This constructed motto is something repeated and highly circulated, but is not

necessarily internalized as an accepted truth by all who continue to further the ideal.

Gramsci expands on how he sees hegemonic ideals being perpetuated beyond the circulation of folklore beliefs based upon what he terms as a dialectic. Hegemony is maintained only through a dialectic process between the masses and ruling class (not only reliant upon suppression). Through the acknowledgment of a dialectic process, Gramsci does note a level of human agency within the structuring or the maintenance of hegemonic norms within society. According to Gramsci, there is also a dialectic that mirrors this, but it instead notes the dialogue that occurs. As Gramsci argues, “The process of development is tied to a dialectic between the masses and the intellectuals” (Gramsci 334). In understanding human agency, we are able to recognize how to overcome hegemonic forces through understanding the ways in which they are developed. Gramsci does not see freedom or the ability to overcome these constructs as being achieved through willingly giving it up, as Althusser notes, but instead through the use of the organic intellectuals who emerge within each class and their ability to influence change through communication with traditional intellectuals of the ruling group (hegemonic forces). Gramsci notes: “One of the most important characteristics of any group that is developing towards dominance is its struggle to assimilate and to conquer ‘ideologically’ the traditional intellectuals, but this assimilation and conquest is made quicker and more efficacious the more the group in question succeeds in simultaneously elaborating its own organic intellectuals” (Gramsci 10). Gramsci asserts that subaltern groups can gain access to aspects of power that belong to the hegemonic group through organic intellectuals. The group Hands Up United could be understood as an example of organic intellectuals within their community in a collective sense of the term as Gramsci notes that organic intellectuals arise within all classes and are able to mobilize around central issues in their community. Hands Up United constructed their demands as a coalition of several different groups, they note: “This is a reflection of the local demands as expressed by local organizations leading on the ground in Ferguson, such as Organization for Black Struggle, Missourians Organizing for Reform and Empowerment, and others. The National Demands reflect demands developed by organizations such as Freedom Side, Dream Defenders and Color of Change” (Hands Up). In the case of Hands Up United, they are seeking entrance to the power held by the hegemonic group, which is the power to seek some form of justice within the federal justice system as it stands (Hands Up United). They are advocating for demands that are in line with the desires of the dominant group rather than in opposition to it. Both Hands Up United and the NAACP are fighting for an investigation that they deem to be fair in order to conform

to hegemonic understandings of how justice is achieved as a result of the perpetration of a crime.

The NAACP's Justice for Michael Brown campaign is centered upon the demand for the FBI to take up the case against Darren Wilson arguing that the local police department's mismanagement of the situation is what stands in the way of a fair investigation with a fair outcome (NAACP). This response does not appear to challenge hegemonic forces or dominant ideology and seems to only be advocating for the current system to work more efficiently. The Justice for Michael Brown campaign developed by the NAACP calls for confidence in the belief that the system has the ability to work for everyone and that the injustice suffered is a result of a lack of adherence to the structure rather than the system's inadequacy to properly address issues such as this. The campaign states:

It became clear very early on that the St. Louis County Police Department was dragging their feet in the case. Instead of collecting information, they confiscated cell phones and started acting as an invading military. Instead of talking to witnesses and members of the community, they fired tear gas and rubber bullets at those seeking answers. The NAACP petitioned the FBI to take up the case in Ferguson to ensure a full, unencumbered investigation into Michael Brown's death would take place. We have been working with them to collect information and to provide a safe place for members of the community to come forward and be heard. (NAACP)

The actions of the St. Louis Police Department are not discussed as behavior exhibited by other precincts, but individualized as a failed approach instead of a discussion of how these tactics are seen nationally or contribute to a pattern that should be addressed. The NAACP calling on the FBI to investigate is in alignment with Žižek's views on over-conformity as a form of challenging the system as a whole. As Žižek notes, transgressions are themselves part of the system. To truly challenge hegemony or to be subversive there is a need to take the system seriously and more seriously than it takes itself (Žižek). Žižek's concept of over-conformity is represented by the NAACP's belief that the FBI could police the local police departments and intervene in order to right the flawed investigation and bring about justice by calling for the system to maintain norms at all times (regardless of the victim's race) as the only way to challenge the operation of the justice system. The NAACP is known for their campaigns to encourage Black citizens to vote in order to create change. They have advocated to work within the system to achieve reform within it. This is seen within the campaigns the NAACP has launched in recent years. One of the last campaigns was aimed at ad-

dressing the racial profiling prevalent in New York City that was deemed completely legal as a result of the stop and frisk laws. They fought for a solution firmly located within the confines of the justice system and, as their website notes, they were able to achieve the goals they set to address: “In 2013 the New York City Council passed, over a mayoral veto, laws that ban racial, ethnic and gender profiling and hold the city accountable for abuses. The campaign also helped to dissuade San Francisco’s mayor from adopting the practice in his city” (NAACP). This victory does not truly put an end to racial profiling, but it is a start to confronting hegemonic norms, which is what they aim to accomplish in the Justice for Michael Brown campaign as well. In an update from August 14, 2014, during the campaign’s early days, the group wrote: “Today, the St. Louis branch will meet with Thomas Jackson, Chief of Police of the highly segregated Ferguson Police Department, to demand an end to the militarized tactics of his department in the Ferguson community” (NAACP). The resistance they have constructed is based upon the creation of a dialogue between themselves and the justice system, which strengthens their perception of the justice system as legitimate rather than questioning it. The NAACP furthers the belief that change should be and ultimately can be achieved through working within the system to directly combat its role in their oppression.

Stuart Hall believes the key to challenging hegemony lies not within giving up freedom (as Althusser would argue) or necessarily within the organic intellectuals of the class (Gramscian concept), but lies within altering the meaning of signifiers through dislocation outside of the existing structures. Hall sees the struggle through re-articulation with the possibility of achieving new meanings. The limitation of the meanings of signifiers structures the problems within media representations that rely on these signifiers to convey meanings, which conforms to hegemonic rhetoric. The way in which race is a signifier of crime is seen throughout the news media regardless of the context or organization presenting the story. Michelle Alexander argues, “In fact, for nearly three decades, news stories regarding virtually all street crime have disproportionately featured African American offenders. One study suggests that the standard crime news ‘script’ is so prevalent and so thoroughly racialized that viewers imagine a black perpetrator even when none exists” (Alexander 106). Hall sees the possibility of challenging the hegemonic ideals encoded within the media through the manner in which it is decoded through negotiated or oppositional readings (Hall). Even though the racial bias is seen within news stories depicting crime, there is power in the ability of people to decode these stories in negotiated or oppositional manners. “One of the most significant political moments is the point when events which are normally signified and decoded in a negotiated

way begin to be given an oppositional reading” (Hall 61). Hall argues there is a political nature to oppositional readings by countering hegemonic ideals, but Žižek would disagree with the belief that this opposition truly challenges the system. An oppositional reading to a common signifier was used by the organization Hands Up United through the gesture of raising your hands seemingly in accordance to officer’s commands (Hands Up). The group choose to use this image in an oppositional way by using this gesture as a means of conveying how Black citizens are always in fear of police action and always treated as criminals regardless of the context. The criminalization of people of color is a core function of the justice system as it operates today; not an unfortunate consequence or side effect of its implementation. Black people stand outside of the dominant construction of citizen and are not constituted as those who can benefit by having the ability to seek justice in the hegemonic conceptions of the law as it exists today. The signifier of raising up their hands is a gesture of surrendering that applies to the activist’s stance toward police brutality as well as how they desire to end the conflict between their community and the police force. The activists do not wish to fight or challenge the officers, but intend to make it clear that they desire full citizenship that allows them the ability to seek justice within the very system that has challenged their subjectivity through criminalization. The gesture of placing their hands up requires the knowledge of hegemonic definitions in order to formulate a new understanding of our justice system to counter dominant ideology. This dislocates a signifier in order to place it within a new context providing new possibilities for people of color to challenge the ways in which they are criminalized and be viewed as true worthy citizens.

Hegemony is not stable or fixed, it must be maintained. Even though Althusser and Gramsci have a similar understanding of how hegemonic ideals are perpetuated, they differ in recognizing how to overcome this. Gramsci argues hegemonic power can be obtained by subaltern groups through the organic intellectuals of a class having the ability to challenge traditional intellectuals or those belonging to the dominant group, which expands the understandings of human agency. In Gramsci’s view, Hands Up United (as a coalition of activists from different regions and different areas of expertise) are representative of organic intellectuals coming together to formulate theories for change. In this vein, through their activism efforts, they may be able to gain access to the notions of hegemony that they wish to attain in the form of a fair trial and investigation into the murder of Michael Brown. They must successfully challenge the intellectuals of the dominant group in order to attain this power as organic intellectuals. Hall, similar to Gramsci, argues for the need to challenge hegemonic ideals, but believes the key to stopping

the reproduction of hegemony is through the decoding process. Hall sees the power being held through collective oppositional readings to challenge the system, which may be seen as the work of organic intellectuals within their respective classes outside of the dominant group. If Hands Up United is a project undertaken by organic intellectuals, their use of the hands up gesture is how they implement an oppositional reading. The concept of organic intellectuals and the concept of applying oppositional readings to signifiers attributed to a dominant meaning should not be viewed as two exclusive conceptions on how to challenge hegemony, but should be understood as an interconnected means to create reform. Both Hall and, to a lesser extent, Gramsci speak to the ability of individuals to challenge hegemony through the practice of decoding or the construction of organic intellectuals respectively. Although, I would argue that Hands Up United does not see their mission as truly challenging hegemonic norms, but instead aims to draw attention to how the hegemonic constructions of the justice system function differently for Black citizens in order to rectify this disparity.

The movement created through the formation of these activism networks challenging aspects of the justice system emerged through a shared conception of common sense among people of color. As Hall would note, as members of a subaltern group they developed a common sense that is inherently skeptical of law enforcement because of the widespread knowledge of the RSA's abuse of power. The question then arises how can groups come forth to protest the actions of officers as individuals without a larger discussion of the justice system as a whole. Acknowledging the wrongful acts of one particular officer could be a form of a negotiated reading that does not seek to challenge dominant conceptions of the justice system as an institution, but tackles a problem that can be individualized. In many ways the NAACP engaged in a negotiated reading by specifically pinpointing the St. Louis Police Department for conducting an inadequate investigation and by questioning that department's tactics when dealing with activists. They particularly described the problem as one within this one local police department rather than acknowledging how often problems such as these plague Black communities throughout the nation and beyond it. Through this lens they would not question or seek to dismantle the justice system as it currently stands but push for some reform while working within the confines of the system. The confines of the system were shown through the NAACP's reliance on already established legal forces which they wanted to prioritize the investigation and called for a federal intervention that still exists within the structures of the system.

Preferred readings deem Brown's death as justifiable homicide through its legitimization through an apparatus of the State which wields

the ability to engage in these transgressions of the law because of their status as representative of it. A dominant understanding of the event is that Michael Brown is denied full citizenship and the rights thereof and presented an immediate threat to the law or to Wilson, who is merely the actor carrying out the actions the system deems to be necessary. Under a preferred reading there is often a desire to erase the aspect of race or relegate it to an unnecessary detail in what occurred. Within dominant readings there is a reliance on color blind language and the belief that racial inequality is a symbol of the past that we have progressed beyond. "The story that is told during Black History Month is one of triumph; the system of racial caste is officially dead and buried. Suggestions to the contrary are frequently met with shocked disbelief" (Alexander 21). The insistence on a post racial society within dominant constructions is exactly what the activism in Ferguson seeks to address rather than to continue to sweep these issues under the rug through the fear that they are too large to tackle.

The activism in the aftermath of Ferguson seeks to address the problems of the justice system, but the rhetoric used often reinforces hegemonic ideals, begging the question if change can be achieved without engaging in more critical discourse that seeks answers outside of the limitations of the current justice system. A downfall seen within the activism is that the problems within Ferguson are not often contextualized enough within significant critiques of the justice system beyond police brutality, such as the prison industrial complex or disparities in sentencing. There are a multitude of ways in which the justice system is used as an instrument of oppression upon the bodies of Black citizens that goes far beyond the poor decisions made by the St. Louis Police Department or the murderous impulse of the lone Darren Wilson. The violence Wilson enacted has become normalized as a method of dealing with all who are considered criminal through the dominant conceptions of criminal behavior and Black people are inherently criminalized regardless of their actual behavior. The use of deadly force is not questioned, but the focus is placed only on whether the victim was deemed a criminal. Due to the criminalization of Black people, they are not only vulnerable to acts of State violence, which would be ruled as justifiable in a legal sense, but Black people are also seen outside of dominant understandings of who is able to constitute a law abiding citizen that the justice system is constructed to protect and serve.

Can Hands Up United truly challenge hegemonic understandings of the law or is it a better strategy to argue within hegemonic constructs through politicizing oppositional readings? Perhaps the answer lies with Hall and Zizek being put into conversation with one another because rearticulation (and the way in which Hands Up United utilized this con-

cept) is a form of over-conformity. Race as a signifier has been displaced in order to overconform to the dominant conception of the justice system in an attempt to seek all the privileges afforded to whiteness within the system. It is crucial to dismantle the belief that unjust treatment is not a result of racial bias that is an inherent part of the system rather than a result of when the law is transgressed. It is not a transgression of the law for Darren Wilson to murder Michael Brown without any legal consequence; it is how the justice system is constructed to operate. As seen by the NAACP's official stance on the failure to indict Darren Wilson, there is a need to seek justice through a commitment to the system and this must be done through the dislocation of the signifier race as well as how it is viewed within the justice system. Both the NAACP and Hands Up United have aimed to confront hegemonic norms and successfully create a movement that understands the significance of reform. Hands Up United and the NAACP understand the widespread and diverse issues facing Black communities throughout the nation, but want to acknowledge how these issues are interconnected as a result of society's institutions as well as the lived experiences of Black citizens. As Hands Up United explains, "As we work toward justice for the Brown family, we must also address the ongoing systemic problems of police practices in black, brown and all oppressed communities. We come together as diverse organizations to speak with one voice, so that the greater St. Louis area can become a model for justice for all across the United States" (Hands Up). Although there are conflicting theories on how to best initiate reform and how best to confront the problems that are entrenched within the justice system, they have constructed campaigns that highlight the disparities faced by people of color to successfully gain awareness as well as a consciousness to lead to action.

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BLACK LIVES MATTER: DECRYPTING ENCRYPTED RACISM

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INTRODUCTION: PRELIMINARY CONSIDERATIONS

The phrase “Black Lives Matter,” an emerging “Black liberation movement” of the twenty-first century, has dominated both the public and private discourses in the United States. Since its creation in 2012 after the extrajudicial killing of a 17-year-old African American boy, Trayvon Martin, by a Sanford, Florida community vigilante, George Zimmerman, who was acquitted by a jury on the basis of self-defense under Florida’s “Stand Your Ground Statute,” legally known as “Justifiable Use of Force” (Florida Legislature, 1995-2016, XLVI, Ch. 776), the Black Lives Matter movement has mobilized millions of African Americans and their sympathizers to fight against the killings of African Americans and police brutality; to demand justice, equality, equity and fairness; and to assert their claims for fundamental human rights and dignity.

The claims put forward by the Black Lives Matter movement, though widely accepted by the group’s sympathizers, have met with criticism from those who believe that all lives, irrespective of their ethnicity, race, religion, gender or social status, matter. It is argued by the proponents of “All Lives Matter” that it is unfair to focus only on the African American issues without also acknowledging the contributions and sacrifices people from the other communities make to protect all citizens and the entire country, including the heroic sacrifices of the police. Based on this, the phrases All Lives Matter, Native Lives Matter, Latino Lives Matter, Blue Lives Matter, and Police Lives Matter, sprang up in direct response to “activists who have mobilized against police brutality and attacks on black lives” (Townes, 2015, para. 3).

Although the arguments of the proponents of all lives matter may appear to be objective and universal, many prominent leaders in America believe that the statement “black lives matter” is a legitimate one. Explaining the legitimacy of “black lives matter” and why it should be taken seriously, President Barack Obama, as cited in Townes (2015), opines:

I think the reason that the organizers used the phrase ‘black lives matter’ was not because they were suggesting nobody else’s lives matter. What they were sug-

gesting was, there is a specific problem that is happening in the African-American community that's not happening in other communities. And that is a legitimate issue that we've got to address. (para. 2)

This unique problem to the African American community that President Obama refers to is linked to police brutality, killings of unarmed black people, and to some extent, unjustified imprisonment of the African American youth for minor offenses. As many African American critics have pointed out, there is a "disproportionate number of prisoners of color in this country [United States]" which they believe is due to "the racial discriminatory practices within the legal and law enforcement systems" (Tyson, 2015, p. 351-352). For these reasons, some writers argue that "we don't say 'all lives matter,' because when it comes to police brutality, not all bodies face the same levels of dehumanization and violence that black bodies do" (Brammer, 2015, para. 13).

This article does not intend to pursue the public debate on whether Black Lives Matter is legitimate or whether All Lives Matter should receive equal attention as many authors and commentators have done. In light of the revealed intentional discrimination against the African American community on the basis of race through police brutality, court practices, and other racially motivated activities; and knowing that these intentional, willfully committed discriminatory practices are in violation of the Fourteenth Amendment and other federal laws; this paper seeks to study and affirm that the underlying issue the Black Lives Matter movement is militating and fighting against is *encrypted racism*. The term *encrypted racism* is inspired by Restrepo and Hincapié's "The Encrypted Constitution: A New Paradigm of Oppression," (2013) which argues that:

The first purpose of encryption is the disguising of all dimensions of power. With the encryption of technolegal language and, therefore, procedures, protocols and decisions, subtle manifestations of power become undetectable to anyone who does not have the linguistic knowledge to break the encryption. Thus, encryption depends on the existence of a group that has access to the formulae of encryption and another group that completely ignores them. The latter, being unauthorized readers, are open to manipulation. (p. 12)

Encrypted racism as it is used in this paper shows that the *encrypted racist* knows and understands the underlying principles of *structural racism* and violence but cannot overtly and openly discriminate against the African American community because open discrimination and structural

racism are prohibited and made illegal by the Civil Rights Act of 1964 and other Federal Laws. The main argument of this paper is that the Civil Rights Act of 1964 passed by the 88th Congress (1963–1965) and signed into law on July 2, 1964 by President Lyndon B. Johnson ended *overt structural racism* but, unfortunately, did not end *encrypted racism*, which is a *covert* form of racial discrimination. Instead, the official prohibition of *overt structural racism* gave birth to this new form of racial discrimination that is intentionally concealed by the *encrypted racists*, but hidden from the victimized, de-humanized, terrorized and exploited African American community.

Although both *structural racism* and *encrypted racism* involve a position of power or authority, as will be detailed in the subsequent sections, what makes *encrypted racism* different from *structural racism* is that the latter was institutionalized and considered legal before the adoption of the Civil Rights Act of 1964, while the former is individually concealed and could be seen as illegal only when, or if and only if, it is decrypted and proven by higher authorities. *Encrypted racism* invests some form of *pseudopower* to the *encrypted racist* who in turn uses it to manipulate the powerless, vulnerable, and unprivileged African Americans. “The key to power as domination in our pseudodemocratic, globalized world is its encryption. Our task is to develop strategies for its decryption” (Restrepo and Hincapié, 2013, p. 1). By way of analogy between the Civil Rights Movement led by Dr. Martin Luther King, Jr. and the Black Lives Matter movement led by Patrisse Cullors, Opal Tometi, and Alicia Garza, this paper affirms that just as the Civil Rights Movement was instrumental in ending *overt structural racism*, open discrimination and segregation in the United States, the Black Lives Matter movement has been bravely instrumental in decrypting *encrypted racism* in the United States - a form of racism that has been widely practiced by many individuals who are in a position of power including law enforcement officers.

A study on the agitation of the Black Lives Matter movement will not be complete without an examination of the theoretical assumptions underlying race relations in the United States. For this reason, this article seeks to draw inspiration from four relevant theories. The first is “African American Criticism,” a critical theory that analyzes the racial issues that have characterized African American history since “The Middle Passage: the transportation of African captives across the Atlantic Ocean” to the United States where they were subjugated as slaves for many centuries (Tyson, 2015, p. 344). The second is Kymlicka’s (1995) “Multicultural Citizenship: A Liberal Theory of Minority Rights” that recognizes and accords «group-differentiated rights» to particular groups that have suffered historical racism, discrimination and marginalization (for exam-

ple, the African American community). The third is Galtung's (1969) theory of *structural violence* which could be understood from the distinction between "direct and indirect violence." While direct violence captures the authors explanation of physical violence, indirect violence represents structures of oppression that prevent a section of the citizenry from having access to their basic human needs and rights thereby forcing people's "actual somatic and mental realizations to be below their potential realizations" (Galtung, 1969, p. 168). And the fourth is Burton's (2001) critique of the "traditional power-elite structure" - a structure typified in the "we-they" mentality-, which holds that individuals who are subjected to structural violence by the institutions and norms inherent in the power-elite structure will definitely respond using different behavioral approaches, including violence and social disobedience.

Through the lenses of these social conflict theories, this article critically analyzes the important shift that has occurred in the history of America, that is, a transition from *overt structural racism* to *encrypted racism*. In doing this, efforts are made to highlight two crucial tactics inherent in both forms of racism; one is slavery, open discrimination and overt segregation characterizing structural racism, the other is police brutality and the killings of unarmed black people as examples of encrypted racism. In the end, the role of the Black Lives Matter movement in decrypting encrypted racism is examined and articulated.

STRUCTURAL RACISM

The advocacy of the Black Lives Matter movement goes beyond the on-going police brutality and killings of the African American people and African immigrants. The founders of this movement categorically stated on their website, #BlackLivesMatter at <http://blacklivesmatter.com/> that "It centers those that have been marginalized within Black liberation movements, making it a tactic to (re)build the Black liberation movement." Based on this article's assessment, the Black Lives Matter movement is fighting against *encrypted racism*. However, one cannot understand *encrypted racism* in the United States without recourse to *structural racism*, for *structural racism* engendered *encrypted racism* during the many centuries of African American nonviolent activism and the intercourse this activism had with legislations, making *encrypted racism* the spawn of *structural racism*.

Before we examine the historical realities surrounding racism in the United States, it is important to reflect on the social conflict theories mentioned above while highlighting their relevance to the subject matter. We begin by defining the terms: *racism*, *structure*, and *encryption*. Racism is defined as "the unequal power relations that grow from the socio-political domination of one race by another and that result in systematic

discriminatory practices (for example, segregation, domination, and persecution)” (Tyson, 2015, p. 344). Racism conceived in this way could be explained from the ideological belief in the superior “other,” that is, the superiority of the dominant race over the dominated race. For this reason, many African American critical theorists distinguish other terminologies associated with racism, including but not limited to *racialism*, *racialist* and *racist*. Racialism is “the belief in racial superiority, inferiority, and purity based on the conviction that moral and intellectual characteristics, just like physical characteristics, are biological properties that differentiate the races” (Tyson, 2015, p. 344). A racialist is therefore anyone who holds such beliefs in racial superiority, inferiority, and purity. And a racist is anyone who is in “a position of power as a member of the politically dominant group” who indulges in systematic discriminatory practices, “for example, denying qualified persons of color employment, housing, education, or anything else to which they’re entitled” (Tyson, 2015, p. 344). With these conceptual definitions, it becomes easier for us to understand *structural racism* and *encrypted racism*.

The expression, *structural racism*, contains an important word of which a reflective examination will aid our understanding of the term. The word to be examined is: *structure*. Structure could be defined in different ways, but for the purpose of this paper, the definitions provided by Oxford Dictionary and Learners Dictionary will suffice. For the former, *structure* means to “Construct or arrange according to a plan; to give a pattern or organization to something” (Definition of structure in English, n.d. In Oxford’s online dictionary); and according to the latter it is “the way that something is built, arranged, or organized” (Learner’s definition of structure, n.d. In Merriam-Webster’s online learner’s dictionary). The two definitions put together suggest that before the creation of a structure, there was a plan, a conscious decision to arrange or organize something according to that plan, followed by an execution of the plan and a gradual, coerced compliance resulting in the formation of a pattern. A repetition of this process will give people a seemingly false sense of a structure - an eternal, immutable, unchangeable, fixed, static, constant and universally acceptable way of living that remains irrevocable – the way that something is made. In light of this definition, we can understand how generations of European people constructed, were educated and educated their descendants in, *structures of racism* without realizing the level of damage, injury and injustice they were inflicting on the other races, especially the black race.

The accumulated injustices orchestrated by the *structures of racism* against the African Americans are at the core of the agitation of the Black Lives Matter movement for justice and equal treatment. From a theoretical perspective, the Black Lives Matter movement agitation could

be understood from the “African American Criticism,” a critical theory that analyzes the racial issues that have characterized African American history since “The Middle Passage: the transportation of African captives across the Atlantic Ocean” to the United States where they were subjugated as slaves for many centuries (Tyson, 2015, p. 344). In order to explain the challenges faced by the African Americans as a result of slavery, racism, and discrimination, African American critics make use of “Critical Race Theory” (Tyson, 2015, pp. 352 -368). This theory is primarily concerned with an examination of our interactions from a race perspective as well as inquiries into how these interactions affect the everyday well-being of minorities, especially the African American community. By analyzing the overt and covert outcomes of the interactions between African Americans and the dominant European (self-proclaimed white) population in the United States, Tyson (2015) affirms that: “critical race theory examines the ways in which details of our everyday lives are related to race, though we may not realize it, and studies the complex beliefs that underlie what seem to be simple, commonplace assumptions about race in order to show where and how racism still thrives in its ‘undercover’ existence” (p. 352).

The questions that come to mind are: How is critical race theory relevant to the Black Lives Matter movement? Why is racial discrimination still an issue in America given the fact that the overt racial discriminatory practices perpetrated against the African Americans during the pre-Civil Rights Movement period were legally put to an end by the Civil Rights Acts of 1964, and considering that the current president of the United States is also of African American descent? To answer the first question, it is important to highlight the fact that both the proponents and opponents of the Black Lives Matter movement do not disagree on the racial issues that led to the emergence of the movement. Their disagreement is on the manner or way in which the Black Lives Matter movement activists try to achieve their goals. To show that the Black Lives Matter movement has a legitimate claim for equality, equity and other human rights, their critics, especially the proponents of All Lives Matter movement, by implication include the African Americans in the category of “All Lives” that matter as they advocate for equality and equity for all citizens irrespective of race, gender, religion, ability, nationality, and so on.

The problem with the use of “All Lives Matter” is that it fails to acknowledge historical and racial realities and past injustices that characterize the United States. For this reason, many liberal theorists of *minority rights* and *multiculturalism* argue that such generic categorization as “All Lives Matter” rules out “group-specific rights” or, put differently, “group-differentiated rights” (Kymlicka, 1995). In order to recognize and

accord «group-differentiated rights» to particular groups that have suffered historical racism, discrimination and marginalization (for example, the African American community), Will Kymlicka (1995), one of the leading theorists on *multiculturalism*, has been actively involved in philosophical analysis, scholarly research and policy formulation on issues related to minority group rights. In his book, “Multicultural Citizenship: A Liberal Theory of Minority Rights,” Kymlicka (1995), like many critical race theorists, believes that liberalism as it has been understood and used in formulating government policies has failed in promoting and defending the rights of the minorities who are living within a larger society, for example, the African American community in the United States. The conventional idea about liberalism is that “the liberal commitment to individual liberty is opposed to the acceptance of collective rights; and that the liberal commitment to universal rights is opposed to the acceptance of the rights of specific groups” (Kymlicka, 1995, p. 68). For Kymlicka (1995), this “politics of benign neglect” that has led to a continuous marginalization of the minorities should be corrected (pp. 107-108).

In a similar manner, critical race theorists believe that liberal principles as they have been formulated and understood are limited when put into practice in a multicultural society. The idea is that since conservatism has vehemently opposed any policy proposal that is viewed to be of benefit to the oppressed minorities, liberalism should not remain as *conciliatory* or *moderate* as it has been on racial issues. It is true that liberalism has been helpful in, for example, passing the bill that desegregated schools, but critical race theorists believe that it has done “nothing to remedy the fact that schools are still segregated not by law but by poverty” (Tyson, 2015, p. 364). Also, even though the Constitution affirms equal opportunity for all citizens, discrimination still occurs every day in the areas of employment and housing. The Constitution has not been successful in stopping *covert racism* and discriminatory practices against the African Americans who continue to be at a disadvantage, while the European (white) people continue to enjoy *privileges* in almost all the sectors of society.

Structural racism could be described as privileging one section of the society over the other - the minorities. The privileged group members – the white population - are given easy access to the dividends of democratic governance while the unprivileged minorities are intentionally, covertly or overtly, restricted from having access to the same dividends provided by democratic governance. What then is *white privilege*? How could the *unprivileged* African American children who, for no choice of their own, are born into poverty, poor neighborhoods, unequipped schools, and circumstances that warrant prejudice, surveillance, stop and

frisk, and sometimes police brutality, be assisted in order to compete with their white counterparts?

“White privilege,” according to Delgado & Stefancic (2001, as cited in Tyson, 2015) could be defined as “the myriad of social advantages, benefits, and courtesies that come with being a member of the dominant race” (p. 361). In other words, “white privilege is a form of everyday racism because the whole notion of privilege rests on the concept of disadvantage” (Tyson, 2015, p. 362). To give up white privilege, Wildman (1996, as cited in Tyson, 2015) believes is “to stop pretending that race does not matter” (p. 363). The notion of privilege is very relevant to understanding of the African American situation. To be born into an African American family does not depend on the choice of an African American child. In other words, it is based on luck and not on choice; and for this reason, the African American child should not be punished because of a choice or decision he or she did not make. From this perspective, Kymlicka (1995) strongly believes that “group-specific rights” or “group-differentiated rights” are justified “within a liberal egalitarian theory. . . which emphasizes the importance of rectifying unchosen inequalities” (p. 109). Stretching this line of thought a little bit further and to its logical conclusion, one could argue that the claims of the “Black Lives Matter” movement should equally be considered justifiable, for these claims are vital to understanding how the victims of structural or institutional racism and violence feel.

One of the social conflict theorists whose work on “structural violence” remains relevant to the understanding of *structural racism* or *institutionalized racism* in the United States is Galtung (1969). Galtung’s (1969) notion of structural violence which draws on *direct* and *indirect* violence, among other things, could help us understand how the structures and institutions designed to engender racial discrimination against the African American race and other minorities function. While *direct violence* captures the authors explanation of *physical violence*, *indirect violence* represents structures of oppression that prevent a section of the citizenry from having access to their basic human needs and rights thereby forcing people’s “actual somatic and mental realizations to be below their potential realizations” (Galtung, 1969, p. 168).

By way of analogy, one could argue that just as the indigenes of the Niger Delta of Nigeria have suffered the unbearable effects of structural violence in the hands of the Nigerian government and multinational oil companies, the African American experience in the United States, beginning from the time of the arrival of the first slaves, through the time of *Emancipation*, the *Civil Rights Act*, and until the recent emergence of the *Black Lives Matter* movement, has been marked by *structural violence*. In the case of Nigeria, the economy of Nigeria is primarily based on the

natural resources, especially the oil extraction in the Niger Delta region. The dividends from the sale of oil that comes from the Niger Delta are used to develop the other major cities, enrich the foreign extraction campaigns and their expatriate employees, pay politicians as well as build roads, schools, and other infrastructures in the other cities. However, the people of the Niger Delta not only suffer the adverse effects of the oil extraction – for example environmental pollution and destruction of their God given habitat – but they have been neglected for centuries, silenced, subjected to abject poverty and inhumane treatment. This example spontaneously came to mind as I was reading Galtung’s (1969) explanations of structural violence. Similarly, the African American experience of structural violence according to Tyson (2015) is due to:

“the incorporation of racist policies and practices in the institutions by which a society operates: for example, education; federal, state, and local governments; the law, both in terms of what is written on the books and how it is implemented by the courts and by police officials; health care, and the corporate world” (p. 345).

Dismantling the structures that are based on racist policies requires a nonviolent or sometimes violent and costly challenge of the institutions and structures of oppression. In the same way that the Niger Delta leaders, championed by Ken Saro-Wiwa, waged a nonviolent fight for justice against the then Nigerian military dictators, for which Saro-Wiwa and many others paid the prize of freedom with their lives as the military dictators condemned them to death without due trial, Martin Luther King Jr. “became the leader of the Civil Rights Movement” that used nonviolent means to legally end official racial discrimination in the United States (Lemert, 2013, p. 263). Unfortunately, Dr. King “was murdered in Memphis in 1968 as he was organizing the ‘poor people’s march’ on Washington” (Lemert, 2013, p. 263). The assassination of nonviolent activists like Dr. King and Ken Saro-Wiwa teaches us an important lesson about structural violence. According to Galtung (1969):

When the structure is threatened, those who benefit from structural violence, above all those who are at the top, will try to preserve the status quo so well geared to protect their interests. By observing the activities of various groups and persons when a structure is threatened, and more particularly by noticing who comes to the rescue of the structure, an operational test is introduced that can be used to rank the members of the structure in terms of their interest in maintaining the structure (p. 179).

The question that comes to mind is: How long will the guardians of structural violence continue to maintain the structure? In the case of the United States, it took so many decades to start the process of dismantling

the structures embedded in racial discrimination, and as the Black Lives Matter movement has shown, there is a lot of work to be done.

In line with Galtung's (1969) idea of structural violence, Burton (2001), in his critique of the "traditional power-elite structure" - a structure typified in the "we-they" mentality- believes that individuals who are subjected to structural violence by the institutions and norms inherent in the power-elite structure will definitely respond using different behavioral approaches, including violence and social disobedience. Based on the belief in the crisis of civilization, the author highlights the fact that the use of coercion is no longer sufficient to maintain structural violence against its victims. The advances in communication technology, for example, the use of social media and the ability to organize and rally supporters, can easily bring about the needed social change - change in power dynamics, restoration of justice, and above all the end of structural violence in the society.

ENCRYPTED RACISM

As discussed in the preceding sections - the sections that address preliminary considerations and *structural racism* - one of the differences between *structural racism* and *encrypted racism* is that during the structural racism era, African Americans were legally labeled non-citizens or aliens and were stripped off of voting rights and the opportunity to mobilize for advocacy, action and justice, while undergoing a high risk of being killed by the European (white) supremacists in the United States, especially in the South. The blacks, according to Du Bois (1935, as cited in Lemert, 2013) were faced with the effects of chronic racism in the South. This is evident in the differentiated "public and psychological wage" that the "white group of laborers" received in addition to their low wage, as opposed to the "black group of laborers" who suffered structural, psychological and public discrimination (Lemert, 2013, p. 185). In addition, the mainstream media "almost utterly ignored the Negro except in crime and ridicule" (Lemert, 2013, p. 185). The European people had no regard for the African slaves they brought over to America, but their produce was highly appreciated and cherished. The African laborer was "estranged and alienated" from his produce. This experience could be further illustrated using Marx's (as cited in Lemert, 2013) theory of "Estranged Labour" which states that: "The alienation of the worker in his product means not only that his labour becomes an object, an external existence, but that it exists outside him, independently, as something alien to him, and that it becomes a power of its own confronting him; it means that the life which he has conferred on the object confronts him *as something hostile and alien*" (p. 30).

The alienation of the African slave from his produce – the very products of his own labor - is highly symbolic in understanding the value attributed to the Africans by their European abductors. The fact that the African slave was stripped of his right to the produce of his labor signifies that his captors considered him not human, but a thing, something lower, a property that could be bought and sold, that could be used or destroyed at will. However, after the abolishment of slavery and the Civil Rights Act of 1964 that officially outlawed racial discrimination in the United States, the dynamics of racism in America changed. The engine (or ideology) that inspired and catalyzed racism was transferred from the state and inscribed into the minds, heads, eyes, ears, and hands of some individual European (white) people. Since the state was pressurized to outlaw *overt structural racism*, structural racism was no longer legal but now illegal.

Just as it is commonly said, “old habits die hard,” it is very difficult to change and quit from accustomed and existing behavior or habit in order to adjust to a new way of living - a new culture, a new *weltanschauung* and a new habit. Since *you can't teach an old dog new tricks*, it becomes extremely difficult and slow for some European (white) people to abandon racism and embrace a new order of justice and equality. By formal state law and in theory, racism was abolished within the formerly instituted structures of oppression. By informal, accumulated cultural heritage, and in practice, racism metamorphosed from its structural principles to an encrypted form; from the oversight of the state to the jurisdiction of the individual; from its overt and obvious nature to a more concealed, obscure, hidden, secrete, invisible, masked, veiled, and disguised forms. This was the birth of *encrypted racism* in the United States of America against which the Black Lives Matter movement is militating, protesting and fighting in the twenty-first century.

In the introductory part of this article, stated that the use of the term *encrypted racism* is inspired by Restrepo and Hincapié's (2013) “The Encrypted Constitution: A New Paradigm of Oppression,” which argues that:

The first purpose of encryption is the disguising of all dimensions of power. With the encryption of technolegal language and, therefore, procedures, protocols and decisions, subtle manifestations of power become undetectable to anyone who does not have the linguistic knowledge to break the encryption. Thus, encryption depends on the existence of a group that has access to the formulae of encryption and another group that completely ignores them. The latter, being unauthorized readers, are open to manipulation. (p. 12)

From this quotation, one could easily understand the inner characteristics of *encrypted racism*. First, in an encrypted racist society, there are two groups of people: the privileged group and the unprivileged group. The privileged group members have access to what Restrepo and Hincapié (2013) call “formulae of encryption” (p. 12) on which the principles of *covert or encrypted racism* and discriminatory practices are based. Because the privileged group members are those who occupy leadership positions in the public offices and other strategic sectors of the society, and given the fact that they possess the *formulae of encryption*, that is, the secret codes with which the privileged group members code and decode the algorithm or sets of instruction and patterns of interactions between the privileged and unprivileged groups, or put differently and explicitly, between the whites and blacks in the United States, the white (privileged) people could easily discriminate against and marginalize the African Americans (unprivileged black) people, sometimes without realizing they are being racist. The latter, having no access to the *formulae of encryption*, the secret sets of information, or the covert codes of operation that circulates within the privileged group, sometimes do not even realize what is happening to them. This explains the nature of the covert, hidden or encrypted racial discrimination that occurs within the education system, housing, employment, politics, media, police-community relations, justice system, and so on. Tyson (2015) indirectly captures the idea of *encrypted racism* and how it works in the United States by affirming that:

As many Americans of all colors know, however, racism has not disappeared: it’s just gone “underground.” That is, racial injustice in the United States is still a major and pressing problem; it’s simply become less visible than it used to be. Racial injustice is practiced on the sly, so to speak, to avoid legal prosecution, and it has flourished in ways that, in many cases, only its victims really know well. (p. 351)

There are many examples with which one could demonstrate the operations of the encrypted racists. One example is the unreasonable overt and covert opposition of some Republicans to all the policy proposals that President Barack Obama, the first African American President of the United States, introduced. Even after winning the presidential elections in 2008 and 2012, a group of Republicans championed by Donald Trump still argues that President Obama was not born in the United States. Although many Americans do not take Trump seriously, one should question his motives for depriving Obama of his constitutional rights as a United States citizen by birth. Is this not a covert, coded or encrypted way of saying that Obama is not qualified to be the President

of the United States because he is a black man of African descent and not white enough to be president in a country of which the majority is white?

Another example is the claim that African American critics cite regarding the racial discriminatory practices within the legal and law enforcement systems. “The possession of 28 grams of crack cocaine (used predominantly by black Americans) automatically triggers a five-year mandatory prison sentence. However, it takes 500 grams of powder cocaine (used predominantly by white Americans) to trigger that same five-year mandatory prison sentence” (Tyson, 2015, p. 352). In addition, the racially motivated police surveillance of African American neighborhoods and the resultant stop and frisk police brutality and unnecessary shootings of unarmed African Americans could equally be seen as originating from the principles of *encrypted racism*.

Encrypted racism as it is used in this article shows that the *encrypted racist* knows and understands the underlying principles of *structural racism* and violence but cannot overtly and openly discriminate against the African American community because open discrimination and overt structural racism are prohibited and made illegal by the Civil Rights Act of 1964 and other Federal Laws. The Civil Rights Act of 1964 passed by the 88th Congress (1963–1965) and signed into law on July 2, 1964 by President Lyndon B. Johnson ended *overt structural racism* but, unfortunately, did not end *encrypted racism*, which is a *covert* form of racial discrimination. By consistently and gradually mobilizing millions of people not only in the United States but also around the world against the *encrypted racist agenda* of the white supremacists, the Black Lives Matter movement has succeeded in creating awareness and raising our consciousness to the facts of *encrypted racism* manifesting itself in many forms, ranging from profiling to police brutality; from citations and arrests to the killings of unarmed African Americans as well as from employment and housing discriminatory practices to racially motivated marginalization and oppression in schools. These are few examples of encrypted racism that the Black Lives Matter movement has helped to decrypt.

DECRYPTING ENCRYPTED RACISM

That *encrypted racism* has been decrypted through the activism of the Black Lives Matter movement is not by design, but by *serendipity* – a term used on January 28, 1754 by Horace Walpole which means “discoveries, by accident and sagacity, of things” not yet known (Lederach 2005, p. 114). It is not by the common intelligence of the founders of the Black Lives Matter movement, but by the agony and pain of the unarmed teenagers and hundreds of black lives that were abruptly cut off through the guns of the self-proclaimed white supremacists in whose hearts is en-

rypted poisonous hatred toward black lives, and in whose minds, head and brain a decision to kill an unarmed black person has been ignited by reminiscence of the old *structures of racism*.

It could be argued that police brutality, bias, prejudice and stereotyping against the black race all over the country were also prevalent in the old structures of racism. But the events in Ferguson, Missouri, have given researchers, policymakers, and the general public an in-depth understanding of the nature of *encrypted racism*. The activism of the Black Lives Matter movement was instrumental in zooming the light of investigation onto the discriminatory practices and killings of unarmed African Americans. The investigation of the Ferguson Police Department conducted and published by the United States Department of Justice Civil Rights Division on March 4, 2015 after the killing of Michael Brown, Jr. reveals that Ferguson law enforcement practices disproportionately harm Ferguson's African-American residents and are driven in part by racial bias, including stereotyping (DOJ Report, 2015, p. 62). The report further explains that Ferguson's law enforcement actions impose a disparate impact on African Americans that violates federal law; and that Ferguson's law enforcement practices are motivated in part by discriminatory intent in violation of the Fourteenth Amendment and other federal laws (DOJ Civil Rights Division Report, 2015, pp. 63 – 70).

Therefore, it is not surprising that the African American community is outraged by the racially motivated practices of the white dominated police force. One question that comes to mind is: could the DOJ Civil Rights Division have investigated the Ferguson Police Department if not for the activism of the Black Lives Matter movement? Probably not. Perhaps, if not for the persistent protests staged by the Black Lives Matter movement, the racially motivated killings of unarmed black people in Florida, Ferguson, New York, Chicago, Cleveland, and in many other cities and states by the police would not have been exposed and investigated. The Black Lives Matter movement could therefore be interpreted as a unique "voice of color"- a critical race concept that holds that "minority writers and thinkers are generally in a better position than white writers and thinkers to write and speak about race and racism because they experience racism directly" (Tyson, 2015, p. 360). Proponents of "voice of color" invites the victims of racial discrimination to tell their stories as they experienced discrimination. The Black Lives Matter movement plays this important role of storytelling, and in doing so, it serves as a twenty-first century call to not only change the current status quo embedded in *encrypted racism*, but to expose and decrypt what Restrepo and Hincapié (2013) call the "formulae of encryption" the secret codes with which the privileged group members code and decode the algorithm and patterns of interactions between the privileged and un-

privileged groups, or put differently and explicitly, between the whites and blacks in the United States (p. 12).

CONCLUSION

Given the complex and complicated nature of racism in the United States, and considering the limitations the author encountered while collecting data on the numerous cases of violence against black people, most critics may argue that this article lacks sufficient field data (that is, primary sources) on which the arguments and positions of the author ought to be founded. Field research or other methods of data collection are a necessary condition for valid research outcomes and findings, however, one could also argue that they are not a sufficient condition for a critical analysis of social conflicts as has been reflectively done in this article using social conflict theories that are relevant to the subject matter under study.

As noted in the introduction, the main goal this article is to examine and analyze the activities of the “Black Lives Matter” movement and their efforts to uncover the hidden racial discrimination embedded in the institutions and history of the United States in order to create a path for justice, equality and equity for the minorities, especially the African American community. To achieve this goal, the article examined four relevant social conflict theories: “African American Criticism” (Tyson, 2015, p. 344); Kymlicka’s (1995) “Multicultural Citizenship: A Liberal Theory of Minority Rights” that recognizes and accords «group-differentiated rights» to particular groups that have suffered historical racism, discrimination and marginalization; Galtung’s (1969) theory of *structural violence* that highlights structures of oppression that prevent a section of the citizenry from having access to their basic human needs and rights thereby forcing people’s “actual somatic and mental realizations to be below their potential realizations” (Galtung, 1969, p. 168); and finally Burton’s (2001) critique of the “traditional power-elite structure” - a structure typified in the “we-they” mentality-, which holds that individuals who are subjected to structural violence by the institutions and norms inherent in the power-elite structure will definitely respond using different behavioral approaches, including violence and social disobedience.

The analysis of the racial conflict in the United States that this article has successfully done in light of these theories, and with the help of concrete examples reveals a transition or shift from *overt structural racism* to *encrypted racism*. This transition occurred because by formal state law and in theory, racism was abolished in the United States. By informal, accumulated cultural heritage, and in practice, racism metamorphosed from its overt structural principles to an encrypted, covert form; it moved from the oversight of the state to the jurisdiction of the

individual; from its overt and obvious nature to a more concealed, obscure, hidden, secrete, invisible, masked, veiled, and disguised forms.

This concealed, hidden, coded or covert form of racial discrimination is what this article refers to as encrypted racism. This article affirms that just as the Civil Rights Movement was instrumental in ending *overt structural racism*, open discrimination and segregation in the United States, the Black Lives Matter movement has been bravely instrumental in decrypting *encrypted racism* in the United States. A particular example could be the events in Ferguson, Missouri, that provided in-depth understanding of the nature of *encrypted racism* to researchers, policy-makers and the general public through the DOJ's Report (2015) that reveals that Ferguson law enforcement practices disproportionately harm Ferguson's African-American residents and are driven in part by racial bias, including stereotyping (p. 62). The Black Lives Matter movement is therefore a unique "voice of color" helping the historically dominated and racially marginalized African Americans to tell their stories as they experienced discrimination (Tyson, 2015, p. 360).

Their stories have been instrumental in decrypting encrypted racism in the United States. However, further research is needed to understand the various ways through which the twenty-first century nonviolent African American activists make their voices heard, and to analyze the challenges they encounter in their activism as well as examine the reaction from the government and the dominant white population.

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HYPHY SPARKED A SOCIAL MOVEMENT

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“When hip hop’s true influence as a cultural movement is finally understood. . .people will recognize that the very same synergy at the heart of hip hop’s commercial success has also informed our generation’s activist and political theorists.”

—Baraka Kitwana

Hyphy (pronounced Hi-fee), is a genre of rap and lifestyle associated with Bay Area hip hop culture that emerged in early 2000 and by 2009 evolved into a counter-cultural social movement for marginalized youth. Hyphy was originally a part of Bay Area vernacular used in local neighborhoods as an actual hyperbole on the word hyper. It eventually came to mean an unbridled release of energy that could include excitement, frustration or uncontrolled anger. The synergy of anger mixed with raw and aggressive sounds in the musical beats created a powerful reflection of street life and party style rap.¹ The aesthetic dimensions of Hyphy include sideshows (car culture), slanguage (language), turfin’ (dancing), fashion, and the independent hustling/marketing of an artist. Each aesthetic is heavily influenced by the everyday reality one experiences while living in urban spaces. The dynamism of Hyphy is carefree resistance; the sound, in combination with the everyday marginalized lived experiences. The Hyphy Movement emerged as a collective for activism as “Baydestrians” (residents of the Bay Area) became widely dissatisfied with their historical lack of social power and economic resources, and with systematic institutional oppression.

The Bay Area is an epicenter for marginalized social movements and Hyphy may be understood as a seed of the legacy of this region reaching back to the 1960’s Black Power Movement and leading towards the Black Lives Matter Movement. While conceptualizing Hyphy as a hip hop counter cultural social movement it must be understood that it

¹ Hyphy was not initially meant to become a commercialized movement per se, it was simply a slang term to express a style, a feeling, an energy, to describe aesthetics known to Bay Area hip hop for years. As a response to the death of Mac Dre, and corporate co-optation of Hyphy aesthetics, Bay Area youth and a few rappers helped solidify the Movement. Rappers held the power to channel that frustration and creativity and they used the movement to do just that. Oakland artist Keak Da Sneak, or Charles Toby Bowens (also known as King of the Supa Dupa Hyphy Hyphy), was the first rapper to use the term Hyphy on the song “Cool” from his 1998 album *Sneakacidle*

did not come out of a vacuum. It stands on the shoulders of past Bay Area counter culture movements and revolutionary protest demonstrations that took place in prior generations.

For over half a century, the Bay Area has been home to resistive social movements, and is known in particular for opposing marginalization and police violence. The Black Power Movement, Black Panther Party for Self Defense (BPP), the Hippie and Black Arts Movement (BAM), and now the Hyphy Movement share seeds of the same legacy of youth activism. The previous movements took precedence for involving young people in opposing the authoritative systems that violently controlled social economic rights and civil liberties and the latter has continued. As a result of the past movements mentioned there developed a distinctive social consciousness for which the Bay Area became known. Issues with policies about the “War on Drugs,” the “War on Gangs,” spatial politics, gentrification, and complex legislation that targeted urban spaces, thereby created social tensions between the police and many Black communities in the Bay Area. The issues and concerns represent not only the backdrop from which hip hop emerged, they are what Hyphy later built upon and constitute several protest platforms relevant in the movement for Black lives.

The historical context of past protests and social resistance connects the role of youth to contemporary movements that also validate cultural expression as a form of protest for youth struggling to gain freedom from unjust social oppression. In 2006 hip hop scholar S. Craig Watkins suggested that, “While the activist impulse in the Bay Area’s hip hop scene can be partially attributed to the rich history and culture of social movements in this region, it also comes at a time when many young Californians have been pushed to the brink.”² Indeed Watkins argues correctly, almost anticipating the rise of the aggressive Hyphy Movement in his reflection on the Bay Area. Hyphy-associated rapper Mistah F.A.B. is well aware of the historical connection the movement has with Bay Area resistance, he states, “You can go back as far as the Panthers, the hippies, a lot of those things started right here.”³ The descendants of those movements make up the third generation of youth in the Bay. Moreover, this region has a history of cultivating resistance movements that are organized by the power of socially marginalized minorities and college age youth.

² S. Craig Watkins, *Hip Hop Matters: Politics, Pop Culture and the Struggle for the Soul of a Movement*, (Boston: Beacon Press, 2006), 164.

³ T-shirts are sold with the message of “Home of the Black Power Movement and Home of the Hyphy Movement” T-Shirt Orgy-Bear Basics: World’s Largest T-Shirt Store 12350 Telegraph Avenue, Berkeley.

Past Bay Area historical movements created the pathway for hip hop to follow in the footsteps of outspoken activists and poets in a post Black Power era as they began to express the issues still affecting many urban communities. Molefie K. Asante Jr. describes the energy of progressive hip hop, “the force that created Malcolm was the same force that created hip hop, a visceral energy aimed at transforming, (or at least voicing) the conditions of oppressed people.”⁴ For marginalized young people in the Bay Area in particular, the ideals of the Nation of Islam or the Black Power Movement represented community protection against police violence, the promotion of Black pride and love, economic self-sufficiency, independence, knowledge-of-self, and use of art as a political tool for expression. The youth were surrounded with these extant ideologies and messages because they lived in the same conditions that never changed in substance. These same messages that had educated previous generations about their social positioning in America resurfaced in rap music and evolved into a new generation’s struggle for a self-defined liberated identity. Hip hop became the most viable lifestyle for the marginalized youth to pursue the goal of liberation. “This was not simply hip hop’s promise but hip hop’s reality.”⁵ The influence of rap culture and its overall message of free speech, resistance and alternative modes of attaining equality attracted rapper Tupac Shakur whose career can be perceived as picking up where the Black Power Movement leaders left off. Much of his rap’s content was about refuting the systems of oppression he felt were entrapping Black people. As hip hop is noted for birthing generations that challenge historical hegemonic perceptions of Black youth, the Bay Area’s organizations that provide direct services to youth began to utilize hip hop and later the Hyphy Movement to give voice to those who endured the politics surrounding youth criminalization.

For example, grassroots projects that began occurring at the end of the 90s gangster rap crusade which began to utilize hip hop to tackle police violence carried over into the early 2000s. Before the Hyphy Movement, young hip hop activists had taken to the Bay Area streets to fight reoccurring injustice in two major events. First, 1996-1997 was the grassroots campaign known as Justice for Aaron Williams and second, a year later they began a long fight against the Gang Violence and Juvenile Crime Prevention Act Prop 21 of 1998.⁶

Justice for Aaron Williams was a foundational campaign for hip hop organizing. In 1995, San Francisco police officer Marc Andaya killed an

⁴ Molefie K. Asante Jr., *It’s Bigger Than Hip Hop: The Rise of the Post Hip Hop Generation*, (St. Martin Press, New York: N Y, 2008), 10.

⁵ Ibid

⁶ The Ella Baker Center, Accessed June 10, 2010. <http://www.ellabakercenter.org/page.php?pageid=19&contentid=152>

unarmed Black man, Aaron Williams. Andaya led a team of cops who viciously beat and kicked Williams, emptied three cans of pepper spray into his face, and finally hogtied him in an unventilated police van where he died.⁷ The Ella Baker Center for Human Rights founded in 1996, (made up of several initiatives serving the community youth with ties to hip hop activism and street culture) responded by documenting, challenging and exposing such abuses, leading the fight for justice for Williams.⁸ “The founder, Van Jones, led his team through two years of organizing and protesting against the way in which officer Andaya was portrayed as the victim. The police went so far as to have a medical examiner argue that Williams died from “Custody Death Syndrome” (the shock from being in custody somehow kills the detainee). The Center demanded that the officer be fired and eventually he was. This community win led the Center to launch a youth group called the Third Eye Movement. “With innovative, militant, non-violent direct action, Third Eye Movement became a national example of a new generation of hip hop activism.”⁹

The Ella Baker Center utilized hip hop as a strategic tool to connect youth with electoral politics and used the media for creating change in the judicial system making youth feel a part of and needed in the community. The Center understood that the hip hop generation was in need of uplift more than ever and thus organized around benefiting marginalized youth. “Due to gross racial disparities in the juvenile justice system, it is primarily families and communities of color that have to pay the cost of DJJ’s abuses. Of the 1,950 youth in DJJ prisons as of July 2008, 87% are young people of color. And virtually all of the kids inside are from low-income backgrounds.”¹⁰ They reignited hip hop activism and created several initiatives dedicated to the youth, such as *Silence the Violence*, *Heal the Streets*, and the *Urban Peace Movement*. One of their largest

⁷ Pepper spray has been involved in over 60 deaths of people in police custody nationwide. Many of the SFPD pepper-spray procedures were put into effect in response to outrage at the police murder of Aaron Williams in 1995. Mark Garcia a 41 year old teamster also died like Aaron Williams, after being beaten, pepper-sprayed and hog-tied by the police. William Bowser, Aaron Williams’ uncle, was angry at how the police ignored the rules put in place after Aaron’s murder. “These things were put into place after the murder of Aaron. They worked 6, 7, 8 months, a year to figure out how they’re going to keep people from dying—you weren’t going to do this, you weren’t going to do that. But somebody decided to do whatever he feels like doing.”

Revolutionary Worker #967, “Struggle Against Police Murder in San Francisco: People Demand Justice in Mark Garcia Case,” *Revolutionary Worker Online*, July 26, 1998 Accessed June 11, 2010. <http://rwor.org>

⁸ In 1995 a Bay Area grassroots organization Bay Area Police Watch emerged by attorney Van Jones launched the hotline for victims of police brutality under the auspices of the Lawyers Committee for Civil Rights. He later developed it into the Ella Baker Center.

⁹ Ibid.

¹⁰ The Ella Baker Center, Accessed June 11, 2010. <http://www.ellabakercenter.org/page.php?pageid=18&contentid=7>

political campaigns involving youth was the *Books Not Bars Stops the 'Super-Jail'* in 2001-2003. This campaign was a response to Governor Wilson's public rhetoric about Prop 21 being made for "young super-predators," as well as the investigations that revealed the deplorable violence amongst youth at the California Youth Authority (CYA) later renamed The California Division of Juvenile Justice (DJJ). These events foreshadowed social and political protests that would again occur during the height of the Hyphy Movement.

The Ella Baker Center was one of the first organizations that used the Hyphy Movement as a strategic tool to address the social tensions among the youth and to coordinate workshops and curricula. More specifically, *The Silence the Violence* campaign utilized the Hyphy Movement and some of its rappers to target youth political participation in voting and in reducing gun violence.

"A'INT SHIT CHANGED CUZ OBAMA IN THE HOUSE"¹¹

Bay Area rappers associated with the Hyphy Movement such as, Too \$hort from East Oakland, San Quinn from Fillmore in San Francisco, Mistah F.A.B. from North Oakland, Beeda Weeda, and a host of other iconic Bay Area rappers joined others to contribute to the youth's awareness and promotion of 2008 presidential election voting. The residual grass roots efforts for the political campaign, "Vote Fa-Sheezy" later entitled, the "Wake Ya Game Up" was led by organizations such as, Youth UpRising, Hip Hop Congress and a host of others who worked with the hip hop generation to promote President Obama's election. Hyphy functioned, as *Mass- society* theory suggests, as a social movement that has dual purposes serving both personal and political agendas, attracting socially isolated people who join in order to gain a sense of identity and purpose.¹² Regardless of whether they were old enough to vote, Hyphy youth took part in the election campaign process because it allowed them to realize, and reconstruct the meaning of who they are collectively. It also empowered them with a sense of hope that their lives had meaning in their communities. "They utilized hip-hop radio stations, recording industry street teams, web and pod casts, social networks, blogs and grassroots organizing to move youth to vote."¹³

¹¹ Mistah F.A.B. and Amp Live (Zion I) - "Oscar Grant III Tribute (My Life)" ft. Jennifer Johns & Codany Holiday, January 2009.

¹² Alberto, Melucci, *Nomads of the Present: Social Movements and Individual Needs in Contemporary Society*, ed. John Keane and Paul Mier. (Philadelphia, PA: Temple University Press, 1989).

¹³ Michelle Wong, Sarah Ingersoll and Marisa Murgatroyd, "2008 Election Media Report," *Meaningful Media*, October 8, 2008.

While the rest of America began to celebrate the start of a supposed post racial society due to Barack Obama becoming the first Black president of the United States, the Bay Area, however, was once again outraged by a devastating reality that not much had changed at all.

A man becomes president who looks like me for the first time ever, while a man who looks like me is shot in his back in East Oakland. Even though there is a Black president, a Black male can still be shot in the back by the police. There is something to be said about these two events happening so close to another. Barack Obama was sworn in January 20, 2009 and Oscar Grant 3rd was executed January 1, 2009. There was an unrealistic euphoria/delusion that everything would change because the President was Black. These thoughts came from a pivotal conversation I had with a young black female Harvard Doctor, Mrs. Vajra Watson, coordinator of the Sacramento Area Youth Speak (SAYS Project), a spoken word group. While attending one of the youth speaks event I began to notice that student after student included the tragic death of Grant in their spoken word poems explaining how it affected them.

Oscar Grant III was a twenty-two-year old father who was murdered by Bay Area Rapid Transit System (BART) police officer Johannes Mehserle New Year's Day 2009. His actual murder was recorded on several cell phones and instantly uploaded on to YouTube garnering viral exposure. "Grant's death was the first high-profile police shooting in a generation, and the first in which social media played a pivotal role in the organizing that followed." (Cullors 2016).¹⁴ After being, harassed, beaten, and sprayed with mace, he was placed in handcuffs while lying face down on the ground. Fruitvale station officers Tony Pirone and Mehserle were the authorities involved. Pirone placed a knee in his back and Mehserle allegedly attempted to restrain Grant while pulling out his firearm, and shot him in the back. The Bay Area was furious that yet another unarmed Black male had died at the hands of an officer.¹⁵ There was a clear shift in political discourse from voting for Democrats to a more traditional militant and radical critique of the organization of the state and the police.

Police kill at will

They killed Oscar Grant, they killed Bobby Seal ¹⁶

¹⁴ Black Lives Matter Co-Founder Patrisse Cullers "Cephus Johnson and the men of Black Lives Matter"

Oakland North, April 7, 2016. July 11, 2016.

¹⁵ Anthony W. Neal, *Unburdened By Conscience: A Black People's Collective Account of America's Ante-Bellum South and the Aftermath*, (University Press Of America, 2010).

¹⁶ Mistah F.A.B. and Amp Live (Zion I) - "Oscar Grant III Tribute (My Life)" ft. Jennifer Johns & Codany Holiday, January 2009.

The young people in the Bay Area utilized hip hop aesthetics to express their reaction to the Grant's murder. The Oakland organization *Urban Habitat*, created a project called *Race, Poverty and the Environment / RED!* and with *Media Alliance* they co-sponsored "The Oscar Grant Memorial Arts Project." The project provided a public and digital space for the community to creatively express their feelings about the murder. It was a time for unification; the editor of *Race, Poverty & the Environment*, B. Jesse Clarke, had this to say,

People are angry. Thousands have been appalled by the Oscar Grant shooting and have taken a new stand to fight injustice. Many have chosen to creatively express their stance through art. Songs have been written and dedicated to Oscar Grant. Poems, paintings and posters have been created. Graffiti artists have painted murals. Some of this is compelling art, some is ephemera. Some of this art is controversial in its subject matter or its expression, but above all this art is the expression of a critical moment in the movement to end police violence.¹⁷

Grant's murder hit home with many diverse ethnic groups who are transnationally connected to what Melanie Cervantes and Jesus Barraza's Oscar Grant poster refers to as, "Government Sponsored Murder in the Ghetto." Their artwork entitled, "Justice for Oscar! Justice for Gaza!" an inscription under the painted portrait of Grant states "End Government Sponsored Murder in the Ghettos of Oakland and Palestine."¹⁸ The artists' message linked the similar outcry for the historical and violent imperialism against marginalized Palestinians and the marginalized Black and Latino youth involved in Bay Area hip hop culture. Although a local tragedy, Grant's murder affected people nationwide.

The murder created social tensions that led to an "us against them" environment; it separated the community between local supporters of the police and freeing Mehserle of all charges, against those supporting political justice for Grant and others like him who died from the hands of police brutality. Due to Grant's murder receiving national social media attention it provided a platform to address police brutality and the criminal justice system in the United States. During the public debates about the killing, many conflated arguments were made about police jurisdiction, race, and youth criminality. For example, being an Oakland police officer is different from being a BART police, but the Oakland Police

¹⁷ Urban Habitat: Race Poverty and the Environment / RED! Is the journal for social and environmental justice. RP& E publishes news, views and analysis of the social and environmental justice movements. Accessed September 19, 2010. <http://www.urbanhabitat.org/taxonomy/term/187?page=3>

¹⁸ <http://dignidadrebelde.com/blogpost/view/88>

Department (OPD) was faulted because of similar occurrences. The murder of Oscar Grant questioned a very problematic, both conservative and liberal, notion of post-racial nostalgia. The murder illuminated the reality of police brutality and was often juxtaposed with the Obama political moment of presumed hope and change. It became a dichotomous storyline, paralleling the countless articles about Barack Obama, African American “progression” and the lack thereof. The marginalized youth chose not to remain silent, and instead challenged police brutality and held the judicial system accountable for discriminatory practices for criminalizing Grant. As Oscar Grant was only twenty-two years old, he was considered very much a part of hip hop’s third generation and this cohort was particularly affected by his death. Upon hearing the news, many young people immediately took to the streets to protest and riot about what they understood to be a typical repeated violent act against Black youth. The protests took place for weeks at a time.

*First you didn't give a fuck, but you learnin now
If you don't respect our town, then we'll burn you down
God Damn, it's a mutherfuckin riot
Black people on a rage, police so don't try it!* ¹⁹

I AM OSCAR GRANT

Many of the youth involved with Hyphy culture were a part of the angry crowds who protested against the injustice for Oscar Grant. Over 100 Oakland business properties were damaged and hundreds of young people were detained. The Oakland Police Department (OPD) was unsuccessful at crowd control and after several days of protesting and rioting affecting the morale of the community, an intervention was needed. Various non-profit Bay Area community organizations and Bay Area rappers were called on to calm and control the youth. An organized protest rally for Oscar Grant took place on January 7, 2009 at the Fruitvale BART station. The young people needed leaders that they actually believed in to let them know that someone understood their anger and to help them to figure out how they could seek justice and hold the officer accountable for Grant’s murder. Mistah F.A.B. and Baba Zumbi from Zion I and the Burnerz) were the spokesmen during a portion of the rally. Both artists are known for their community activism, working with Oakland’s community transformation organizational hub, Youth UpRising and the Ella Baker Center’s for Human Rights, *Silence the Violence* campaign to bring peace to the streets. These rappers understood that in order to politically engage the youth, the information presented must address

¹⁹ Tupac Shakur, “I Wonder if Heaven Got a Ghetto,” *R U Still Down* (Interscope/Jive Records/Amaru Entertainment, 1993).

their needs. This form of validation is what makes hip hop so influential and relevant to young people.

*Huey tried to motivate the people,
Take a stand against the prejudice evil,
He had us going, had the city rallied up
Black Panthers, Black Power, and look how they do us.*²⁰

At the rally, F.A.B. focused on several sides of the crisis, he first addressed the anger the protestors felt. He also addressed critics of Hyphy for misunderstanding and narrowly depicting the culture and his role in it. The connection between the Hyphy Movement and protests for Grant are highlighted below as an ethnographic transcription of conversations that took place at the rally.

Mistah F.A.B.: “We say fuck the police” if they not gonna protect us!”

“Everyday we fear our lives, and then they wonder why the youth is so corrupt. I don’t believe in bad kids. I believe that every child has had an adult that has lead to its delinquency and contributed to the mischievousness of that child.

In the city we live in we are being patrolled by Hitler’s. . . assassins, murderers. For us not to react the way that we react would be ignorant. . .(sic)

Yea they say Mistah F.A.B. well you’re Hyphy and you’re the reason why a lot of these kids are like that. Yea right! We’re radiation and chemical babies. I’m a, I come from a family just like many of you. My dad died from AIDS. . . my mother recently, two days ago, just found out that she has cancer. Now I’m bearing my heart to the people to let you know I m just like y’all. When they see me walking thru this crowd they like, is that? It’s not about me today. I am Oscar Grant. Today I am a voice that wanted to tell you something that you should have heard a long time ago.”

F.A.B. drew on historical connections of identity politics speaking against youth criminalization. His comments shed light on the role police play in shaping their relationship with youth based on criminal perceptions. F.A.B. addresses unification stating, “I am Oscar Grant!” This

²⁰ Mistah F.A.B. and Amp Live (Zion I) - “Oscar Grant III Tribute (My Life)” ft. Jennifer Johns & Codany Holiday, January 2009.

statement is symbolic of the “I am Malcolm X” and “I am Fred Hampton” references often stated by members of the community after both of the leaders were murdered. “I am Oscar Grant” symbolizes a unified identity of solidarity, and F.A.B. confers that if it could happen to Grant, it could happen to any of them. Because it happened to Grant, it happened to all of them, suggesting that when the police unjustly murder one, the community suffers from the lost as a whole. In addition, the symbolic phrase gives life to the dead — Grant may be deceased, but his legacy lives on within those who remember him and seek justice for his wrongful death. “I am Oscar Grant!”

*In My Life I never give up,
In the Morning comes the Sun,
Im a survivor,
You a survivor
Im a survivor
He a survivor
She a survivor*²¹

Next Mistah F.A.B. introduced Baba Zumbi (AKA Baba Zumbi AKA MC Zion, original member of Zion I),

Baba Zumbi- “One love, family how y’all feel? Man I know the New Year just started but this is not the way to start.” “Hell naw!” A crowd member yells. “But I am glad to see all of the faces out here. This represents that we still a community now no matter what the media tries to say, no matter how much we fight each other. We still love each other and this is evident of that. We community we stand strong. We stand strong in the memory of Oscar Grant. We saying fuck the police! Fuck the police if they not gonna protect us. Say it. Fuck the police!”

In true call and response formation the crowd begins to chant Fuck the police!

Baba Zumbi- “We gotta stand strong its our time to rise up!”
I’m glad to see other hip hop artists. I’m glad to see the youngsters. I’m glad to see the animals out here representing for ourselves. This is Oakland California. Home of the Black Panthers and we need a new movement to

²¹ Mistah F.A.B. and Amp Live (Zion I) - “Oscar Grant III Tribute (My Life)” ft. Jennifer Johns & Codany Holiday, January 2009.

represent right now, what's happening on the street right now!"

In the spirit of the Black Panthers Self-Defense Ten-Point Platform and Program, Zumbi asserts the demands of the community.

Baba Zumbi: "Today we take a stand against police brutality.

- We demand that BART call for the criminal persecution of all officers responsible for the death of Oscar Grant the III.
- We demand that BART turn over the investigation of the murder Oscar Grant 3rd to the Federal courts.
- We demand that BART hold a public forum to listen to community concerns and develop a set of appropriate policy changes to insure that this never happens again.

Oakland California stand up in the memory of Oscar Grant. Rest in peace. This is love right here, let's keep it moving yall. One Love." "No Justice No peace, the crowd chants."

When Zumbi yells out "Fuck the Police!" he is echoing hip hop group N.W.A.'s 1988 rap "Fuck the Police." The phrase was in response to the social tensions and lack of authoritative respect between poor urban Black and Latino youth for the LAPD's historical record of brutality. The song also foreshadowed the riots in L.A. after the 1992 verdict of Rodney King who became famous for being beaten mercilessly by the police. Both violent attacks (of King and Grant) were caught on film and helped bring national attention to each atrocity. The lyrics articulate a hood narrative understood by many urban poor who see police brutality as a social norm in their communities and N.W.A. were one of the first to bluntly voice their anger of this reality in commercial rap. "The much quoted rap from that album, 'Fuck the Police,' became the target of an FBI warning to police departments across the country. . ."22

Fuck the police, comin straight from the underground.

A young nigga got it bad 'cause I'm brown

And not the other color, so police think,

*They have the authority to kill a minority. . .*23

Michael Eric Dyson discussed the track in relation to the heightened awareness not only to the legalized policing of hip hop in general after the success of the rap, but also the role of rappers and Black victimization. According to Dyson, "Group's like N.W.A. should be critically

²² David Samuels, "The Rap on Rap: The "Black Music" that Isn't Either." *That's the Joint!* *The Hip-Hop Studies Reader*, Eds. Murray Forman and Mark Anthony Neal, (New York: Routledge, 2004), 151.

²³ N.W.A. "Fuck the Police," *Straight Outta Compton*, (Priority/Ruthless Records 1988).

aware that blacks are victims of the violence of both state repression *and* gang violence, that one form of violence is often the response to the other, and that blacks continue to be held captive to disabling lifestyles (gang-bangin,' drug dealing) that cripple the life of black communities."²⁴ Dyson's point is well taken but what happens when the assumed context is not referencing the social responsibility of law enforcement authority? Grant was not in a gang, nor was he a drug dealer, yet he was murdered from the hands of such authority non-the-less.

*Cause my city's frustrated they gon ride tonight!*²⁵

For a time the rally was peaceful, but as night approached different crowds of angry youth emerged and the slogan "no justice no peace" was literally enacted. The local news did not cover Mistah F.A.B. and Zumbi's speeches at the rally, but countless headlines noted the riots. A few months after this rally, both artists created raps dedicated to Oscar Grant. Mistah F.A.B. and AMP Live released "My Life" in honor of Grant, and The Burnerz, also released, "Cops Hate Kidz." A poignant statement in an interview with Zumbi summarized the mood of the moment. "It is our hope to fuel discussion about ways that the police can better 'protect and serve' the community, rather than abuse and exploit their power. As we move towards a 'new America,' it will be important that we learn to work together. The old models are falling before our eyes. This is our opportunity to engage change."²⁶

The January 7, 2009 event would not be the first or last of protest rallies, concerts, and town hall meetings to address the murder and the community's concerns that ultimately justice would not be served, if Mehserle would not be convicted for murder. On January 13, 2009 over 2000 people joined to protest once again, the murder of Grant. With Obama t-shirts and fists in the air, they condemned the city officials for mishandling the investigation. The event was under surveillance with six helicopters and hundreds of police, some of whom were videotaping footage of individual activity at the event. Rapper Too \$hort came out to the rally as someone who had the influential power to control the crowd long enough to explain that violent riots would accomplish nothing but more youth persecution. Here is a transcription of Too \$hort's speech in which he cautiously promoted non-violence at the rally.

²⁴ Michael Eric Dyson, "The Culture of Hip Hop," In *That's the Joint: The Hip Hop Study Reader*. Edited by Murray Forman and Mark Anthony Neal. (New York: Routledge, 2004), 65.

²⁵ Mistah F.A.B. and Amp Live (Zion I) - "Oscar Grant III Tribute (My Life)" ft. Jennifer Johns & Codany Holiday, January 2009.

²⁶ Jennifer Marston, "MC Zumbi Responds to Oakland Violence," *XLR8R Magazine*, April 8 2009.

I just came out here to speak on the fact that you know, it's a very very very very intelligent effort put in on this day right here for this protest to go down. It would just be so sad if it turned out to be violent today. I just want to say in your love for the town, today on this day let's do this one right. Because everybody's watching us and they want to go back and say "oh them folks from Oakland they wild they don't know how to act." You know what I mean? And I just want to show the world that Oakland, California is a place where we stand up. So let's show 'em with this right here today how we get down! Straight Love! Town Business!

The *San Jose Chronicle* covered the event and reported the call and response chant was facilitated by the youth. "A group of Original Scrapper Bike riders showed up, one of them pumping Hyphy hip hop through handlebar-mounted speakers. Many in the crowd heeded a call from organizers to chant, "I am Oscar Grant."²⁷ After speeches from other key figures in the community, the protestors marched from City Hall to the Alameda County DA's office and back.

Protest concerts were also held to raise money for Grant's family and their legal matters. While national headlines were no longer running the story about Grant, a small community of local journalists continued to cover events as important news features. On February 27, 2009 a group of hip hop artists organized a birthday celebration for Oscar Grant and proceeds went to his daughter. Artists such as Too \$hort, Ise Lyfe, Zion-I, Casual, Sellassie and Jennifer Johns made special performances. Beeda Weeda and J Stalin performed their new version of "Fuck the Police, and We Ain't Listening." The Bay Area hip hop community was one of the largest supporters for justice for Grant. Eric K. Arnold stated that, "In death, Grant has become a poster boy (literally) for the case against police misconduct, as well as a hip-hop generation martyr."²⁸ Therefore, despite the exaggerated stereotyping and social critique of Hyphy culture and its supporters, the collective sparked a social movement fostering social and political change against police brutality excessive violence amongst the youth and would lead the way for such issues to be discussed in the Black Lives Matter Movement just a few years later. "Organizers say that the lawsuits and protests that followed helped

²⁷ Todd R. Brown, "Oakland Stands up and Says, 'I am Oscar Grant,'" *San Jose Chronicle*, January 14 2009.

²⁸ Eric K. Arnold, "Oscar Grant B-Day Party at Black Dot Café." *San Francisco Weekly*. February 27 2009.

lay the groundwork for Black Lives Matter” (*Oakland North*, April 16, 2016).²⁹

On July 8, 2010, Johannes Mehserle was convicted of involuntary manslaughter. Despite the community support from organizations, the youth, hip hop activists and outside followers of the case, the system once again protected the police. It was the calm before the storm because the final response from the community would be based on the final sentencing.³⁰

Community organizers began to work with activists to promote peaceful protests and demonstrations. A month before the sentencing was scheduled, the Ella Baker Center for Human Rights hosted an Emergency Leadership Forum. It included a host of hip hop activists, organizations, and other young leaders in Oakland. It was organized with Youth UpRising and the Urban Peace Movement, its purpose was to inform the younger generations about the status of Grant’s legal case. In addition, the organizations used the forum to also provide education about the history of social movements and the power they produce. Most importantly, the forum provided the young people with tangible ways of implementing strategy as a plan of action. The organizers involved demonstrated that they valued the youth and understood that the younger generation had the wisdom to offer their own solutions in dealing with such issues.³¹ Youth UpRising had its teens create a multimedia national PSA with local community figures of all generations stating that “Violence is not Justice.” Their intention was to prevent violent riots from breaking out after the verdict was released.³²

However, their intentions to promote non-violent responses were muted on November 5, 2010, when Mehserle was sentenced to 2 years in prison for involuntary manslaughter.³³ Mehserle’s lawyer argued for pro-

²⁹ <https://oaklandnorth.net/2016/04/07/cephus-johnson-and-the-men-of-black-lives-matter/>

³⁰ The court established Mehserle committed a lawful act but with “criminal negligence.” Mehserle committed a crime - using excessive force on Grant by deciding to shock him with a taser - that was not in itself potentially lethal, but became so because of the manner in which it was committed. His possible punishment could have been two, three or four years, four or 10 years for using a gun. The minimum total sentence would be five years and the maximum would be 14 years. He was able to get probation because of involuntary manslaughter. California law requires an increased prison sentence for using a gun during a felony, but it is not clear whether that law overrides another statute that allows probation for manslaughter in unusual cases. In this case the gun enhancement was thrown out because Mehserle was a BART Police officer.

³¹ Jakada Imani, “Justice or Just Us? Beyond the Hype of the Mehserle.” *San Francisco Chronicle*, July 1 2010.

³² Davey D. “Violence Is Not Justice! Oscar Grant Killing — Johannes Mehserle Trial” —*PSA Daily Hip Hop News*. July 1 2010.

³³ The “enhancement” law usually automatically increases the sentencing, but the jury ruled that Mehserle might have mistaken his pistol for a taser, which has been the former

bation, with no prison time. Counting the 292 days he had already served meant Johannes Mehserle would legally be out of prison seven months after his sentence.

*The youth frustrated they feel like its no hope!. . .
You killed somebody son, you killed somebody folks,
You killed somebody daddy, but do you care Hell no!*³⁴

Protestors took to the streets holding signs chanting hip hop slogan, “Fuck the Police,” and “We are All Oscar Grant!” Over 150 Oakland protesters were arrested. The downtown streets were filled with angry youth who appeared helpless in their fight for justice.³⁵ Grant’s family attorney John Burris summed up the historic case and what it meant to African Americans in particular. Because the justice system did not give Mehserle the maximum sentence, this sent a message to African Americans not just in the Bay Area but also throughout the country “that their life is not worth the same as someone else’s that is killed under the same circumstances.”³⁶ It would be this statement that resonates with Black lives mattering. This resounding message resulting from an unequal distribution of criminal punishment becomes the impetus for what the hash tag created three years later echoed. The criminal justice system continues to legally demonstrate their hegemonic ideology that does not believe Black youths’ lives are worth protecting as a means of social justice and equality.

*Here on earth
Tell me whats a black life worth
A bottle of juice is no excuse, the truth hurts
And even when you take the shit.*³⁷

In the case of Oscar Grant III, the criminal justice system, so often rapped about in hip hop, is once again called into question. The system-

BART officer’s defense since the trial. The Los Angeles County Superior Court Judge Robert Perry, who chose not to employ it, threw out the enhanced sentencing that can be brought to bear in a case where a firearm was used.

³⁴ Mistah F.A.B. and Amp Live (Zion I) - “Oscar Grant III Tribute (My Life)” ft. Jennifer Johns & Codany Holiday, January 2009.

³⁵ “At war with the system. We as a family have been slapped in the face by this system that has denied us the right to true justice. We truly do not blame the jury we blame the system. The jury was denied evidence. Months earlier when the verdict was released on June 8, 2010 Grant’s uncle Mr. Johnson reported some of the evidence that was not used in the case like Tony Pirone’s racial epithets used during the incident. Mehserle had previous complaints of excessive violence filed against him. He beat up an African American male 45 days before killing Oscar Grant and we can’t talk about it?” Cephus Kenneth Bobby Johnson.

³⁶ John Burris Attorney of Law. November 5, 2010.

³⁷ Tupac Shakur, “I Wonder if Heaven Got a Ghetto,” *R U Still Down* (Interscope/Jive Records/Amaru Entertainment, 1993).

atic killing of unarmed Black people speaks to the social tensions and frustrations vehemently expressed in the marginalized Hyphy culture.

Immediately after the sentence was handed down on November 5, 2010 a press conference was held where Grant's family was questioned by news media. The spokesman of the family, Mr. Cephus "Uncle Bobby" Johnson, spoke of his perception about the system's support of Mehserle, but not Oscar Grant. For him, Mehserle symbolized the police and Grant represented the marginalized community.

"The President of the police union made a discretionary call to represent Johannes Mehserle who is an ex-police officer. This was unprecedented. Everything in this case has been unprecedented. The reason why he did that was because of the significance that this case meant to police officers across the United States. This whole intent was to do the best fight so that he would not be incarcerated or receive any prison time."³⁸

*Cops give a damn about a negro
Pull a trigga, kill a nigga, he's a hero.*³⁹

Despite the verdict, a legal change did occur due to the public outcry of injustice demonstrated in over twenty community meetings that discussed disdain with the verdict and murder of Grant. On Jan 1, 2011, exactly two years after Grant's murder the "BART Police Oversight Bill" was signed into law. The bill introduced by Alameda Democratic Assemblyman Sandri Swanson was passed into law allowing the board to establish a contract with an outside independent police auditor and a citizen review board. Lynette Sweet, a member of the BART board of directors, explained that, "These entities will work together to improve transparency following certain incidents, such as the use of force by an officer or a discriminatory charge. Sweet also said that if the auditor and citizen review board had existed on the day Grant was killed, events directly following the shooting would have transpired differently."⁴⁰

*In My Life I never give up,
In the Morning comes the Sun,
Im a survivor,
You a survivor
Im a survivor*

³⁸ Rita Williams, *Video: Mehserle Trial: "Family Members Of Mehserle, Grant React To Guilty Verdict."* November 4, 2010. <http://www.ktvu.com/download/2010/0709/24190870.pdf>

³⁹ Mistah F.A.B samples this quote in the Oscar Grant tribute, "My Life" which is originally from Tupac Shakur's, "I Wonder if Heaven Got a Ghetto," *R U Still Down* (Interscope/Jive Records/Amaru Entertainment, 1993).

⁴⁰ "BART Police Oversight Bill Signed Into Law," *WATCH LIVE: Bay Area News At 7 KTVU.com*. July 16, 2010.

He a survivor

She a survivor

This goes out to all the Oscar Grants all over the world

*We aint goin nowhere, we right here.*⁴¹

Hip hop activism in the Bay Area served as an alternative outlet to address the violence affecting the youth. Moreover, the community's collective who associated with the Hyphy Movement provide insight as to why these modes of reaction, influence contemporary Bay Area youth culture. "Hip hop was created as a vehicle of expression by a community who felt their voices were unheard by the masses, and getting Hyphy is the Bay's way to scream at the rest of the world."⁴² Hyphy music culture is a response to the policing of the environment, and it was a radical response to the pathological number of deaths of young Black males by the hands of the local authorities.

This reaction may be understood when reviewing the *2006 Homicide Report* for Oakland. Five-year averages compiled for 2001–2006 showed that 30% of murder victims were between the ages of 18 to 24 and another 33% were between 25 and 34 years old. Males made up 96% of suspects and 88% of victims. The five-year average for homicide *victims* in Oakland breaks down as follows: 77% Black, 15.4% Hispanic, 3.2% White, 2.8% Asian and 1.6% Unknown. The five-year average for homicide *suspects* in Oakland breaks down as follows: 64.7% Black, 8.6% Hispanic, 0.2% White, 2.0% Asian and 24.4% Unknown. In 2006, during the height of the Hyphy Movement, homicide victims under the age of 18 tripled compared to previous years.⁴³ Specifically, Hyphy encompassed the angry unified response to yet another senseless murder and the end of Grant's life represented a particularly galvanizing tragedy.

Hip hop as an ambivalent and ubiquitous art form has proven to have the power to serve as a platform that produces unified communities and social awareness in relation to injustice. The Bay Area community organizations I have highlighted used the Hyphy Movement as a strategic tool to collaborate with some of the founding fathers of Bay Area hip hop to create engaging educational activism as justice for Oscar Grant III. It was the people influenced by the Hyphy mentality of the movement whether perceived as edifying or destructive, who utilized it in shifting the revolutionary consciousness of young people advocating for social justice. The Black Lives Matter network in the Bay Area is now a

⁴¹ Mistah F.A.B. and Amp Live (Zion I) - "Oscar Grant III Tribute (My Life)" ft. Jennifer Johns & Codany Holiday, January 2009.

⁴² Octavia Bostick, "HYPHY: The Bay's Hip Hp Revenge," *AllHipHop.com*, February 16 2006.

⁴³ *2006 Homicide Report: An Analysis of Homicides in Oakland from January through December, 2006*. February 8 2007.

seed of the legacy of past counter-cultural social movements that originated from this region and is made up of the same people who have brought an unprecedented amount of attention to the egregious acts of violence involving police.

Oscar Grant III was murdered in 2009, the same year Obama was inaugurated as president. Eight years later the United States of America is currently enduring a heightened sense of Black lives still not mattering as Obama ends his term. R.I.P. to all lives lost due to police violence.

THE BLACK LIVES MATTER MOVEMENT AND WHY THE RESPONSE OF ALL LIVES MATTER IS MISLEADING

Scott Loken

Growing up you would've never expected me to be
The type of person to spit these lyrics as an MC
But I grew to be someone who cares about all I see
I transformed from innocent kid to a man who wants us all free
There's no picture that can frame me, I have a complicated mind
When I was young I didn't understand all that I've grown to find
I knew something was wrong, I could feel it but I was blind
Later I used so many books piecing the puzzles of our times
There's still so much to learn and I look for the knowledge everyday
Too bad the facts we need to know are sometimes hidden and stowed
away
The picture gets clearer day by day despite these areas of grey
I got turned on to all this knowledge like it was some good foreplay
As a kid it hurt to see the footage from Eyes On The Prize
Since before I saw that I just didn't realize
All the pain that was forced on people that wouldn't compromise
Their dedication gave me strength and now I have open eyes

I use Hip Hop as an outlet, both writing and listening. It's easy to speak out through music and just let your emotions and passions go. Other Hip Hop artists have eloquently expressed how I feel in the past and I use their lyrics at times to speak on the thoughts racing through my mind constantly; as you will see throughout this writing.

INTRODUCTION

“If you ain't saying nothing, you the system's accomplice
It should play with your conscious, do away with the nonsense”

—Black Thought -(Roots 2006)

I have always been inspired by strength in the face of the worst of odds. Historic leaders like Dr. Martin Luther King, Jr., Malcolm X, Medgar Evers, and John Brown fought and died for equality for all citizens (Gray 1995, Hine, Hine and Harrold 2004). Today, in the year 2016, it is about time we all roll up our metaphorical sleeves and get our hands dirty like the great leaders of the past to create the necessary change that our cur-

rent society so desperately needs for direction and unity. The fact that we still need a true modern day movement for equality is horrible; it is a shame. In fact, it is downright bullshit. As a nation we should have gotten past this long ago.

It seems we are regressing in the modern era as if those in power of our systemically racist government/nation have figured that we would have collective amnesia and not remember what has been done to our fellow citizens.

The sad state of our nation is that people of color, particularly Black males, are viewed as a threat to anyone with whom they come in contact; even if that person is a child of 12 years old (Tamir Rice!) or 17 years old (Trayvon Martin!) (National Urban League 2007). Let us not forget the past examples though. It's nothing new, just ask the family of Emmitt Till, a 14-year-old who fell victim to lynching in 1955 (Blumberg 1991).

This psychologically affects each and every person on every encounter they experience with people who are of a different ethnicity; whether on a large or small scale.

As a 38-year-old white male in our society I am disgusted with our lack of progress. It almost feels like I look through a lens as if I have gone through life for a period of time in a Black man's body like John Howard Griffin (2010) discussed in *Black Like Me* but I never changed my skin tone and lived life as a Black man myself. When you speak on racial issues in today's society and you do not conform to a specific norm to which you are expected to adhere, you get attacked; based on social norms you are supposed to think a certain way. I feel the responsibility of speaking my experiences to people who need to expand their thinking.

That is why I have to speak out against the response of "all lives matter." Every time I hear that response I cringe. I experience a sense of betrayal that makes it impossible for me to look the other way. That betrayal comes from the discontentment surrounding a response that comes from a perspective held by some whites who feel threatened by anything or anyone who does not adhere to the core beliefs to which they have become accustomed.

Julie Lopez Figueroa (2007) speaks on the affects of how anything outside of what they have been taught "threatens family loyalty and/or they do not want to risk losing social acceptance among peers." However, the misleading part of the "all lives matter" response is the fact that yes, everyone should know that all lives matter but that is not the point. It actually is a correct and true statement, but to really be able to understand the importance of the proclamation that Black Lives Matter, a new perspective has to be considered which is very difficult when the core set

of values is challenged. This set of norms that was intended to acculturate and assimilate all other cultures was never intended to include Black lives.

I'm going to be up front and honest with you, dear reader. I am the type of person that white racists have always been afraid of; complexion-wise I may look like them, but I don't think like them. In Hip Hop there is a term that was created to describe racist America based on the most racist group known in our nation, the Ku Klux Klan. That term is AmeriKKKa. Artists such as Ice Cube, 2Pac, Public Enemy and Spice 1 have used it to describe how they are AmeriKKKa's Nightmare or AmeriKKKa's Most Wanted because they called out many societal ills and were brutally honest.

Well to white racists, I am basically their newest nightmare because of my honesty and how I call out white people for their racism. Omi and Winant spoke about what they described as "racial etiquette," and honestly, I do not conform to a certain racial identity (Racial Formation in the United States 1994). Most whites believe I should "act white" which confuses them; it rocks their foundation and goes against what they were taught is acceptable. In fact, they will go as far as to say that I wish I was Black, or I am ashamed of my race. On the contrary, I'm very proud of who I am as a person, but I do have to say that I am ashamed of the history of the white race and the hate and racism that has been exhibited towards people of color since the birth of the nation and even before.

I was born in Oakland, CA and raised in Berkeley, CA. I represent the Bay Area to the fullest. That is what really makes me who I am. We have a loyalty to each other regardless of race because we moved past that in elementary school since our classes were so diverse that we got to know people of all races on a personal level at such an early age. That destroyed any potential stereotypes because we already knew people of many different ethnicities so you didn't group all people together who match some characteristic based on their physical appearance. We always took people for who they were and really followed Dr. King's dream of accepting each other. When you represent the Bay Area you represent a real community; it's a family. The birthplace of The Black Panther Party for Self Defense stands up as a collective for those who are true to it. We back each other up because we are real, and we are loyal.

Now that I have gotten that out of the way and given you a bit of background on myself, lets discuss the Black Lives Matter movement and the importance of creating a new movement.

THE HISTORY OF THE BLACK LIVES MATTER MOVEMENT

"Confessions of a trigger happy hitman; murderous, homicidal nature, the racist plan

Burying black boys, the bloodthirsty hunger games; the face of race is white, they have no shame
‘Stand Your Ground’ they legalize lynch laws; touch another black kid you touch us all”

—Public Enemy - Beyond Trayvon (Enemy 2012)

The social media hashtag #blacklivesmatter was created in response to the acquittal of George Zimmerman in July 2013 for the murder of 17-year-old Trayvon Martin in the court case State of Florida vs. George Zimmerman. This simple but powerful statement became a movement that has sparked a nationwide debate in the almost three years since its creation. The problem of modern racism is an important discussion to be had; racial tensions seem to be getting more heated as Black Communities nationwide are increasingly falling victim to many forms of oppression. The frustration mounts up, especially since officers of the law who are supposed to protect and to serve are the ones committing the worst acts against Black civilians; and more often than not, *young* Black citizens.

Now, obviously George Zimmerman was not an officer of the law. He was a neighborhood watch man who was even told *not* to pursue the “suspect” (young Trayvon). But the fact that a civilian could get away with a murder like this just showed how a young Black male can be targeted as a threat and then have his life disrespected and violated to the point where his actions and manner of dress can be used as a cause for his own murder.

Camille Gear Rich (2014) uses the critiques of Angela Harris to illustrate the ideas of perceived masculinity in her assessment of this trial that rocked our nation. She describes how our society follows a hierarchy of race and class which makes “minority men more vulnerable to both white and state-sponsored violence.” In this case, Zimmerman (a man of Latino and white decent) chose to identify with a white position of power that “provided him with the maximum amount of social power and privilege during the conflict,” and therefore perceived Martin as a suspicious character and pursued him.

Furthermore, why did it seem like the positive characteristics or accomplishments of this young man were never mentioned? Such as the fact that Trayvon went to Aviation School, with aspirations of becoming a pilot or working on planes (Burch and Isensee 2012).

Katheryn Russell-Brown (2009) discusses the phenomenon of how the media’s overwhelming depiction of Black men as criminals perpetuates a stereotype where viewers “incorrectly conclude that most Black Men are criminals.” She references this as the “myth of the *criminalblackman*.”

But let's ask the real question of how the whole thing started: How many white kids do you know are followed through their neighborhood (or more accurately stalked) because a neighborhood watch guy thought they were suspicious? These situations happen because people succumb to the power of stereotypes and then react in fear (hooks 1992).

Yet now, in the few years after the acquittal, we have seen the actions of George Zimmerman because of social media sharing the newest updates on the nationwide debate. He has had several more run-ins with the law which include multiple domestic violence charges (McDonough 2015). In retrospect it seems quite possible that maybe he is just a violent man who stalked and killed an innocent young teenager.

Now, let me be clear; the Trayvon Martin case is not the first incident in which a young Black individual has been killed, and the officer or citizen who committed the act (I do not say crime because almost all incidents did not even result in an indictment) went unpunished. Let's take a look at just a few from the past that illustrate the fact that the brutality has never stopped. There was no time when racism was "a thing of the past" as has been the myth in this country for the last twenty years or so.

Name	Year	Age	Description
Sean Bell	2006	23	Killed by police shooting 50 shots at him and 3 other friends after a bachelor party. He was getting married the next day.
Oscar Grant	2009	23	Killed by police on New Year's Day. Unarmed and handcuffed when he was shot in the back, face down on the ground.
Amadou Diallo	1999	22	Killed by police firing 41 shots, hitting him 19 times right outside of his apartment.
Fred Hampton	1969	21	Murdered by the Chicago police department as he was asleep in bed. A prominent Black Panther leader they had to silence.
Bobby Hutton	1968	17	Shot by police over 12 times after surrendering to police. He had stripped down to his underwear to show he wasn't armed.

Many others have been victims of murders by police or average citizens where there was no punishment before this specific case. It's been going on for many years before our cell phones/smart phones had been so easily available to capture the images of such horrific actions by the police (although the Oscar Grant murder was actually caught on video which sparked outrage).

The birth of the Black Lives Matter movement was an outcry saying, 'Enough is enough! Our lives do matter!'

Since the Trayvon Martin case there have been many more incidents. The table below illustrates just some of those incidents that gained the most media coverage.

Victim	Year	Age	Description
Jordan Davis	2012	17	Killed by a white male because his friends were playing their "thug music" too loud - significant because he was the next Trayvon Martin.
Michael Brown	2014	18	Shot in the back and head with his hands up, screaming "don't shoot." Left in the middle of the street, dead, for hours - no indictment.
Eric Garner	2014	43	Calling out "I can't breathe" while being choked to death by multiple officers - no indictment, but the man who filmed it went to prison.
Tamir Rice	2014	12	Just 12 years old playing with a toy gun. Officers shot him within seconds of exiting their vehicle, guns raised. No indictment.
Freddie Gray	2015	25	Dead after sustaining injuries to his spinal cord in police custody. Ruled a homicide with multiple charges brought against officers.

Walter Lamar Scott, 50, is gunned down in South Carolina by Officer Michael T. Slager who would have gotten away with the murder if he hadn't been caught on video. Slager followed the usual cop script and claimed to be in fear of his life - that ever so familiar justification from any police officer who had killed an innocent civilian. The media was even framing it as such, taking the officer's word for it in the initial reports. And then a video surfaces; and we see how the officer felt a man running away from him was guilty enough to be killed, firing 8 continuous shots into his back. Walter Scott was shot down as if he were target practice in a sick, twisted game that the officer and his fellow boys in blue like to try to get away with. That's the only explanation for someone killing another human being like that. He did not respect human life.

The significance of this event is that Time Magazine took notice and did a feature story on it for their April 20th edition.

The iconic magazine had Black Lives Matter in huge white letters over a Black background on its cover and a picture of Walter Scott running for his life while a cop aimed his gun, ready to kill. This time, the officer Michael T. Slager, is charged with murder, and rightfully so (Drehle 2015).

You would think this incident and the consequences would actually make a difference in the attitudes of officers across the nation. Yet, we have seen more deaths at the hands of the police than any other nation in the world (Larter 2015).

So let's take a look at other incidents that resulted in the death of a Black civilian at the hands of the police since the Walter Scott murder in April of 2015. And I'm writing this article in December of 2015. Think about that. Within eight months, the following events happened. But these are just the cases that have made headlines in which the police were involved.

Name	Year	Age	Description
Sandra Bland	2015	28	Arrested for traffic violation. Found dead in her cell 3 days later. Labeled a suicide initially. In 2016 those claims are being refuted.
Laquan McDonald	2015	17	Shot 16 times by an officer seconds after getting out of his squad car. He was walking away, unarmed and no threat.
Mario Woods	2015	26	Executed by firing squad or shot by the SFPD. However you want to frame it he was murdered in broad daylight by the SFPD.
Jamar Clark	2015	24	Shot dead while in handcuffs in Minneapolis, MN by officers who claim he wasn't cuffed and reached for his gun.

Now, if you thought any of these killings at the hands of the police were justifiable I am not quite sure what to tell you. But I have saved a few incidents to really speak about the still horrific state that our country is in when it comes to equality between the races. So let's get a little less morbid. How about if we just talk about certain events that didn't lead to a death? In these incidents, thankfully nobody was killed but you never know when someone could actually go crazy and think they have the right to take another's life. Especially when it comes to law enforcement. In the first instance a cop even pulls a gun on two unarmed kids. So let's discuss.

FERGUSON PROTESTS FOLLOWING THE MICHAEL BROWN MURDER

The Ferguson protests are reminiscent of year's past incidents of Black protesters and the police. The police show up to protests with nothing less than what can be described as military gear. They show up with tanks and handheld weapons that soldiers at war would carry, but these officers are just responding to demonstrators. The problem here is that the citizens who are just having their voices heard are met with such force, and what I could only described as fear. The State was so scared of anyone speaking up and criticizing the system so that those who were in charge of the response pulled out all the stops as if they were at war with citizens who were not even armed. Just look at the pictures. In one picture you have a solitary, innocent Black man with his hands up facing five or six officers in full "military" uniform who are pointing assault

rifles at him. This is walking down a street in the United States of America.

How would you feel if you were approached by officers with guns raised aiming at you in your own neighborhood? And for gun enthusiasts who think that every citizen should be carrying a gun saying that a good man with a gun can stop a bad man with a gun. . . well, what do you think would have happened to this kid if he had a gun on him? 'Hands up, don't shoot' would have been followed by 'Watch out! He's got a gun!' - and maybe multiple gunshots killing him. You never know if you are not careful in today's society with police officers seeming to need just the slightest reason to put multiple bullets into a Black person.

Think about that and let it really sink in. The complexion of a human being's skin can determine life or death in our American Society. The land of the free and the home of the brave.

BALTIMORE "RIOTS" IN RESPONSE TO THE FREDDIE GRAY MURDER

"How can I feel guilty after all the things they did to me?
Sweated me, hunted me; trapped in my own community
One day I'm gonna bust, blow up on this society
Why did you lie to me? I couldn't find a trace of equality"

—2Pac - Trapped (Shakur 1991)

In the wake of the death of Freddie Gray in Baltimore young individuals of the community expressed their frustrations and anger toward the police; sometimes violently. Most of the responses to this young man's tragic death at the hands of the police were peaceful and organized protests. However, the focus of most of the media coverage was unfortunately the negativity, with terms like "thugs," "criminals," and even "wild animals" being used to describe all of the individuals involved.

The reporting on these events followed a usual theme the media follows anytime people of color are involved in any type of violent disruption that results in damage to businesses or confrontations with police officers. Their actions are presented in a negative light filled with condemnation. In contrast, anytime an incident breaks out in which the same type of destruction and confrontations occur but the individuals are predominantly white, the media never uses the same language condemning their actions. These are usually incidents in which "fans" are reacting in anger to one of their favorite sports teams losing a major game or series - so of course these white kids are just "blowing off steam" or "got a little out of hand" to the reporters covering such incidents. They are characterized as just being young and stupid - not thugs or criminals.

The unfortunate but inevitable result of this difference in reporting is a bias that the average viewer develops while viewing the coverage of

each incident. People are only presented a piece of the story to fit a certain slant the media is presenting. As a deeper result, the machine that is Systemic Racism is solidified more and more in the minds of the American people without them even knowing it. Believing everything the media presents to them as if it were fact supplants the programming of their minds, affecting people's ability to think for themselves and question what they see - demanding more information and forming their own conclusions. We The People are told something by the media and we are supposed to believe it, no questions asked, and that story becomes fact.

SAE FRATERNITY CAUGHT ON VIDEO SINGING RACIST CHANT ON BUS

Meanwhile in Oklahoma, we have the lynching and the hanging of Black people being celebrated on a bus full of white fraternity brothers on March 7, 2015 (Kingkade 2015). A video was shared on YouTube.com by an anonymous poster showing the whole bus of passengers chanting with glee:

“There will never be a n***** in SAE
 There will never be a n***** in SAE
 You can hang him from a tree, but he can never sign with me
 There will never be a ***** in SAE” (Kingkade 2015)

Of course they did not expect for someone to take a video of the situation and post it on the internet. Excuses arise for the actions of the individuals as if they were not usually racist, they were just drunk. Well that doesn't erase the chant, which must have been something they were taught. This goes back to an organizational racism. Think about it. . . without it being said this is an all white fraternity. This means that any student who was not white and rushed the frat would have been harassed, belittled, and degraded at every turn in order to keep the house “pure” and white.

BERKELEY HIGH SCHOOL WALKS OUT

My old High School, Berkeley High, was in the news for standing up to racism in 2015. This reminded me of when I was a kid and my classmates and I walked out of our classes in protest of the Rodney King verdict, the (first) Iraq War, and Prop 187.

But in 2015 there were protests because of racism within the school that represented the comeback of white supremacy in our society today. A hateful message was found on library computers calling Blacks “n*****s” and threatening violence. (Lee 2015). And yet there were a couple of other incidents that I had never heard of, including a noose that

was found hanging from a tree on campus earlier in the year. That was reminiscent of the Jena 6 from 2006.

These are issues that are part of the Black Lives Matter Movement. And I can't believe these incidents happened at my old High School. Berkeley, the city in which I was born and raised and have been most influenced by is in the news for racism and threatening students with what can only be described as an horrific act that would have been carried out in the Jim Crow era of the South back in the 50s and 60s.

Yep, that's how far we've come ladies and gentlemen. Our society has become stagnant. Its morals have not advanced despite the advances that unity has created in our history.

WHITE SUPREMACIST GROUPS INFILTRATING MODERN POLICE FORCES

“You need a little clarity, check the similarity:

The overseer rode around the plantation - The officer is off, patrolling all the nation. . .

The overseer had the right to get ill, and if you fought back the overseer had the right to kill

The officer has the right to arrest, and if you fight back they put a hole in your chest”

—KRS-ONE - Sound of da Police (1993)

It's no secret that police departments throughout the nation have historically employed racist individuals who abused their powers in brutalizing African Americans. From the time of Slavery, to Reconstruction, and then Jim Crow this was the norm. As race relations progressed, society began to move away from this norm and push for the rights of all citizens (Gray 1995).

However, individuals like Alabama Governor George Wallace, Jim Clark, a sheriff of Dallas County, Alabama (1955-1966) and Eugene “Bull” Connor, Commissioner of Public Safety for Birmingham, Alabama (1937-1952, and again from 1957-1963), opposed desegregation so drastically and violently during the Civil Rights Movement era that the federal government had to intervene in order to have the new laws enforced. Police Departments like this made headlines for their outspoken racism and even employed individuals who were members of the Ku Klux Klan, often participating in the lynching of African American citizens in the Jim Crow south.

Over the years the Civil Rights and Black Power movements led to the government passing new laws such as the Civil Rights Acts of 1957, 1960, 1964, 1968 (Fair Housing Act), and 1991, and the Voting Rights Acts of 1965, 1970, 1975, and 1982 which outlawed discrimination in many forms to all citizens regardless of any differences (U.S. Govern-

ment Printing Office 2008). Naturally, as a result Police Departments across the nation became less racist and upheld the rights of all citizens.

However, some departments progressed much slower than others depending on the history of each specific area of the country and the lack of change in attitudes of the local individuals living there. The predominant views of citizens within these communities did not change simply because a few laws were passed.

Fast forward to the 2000s and smart phones and social media allow us all to see more and more issues between the police and people of color. These incidents of police abusing their power are nothing new, but now modern technology is allowing anyone with the right phone to record and expose the lies used to cover up horrific acts. This exposure leads us to the current state of tensions we have and some would wonder why it feels like law enforcement is regressing in their relations with citizens. Racism seems to be a huge part of the explanation when addressing what leads to each incident. One of the most important pieces of evidence to support this theory was a warning by the Federal Bureau of Investigations (FBI) from 2006 which described “white supremacists’ infiltration of law enforcement” as a significant national threat (FBI Counter Terrorism Division 2006). More and more instances support this warning. Samuel V. Jones points out multiple situations in evidence of the truth of these claims by the FBI (Jones 2015). Within my own native Bay Area, the city of San Francisco currently employs several officers who just recently were acquitted on a technicality after sending racist text messages back and forth (V. Lee 2015). And these are officers who are sworn to protect anyone and everyone in their city. Yet they have a white supremacist bias within their hearts. Unacceptable.

THE UNIVERSITY OF MISSOURI PROTESTS

In the state of Missouri, the Michael Brown murder and subsequent decision not to indict the officer who killed him reverberated across the whole surrounding region. University of Missouri students made it clear that the injustices they were experiencing on their campus should not be ignored. Once they chose to press on they shed light on the racial prejudices inherent in the state. Major incidents such as the actions of the University of Missouri stir up major emotions in all people. This ignites a specific fire within people that says: enough is enough. A difference has to be made, right here and now.

It started small. The Student Government President - a young Black man - was walking across campus as a group of people in the back of a pickup truck started hurling racial slurs at him. He had the courage and anger/adrenaline to express his feelings on social media by stating, “For those of you who wonder why I’m always talking about the importance

of inclusion and respect, it's because I've experienced moments like this multiple times at THIS university, making me not feel included here" (Pearson 2015). His protest became a widely shared post.

A "Racism Lives Here" rally is held on campus with around forty students sharing stories of racism to which they have been subjected while chanting "white silence is violence, no justice no peace." (Nashkidashvili 2015)

What emerged next was an emotional protest in which a group of students stood up to the university president riding in his car during a Homecoming rally. Unfortunately, the president ignored them; but these young, determined individuals continued on. They stood together, organized in protest to the president's actions. United with their arms locked, these courageous soldiers of the modern struggle stated historical facts about the repeated racist actions of the institution they chose to attend to receive their higher education. In a typical reaction of the dominant community, the young protestors were met by individuals trying to silence them, but they were able to finish their intended message. The young brothers and sisters stated their grievances and were heard; even if just by those who needed to see and hear it (Kingkade 2015).

Following the protest, students called for the resignation of the university president, Tim Wolfe, among other demands they presented in protest. One student went on a hunger strike and the football team refused to practice or play any game until the school president stepped down. That is huge.

You have a Division 1 football team refusing to play until the president steps down in a show of solidarity with their Black brothers and sisters of the university. This was their school. They showed they will stand up to racism and won't back down no matter how much money the university stands to lose. They stood united. Their continued pressure was heard and they took a huge step towards the validation of the struggle for Human Rights (ESPN.com News Services 2015).

Once the president of the university stepped down the young racists of the school began to come out of the shadows. They posted on social media spewing threats and using racist slurs, showing the true feelings residing and growing within their hearts. Some went as far as to claim "I'm going to stand my ground and shoot any black person I see" and "Some of you are alright. Don't go to campus tomorrow" (Yan and Stapleton 2015). These are threats of mass killings. Another shooting on a college campus. Why *didn't* the press make a big deal out of this? The answer to that is pretty obvious in our systemically racist society. Tensions still continue at the University of Missouri as well as other campuses across the nation that followed the lead with protests of their own.

JUNE 17, 2015 - CHARLESTON, SC CHURCH MASSACRE

A young white supremacist walks into the Emanuel African Methodist Episcopal Church and after talking with them for about an hour decides to open fire on this peaceful gathering because he wanted to kill Blacks. He targeted this church because it was a historically Black institution. Nine people are murdered. All just regular everyday people you would encounter anywhere. All with families and loved ones. All respected by the community.

The killer's manifesto discusses how he feels that Blacks are inferior to whites and he wanted to plan a perfect target to carry out retaliation for what he thought was Black on white crime. "I chose Charleston because it is most historic city in my state, and at one time had the highest ratio of blacks to Whites in the country. We have no skinheads, no real KKK, no one doing anything but taking on the internet. Well someone has to have the bravery to take it to the real world, and I guess it has to be me" (McLaughlin 2015).

He referenced the Trayvon Martin case as a turning point for him, claiming that George Zimmerman was "obviously in the right," and that it motivated him to research Black on white crime on the Internet. Within this diatribe he addressed different races specifically as if he was writing a research paper using multiple racial slurs. The only way to describe his writing is hate-filled speech with misguided views based on the teachings of white supremacist ideals. He felt the need to seek out the racist rhetoric to feel stronger and find others who agreed with him.

In the aftermath of the massacre the police went on a manhunt for the suspect and when they caught him, an incredible thing happened. . . they actually put away their guns and walked up to the car opening the door and letting the young white man out, arresting him peacefully. The cops were (almost) all white and obviously took it easy on this kid. I am reminded of the Dave Chappelle standup comedy act in which he talked about his white friend Chip who has very different encounters with police than a Black man does (Chappelle 2000).

Think about the hypocrisy of this arrest. If it were a young Black male who killed nine white people at church I doubt he would have been able to even get out of his car without being shot multiple times, with the officers claiming they were fearing for their lives and saying there was a gun pulled on them. He was obviously armed and extremely dangerous when he was pulled over so how was this such an easy arrest?

That is white privilege plain and simple.

However, it does not stop there. While the officers were driving him to jail this mass murderer claimed he was hungry. So they take him to Burger King and buy him a meal. I was in shock when I read about that. As police officers arresting a stone cold killer you don't take him to any

restaurant, feeling sorry for him. You take him straight to jail, do not pass go, do not collect Burger King! (a Monopoly board game reference for all who don't know)

All of this situation; the reaction of the mass media and the police is just more evidence to throw onto the fire in trying to explain Systemic Racism to anyone who really does not understand it, because it is not very clear cut. It is hidden from the public.

Note: *I'm keeping Blacks in uppercase and whites in lowercase for a reason in this portion of my paper. Dylann Roof's manifesto always had "blacks" and "Whites" - shows how he really did feel Black people are inferior.

THE RESPONSE OF "ALL LIVES MATTER" AND WHY IT'S MISLEADING

If you have gotten this far in reading my thoughts, I hope you have absorbed what I have been discussing throughout this piece. If you have not and skipped ahead to just read my response to "all lives matter" then you do not have the proper state of mind in order to understand what I am about to say. So, if that is the case, then I respectfully ask you not to proceed any further in reading this piece, and start right back up at the top where it says Black Lives Matter.

Now, there is a common response of those uneducated to the point of the ideal of the Black Lives Matter movement in which they seem to feel the need to claim that "all lives matter." No shit. We all know that; or at least we are supposed to know this fact. Anyone who has a heart or values life in any way in our society knows that all lives matter. However, in this complex society of ours where we are judged by all of our itemized differences you have to acknowledge the fact that Black lives have been forgotten in that counter-statement. If Black lives had been included in the "all lives matter" counter statement the issue of police murders and brutality would not be debated. It would be an outcry from every citizen, in every city and every state across the nation in response to any and every unjust killing at the hands of anyone, not just when it is a Black life taken by police; but when it is a human being's life taken unjustly by another human being, regardless of the position they hold in society. But we do not see that.

That is from where the need to proclaim that Black Lives Matter stems. It is a statement reminding those who have forgotten that Black lives are indeed supposed to be included as equals in this nation. The fact that there has to be a reminder is a wakeup call to everyone showing that we are not living in a Post-Racial Society. Those who state "all lives matter" in response are almost brushing off the proclamation of the pop-

ulation being unjustly targeted by law enforcement and racist individuals as if to say, “yeah, yeah, shut up, we don’t want to hear it.”

And the biggest question to be asked is, well, why don’t you want to hear it? Are you so caught up in your own life that you feel anyone you don’t agree with deserves such treatment from those who are sworn to protect us? And I mean *all* of us as American citizens. Is there really justification for an officer who gets out of a car and shoots to kill a 12-year old child who is playing with a toy gun? Do you actually believe that an unarmed man walking away from a police officer deserves to be shot multiple times until dead?

I understand police have a tough job, but if you are an officer of the law I would hope you’ve gone through some combat training and can defend yourself, rather than fearing for your life because you felt you were being overpowered by a 12, 17, or 18-year old kid. If it was that easy to take your weapon then you were not fit to be an officer in the first place. But that is a whole other debate to be had at another time.

Black Lives Matter is much more of a statement in today’s society than any organization. You do not have to represent an organization to say to yourself that there is a true bias in our society based on the color of a person’s skin. I stand by this statement that means so much in our society right now because it has sparked a movement that I have been waiting to see for years now. I guess I needed an organization and statement to rally behind, and now I can voice my support.

My thoughts as a critic on how to edit the statement of “all lives matter” would have to be saying that “all lives *should* matter”. . . but they really don’t in our society. When Black Lives Matter, Hispanic/Latino Lives Matter, Asian Lives Matter, Muslim Lives Matter, LGBT Lives Matter, etc. then we can actually say “all lives matter”.

We need to move forward as a full society that is all inclusive of even the most subtle differences. We should have been over this whole difference in skin tone thing a long time ago. For that matter we should have been over the whole differences in religion a long time ago as well which is why this country has freedom of religion.

HATE GROUP?

“They’re a hate group. And I’ll tell you right now, I’m going to put them out of business.”

—Bill O’Reilly discussing Black Lives Matter on his show *The O’Reilly Factor*, August 21, 2015.

I would like to state right here and now that if the Black Lives Matter organization is a “hate group” then I am a “thug.” Yes, a 38-year old white male who has nothing more than a speeding ticket on his re-

cord and has been a good citizen, is a “thug.” That’s how outrageous that claim trying to demean the Black Lives Matter movement is to me.

Once the movement started gaining some momentum certain people who didn’t understand the need for a modern movement to keep the fight for equality alive started blaming Black Lives Matter for some tragic events in which police were killed. One example of this reaction was when a sheriff in Houston, TX mentioned the Black Lives Matter movement when discussing the killing of a fellow sheriff on August 28, 2015. “We’ve heard Black Lives Matter, All Lives Matter. Well, cops’ lives matter, too.” (CBS/AP 2015). It was tragic for someone to get killed, of course, but police sign up for that danger and to blame this horrible act on a peaceful movement is unfair and perpetuates a false, negative perception of the group. Their aim is to reduce violence, not encourage it.

It is disappointing that in our current society, one in which I thought we were progressing forward, some people actually think that the Black Lives Matter movement is a hate group that wants to “kill whites.” I do not know about you, dear reader, but that sounds like real paranoia.

CONCLUSION

Some people fear what they do not understand and react negatively. I seek to understand what I do not know in order to create positivity and reduce the fear in others. Fear is truly the biggest hindrance of what would be the ultimate goal of unity among all human beings. Fear keeps everyone from continuing what our past leaders accomplished. Our nation has not learned from the mistakes of those who came before us and it shows in the ignorance of our overall population when it comes to racial matters. The evil of the elite who psychologically want to keep us divided is winning because people are so afraid to get out of their comfort zone and question what they have been taught. It is time to change that situation and education is desperately needed in our society to move forward. The Black Lives Matter movement is just the beginning of a positive change.

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AGAINST CRITICAL RACE THEORY

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To resolve the issue of racism in Western society, Critical Race theory (CRT) seeks to apply the negative dialectics of critical theory to the intersection of race, law, and power in the pursuit of racial and ethnic equality in Western society. That is to say, critical race theorists seek to convict Western society for not identifying with their values and ideals (liberty, equality, fraternity, etc.) due to the prevalence of racial and ethnic oppression and subordination in the society. I argue here that this pursuit of racial emancipation and anti-subordination through the negative dialectics of critical theory by critical race theorists offers a false sense of racial difference which is convicting the values (as embedded in the ever-increasing rationalization of the Protestant Ethic and the spirit of capitalism) of the West for an alternative, more liberating, ontology and epistemology against its devastating effects on the earth, the environment, and human social interactions.

I conclude that the postmodern and post-structural emphasis on the politics of the racial and ethnic physical bodies as offering an ontological and epistemological difference from the Protestant Ethic and the spirit of capitalism episteme of the West is baseless. The tenets of critical race theory are a reflection or inversion of the values and ideals of the West against itself, and do not offer an oppositional alternative discourse or practical consciousness from which to replace Western ontology and epistemology for its oppression and subordination (consumerism, capitalist exploitation, pollution, etc.) against humanity and the earth. In the end, I propose an alternative anti-dialectical practical consciousness as grounded in the Vodou Ethic and spirit of communism of the Haitian Revolution as a more liberating discourse than CRT.

BACKGROUND OF THE PROBLEM

Critical Race Theory (CRT) grew out of a critique and repudiation of Critical Legal Studies with its liberal emphasis on colorblindness and intentional discrimination (Gordon, 1999). It critiques liberalism and argues that Whites have been the primary beneficiaries of civil rights legislation. Against Critical Legal Studies, CRT theorists recognize the racial, gender, and sexual power dynamics by which Western institutions were constituted, and seek to apply the negative dialectics of critical theory to the intersection of race, law, and power in the pursuit of racial and ethnic

equality in Western society (Crenshaw et al, 1995; Delgado, 1995; Tate, 1997; Delgado and Stefancic, 2001). To this end, Critical Race Theorists focus on analyzing and deconstructing white supremacy, racial power, and institutional racism in every aspect of the social structure in order to reconstitute Western society so that (phenotypical) differences are celebrated but not discriminated against (Crenshaw et al, 1995; Delgado, 1995; Tate, 1997; Delgado and Stefancic, 2001). As such, CRT stands against the liberal claim to colorblindness in favor of racial, ethnic, gender, and sexual differences as the basis for the constitution of a pluralistic and democratic society within the enframing ontology of the Protestant Ethic and the spirit of capitalism of the West (Gilroy, 1993; West, 1993; Gordon, 1999).

For the most part, CRT has been attacked for its methodological emphasis on, and utilization of, narratives and other literary techniques from “postmodern and post-structural scholarship” to substantiate their arguments (Gordon, 1999). This undermines what some view as rational-based argumentation for personal experiences, narratives, and unrealistic thought experiences in order to convict the society of racism, sexism, heterosexism, etc. Regardless of the methodological attacks on CRT, in this work I argue that their aim remains “equality of opportunity, recognition, and distribution” within the construct of a Western social system whose constitution and constructed identity via practices and ideological apparatuses is taken to represent the nature of reality and existence as such (Fraser, 1994). That is to say, in their critical attempt to convict Western society of its “isms”, in this case racism, CRT is not offering an alternative ontology or epistemology that anti-dialectically opposes the constructed identity of the social structure (the ever-increasing rationalization of the Protestant Ethic and the spirit of capitalism) of the West and its lived-experiences, modes of production, and ideological apparatuses as irrational and unwarranted. Instead, like critical legal studies, they are simply seeking to participate in the system by recursively (re-)organizing and reproducing its constructed identity into a racial-national position of their own, while fighting for the elimination or rejection of its “isms” by convicting the society of not identifying with their values and ideals. Such an ambivalent dialectical emphasis is not critical enough as its premise is simply to participate in a constructivity (the Protestant Ethic and the spirit of capitalism of the West) that is phenotypically pluralistic amidst its deleterious threats (consumerism, capitalist exploitation and oppression, pollution, etc.) to the survival of the earth and all life on it. This problem for me lies in the dialectical identitarian logic employed by CRT. In other words, critical race theorists are interpellated and socialized by the ideological apparatuses of the West. As a result, they are Western in identity, thought, and practical

consciousness. They attempt to live and articulate the constructed identity or practical consciousness of the society they are against as a phenotypical “Other.” Hence their aim can only be for equality of opportunity, recognition, and distribution amidst discrimination; and not to reconstitute a new social structure for an alternative practical consciousness amidst the threat the subject/object logic of the West and its constructed identity poses to humanity and the earth. Critical race theorists, in other words, have no other constructed identity or practical consciousness upon which to confront the West or reconstitute it. They are a subaltern who cannot speak from their original subaltern identity, and their ambivalence, contrary to Homi Bhabha, is not subversive. It is accommodating since it is a split between the desire to be Western amidst a hatred for the West’s discriminatory effects. By not offering the West an alternative constructivity/practical consciousness, prevents the racial Other from recursively organizing and reproducing. Therefore, I am suggesting that critical race, gender, etc., theory, contemporarily, is conservative, and that an alternative, anti-dialectical, approach to confronting the West —as one finds in the Vodou discourse of the Haitian Vodou sector who commenced the Haitian Revolution at Bois Caïman in 1791— is required if humanity and the earth is to survive this century and beyond.

THEORY

Lewis R. Gordon (1999) in his short essay, “A Short History of the Critical in Critical Race Theory,” traces two strands as to the origins of the “critical” basis of CRT. The first strand builds on the theoretical discourse of W.E.B. Du Bois (1903), and the second on the works of Frantz Fanon. From Du Bois many critical race theorists (Derrick Bell, Lucius T. Outlaw, Tommy Lott, Robert Gooding-Williams, and Josiah Young) adopt his distinction between identity and policy to constitute their eliminative discourses for racial equality within the liberal democratic state. The Fanonian school (Cornel West, Paul Gilroy, David Goldberg, Michael Omi, Howard Winant, Anthony Appiah, Naomi Zack, Charles Mills, Stuart Hall, Victor Anderson, and many others) represents the postmodern and post-structural strand of CRT and highlights the constructivity of racial formation. That is, like Fanon, “they bring into focus the tension between structural identities and lived identities and the tension between constitutional theories and raw environmental appeals” to highlight the racism, sexism, etc., by which the West constitute itself against blacks, women, homosexuals, etc., as they experience the material resource framework in their everyday lives (Gordon, 1999). Gordon goes on to highlight how the latter school is further divided into two camps: those who hold on to the idea that liberalism can resolve racial

issues and tensions (Anthony Appiah, Naomi Zack, Charles Mills, and Victor Anderson); and those who are more radical and have lost faith in the ability of the ideals of liberalism to resolve them (Cornel West, for example). In either case, both positions represent a fight against the power elites of the West for equality of opportunity, recognition, and distribution within its “enframing” logic of organizing and reproducing the material resource framework, rather than an alternative constructed identity to it (Fraser, 1994). In other words, both strands of critical race theorists are seeking pluralism within the enframing ontology and praxis of the West, i.e., racial “Other” agents of the Protestant Ethic and the spirit of capitalism, instead of replacing that ontology and epistemology with an alternative constructivity/practical consciousness upon which to reorganize and reproduce the material resource framework. The reason for this is because the theorists are themselves Westerners and are seeking to dialectically convict the society for not identifying with its values and ideals even though those very values and ideals, which they recursively reorganize and reproduce in their own praxis, threaten humanity and the earth with its consumerist, exploitative, and accumulative logic of organizing the material resource framework. Hence CRT, regardless of its strands, is not critical enough because of its identitarian, dialectical logic, which is grounded in the negative dialectic of the Frankfurt school, which is not an anti-dialectical logic or constructive identity which opposes the West like one finds in the Vodou Ethic and the spirit of communism of the originating moments of the Haitian Revolution at Bois Caïman and the contemporary Islamic Fundamentalist movements of the Middle East for example. The latter, anti-dialectical logics offer alternative means or constructivity of organizing the material resource framework we call the earth in order to structure lived-experiences against the consumerist, exploitative, and accumulative logic of the West that threatens the earth and all life on it. Critical Race Theorists are unable to offer that anti-dialectical response because of their incessant claim for equality of opportunity, recognition, and distribution within the already existing liberal/conservative bourgeois Protestant constructed identity by which the Western state and their identities are constituted. Cornel West’s recent attack against the American and global oligarchs of the capitalist world-system is an attempt to offer that anti-dialectical response. However, given his Western identity, he does not offer a prescription of what that new “new world order” and its practical consciousness or constructed identity should look like (as one finds in the counter-hegemonic plantation system of Haitian Vodou) if we and the planet will survive in the near future. The Vodou Ethic and the spirit of communism of the Haitian Revolution I argue here offers such an anti-dialectical discourse

and discursive practice to the Protestant Ethic and the spirit of capitalism of the West and CRT.

DISCUSSION

If the constitution of European society is a by-product of their constitution and reification via the nation-state and its ideological apparatuses of their brutal ecological existence as the rationalization of the Protestant Ethic and the spirit of capitalism language game, which they have reified and sought to export throughout the world since the seventeenth century, the majority of black consciousness, as a result of slavery and colonization, in Africa and the diaspora is an ambivalent dialectical response to their marginalization within this reified worldview. In other words, the majority of blacks in Africa and the diaspora are “Other” agents of the Protestant Ethic, a comprador bourgeoisie in the words of Frantz Fanon, seeking, as a result of their marginalization within slavery and the colonial system, to recursively reorganize and reproduce, as an “Other,” the tenets of the Protestant Ethic and the spirit of capitalism for equality of opportunity, recognition, and distribution with their white counterparts within the global capitalist world-system under American hegemony, while convicting the society of non-identification with its values and ideals. Contrarily, the majority of Haitian practical consciousness is an anti-dialectical response to such a worldview as it stands against the Protestant Ethic and the spirit of capitalism of the *Affranchis* (mulatto elites and petit-bourgeois blacks) and European minorities on the island (Du Bois, 2012). I am not suggesting, as Joan Dayan (1995) in *Haiti, History, and the Gods* claims, that the Haitian belief system of Vodou and its practices, i.e., the spirit of communism, reciprocity, justice, etc., are less a product of African survivals than of the colonial past and the history that past keeps generating. Against this post-structural and postcolonial appropriation of the Haitian belief system to demonstrate ambiguity, hybridity, and liminality, and as such the subversive and resistant agency of the Haitian/Taino/Africans; I posit, in sociological parlance, a Weberian/historical-materialist constitution of the belief-system, which highlights its African materialist constitution, reification, and dissemination through its own mode of production, language, ideology, and ideological apparatuses, i.e., the language game, which Western society and *Affranchis* tried to destroy and supplant with their own under slavery and the colonial system.

The constitution of Haitian society, in the provinces, in other words, has been an intent by the majority of the Africans to reorganize and reproduce their culture/civilization or language game, the Vodou ethic and the spirit of communism, on the island, undergirded by the power elites, oungans, manbos, bokos, and elders, of the provinces, against the

liberal bourgeois Catholic/Protestant language game of Europeans and the *Affranchis* of the island operating through the state and its ideological apparatuses. That is, the constitution of Haitian society is the by-product of the structuralizing and differentiating effects of the Vodou ethic and the spirit of communism, via the subsistence agricultural mode of production (what sociologist Jean Casimir calls the counter plantation system), commerce, the Kreyol language, ideology (Vodou), and its ideological apparatuses, Lakous (Vodou family compounds), peristyles (Vodou temples), communal living (communism), etc., initially, by the practical consciousness or social class language game of religious African men and women, oungans (priests), Bokos (sorcerers), and Manbos (priestesses), of Bois Caïman in their rejection of the class division and social relations of production of the Catholic feudal and Protestant capitalist orders established by the French, Americans, and the *Affranchis* on the island of Haiti. They interpellated and socialized the masses through the ideology of Vodou and its mode of production, subsistence agriculture, and ideological apparatuses, lwas, ancestor worship, Vodou ceremonies, Lakous, peristyles, herbal medicine, communal living, reciprocity, and secret societies, i.e., Bokos, Bizango, Sanpwel, lougawou, etc., to provide law and order, in order to recursively reorganize and reproduce the *les mysteries*, i.e., the mysteries, of the Vodou Ethic and the spirit of communism worldview in the material world against the Protestant/Catholic bourgeois liberalism of the *Affranchis* and their European counterparts.

Hence I am not suggesting that the Africans who met at Bois Caïman, the originating moment of the Haitian Revolution, syncretized their African Vodou practical consciousness with that of the Europeans, or that the ambiguity, hybridity, and liminality of that syncretism provided them the space to speak as subalterns. On the contrary, at Bois Caïman, the Africans rejected the European worldview and the oungans, manbos, bokos, and elders syncretized their African worldviews with native Taino traditions, which paralleled the African, and sought to institutionalize it in the material world via ideological apparatuses against that of the European worldview or language game. The European worldview operated within but beneath the mystery and practical consciousness of the Vodou Ethic and spirit of communism as prescribed by the power elites, oungans, Manbos, Bokos, and elders of the communities. That is to say, the oungans, Manbos, Bokos, and elders of Haiti served as the power elites of the society. Through subsistence agricultural modes of production and commerce, the Kreyol language, proverbs, the ideology of Vodou, and the ideological apparatuses of the Lakous (village and family compounds), Peristyles (Vodou temples), herbal medicine, Vodou ceremonies, secret societies, and zombification they recursively (re)organized

and reproduced Haitian society in the provinces around the African and Taino practical consciousness or language game of Vodou and communal living, i.e., the Vodou Ethic and the spirit of communism. This latter worldview and its parishes or regions of influence (*hounfo*) were juxtaposed against the French language, liberal bourgeois ideology, and ideological apparatuses (Catholic church, so-called modern medicine, Haitian police force) of the Haitian state under the *Affranchis* and merchant classes, the comprador bourgeoisie of Haiti, which exploited and marginalized the majority of the Haitian masses as a Francophile neocolonial oligarchy in order to achieve equality of opportunity, recognition, and distribution with whites within the global capitalist world-system.

So the argument here is that like the Europeans, who migrated out of Africa and experienced a brutal existence in the barren environment of Europe where they constituted and reified an overarching worldview via the “Protestant Ethic and the spirit of capitalism” (Max Weber’s term) that juxtaposed the world as an object that stands against their subjective existence that it threatened. Africans also reified a worldview based on their initial experiences of the earth. However, unlike the Europeans, the Africans encountered a bountiful environment that provided everything they needed for their physical survival in the material world (Diop, 1993). Be that as it may, they reified and constituted their being-in-the-world under an overarching worldview/language game, the Vodou Ethic and the spirit of communism, which emphasized their existence as sacred, communal, and an extension or manifestation of *Bon-dye*, i.e., the world-spirit, which is everywhere and in everything. The earth, which is a manifestation of *Bon-dye*, and its tilling, through subsistence agricultural production, became a means of uniting with the spiritual world, which is good (*Bon-dye Bon*).

In other words, African peoples reified, constituted, and shared certain linguistic and cultural commonalities that formed a tapestry that laid the basis for African cultural unity, which was diametrically opposed to the European cultural unity that would become reified and constituted as the Protestant Ethic and the spirit of capitalism when the European encountered Christianity (Diop, 1996). The Southern Cradle-Egyptian Model (African), 1) Abundance of vital resources, 2) Sedentary-agricultural, 3) Gentle, idealistic, peaceful nature with a spirit of justice, 4) Matriarchal family, 5) Emancipation of women in domestic life, 6) territorial state, 7) Xenophilia, 8) Cosmopolitanism, 9) Social Collectivism, 10) Material solidarity—alleviating moral or material misery, 11) Idea of peace, justice, goodness, and optimism, and 12) Literature emphasizing novel tales, fables, and comedy, gave rise on the continent to the language game, the Vodou Ethic and the spirit of communism, which the Africans of Haiti would use to overthrow the colonial system or language

game of the French. Against the liberal bourgeois discourse of an emerging Protestant worldview, the tribes of Africa reified and institutionalized their bountiful experience of the earth via what I am calling the Vodou Ethic and the spirit of communism in the mode of production, subsistence agricultural production; communal ethic and cosmopolitanism; language, i.e., Kreyol; ideologies, i.e., Vodou, matrifocality, and polygamy; and ideological apparatuses, i.e., *lwa yo* (spirits), proverbs, Vodou ceremonies, Lakous, secret societies, and peristyles of the provinces of the island. The latter worldview became juxtaposed against the Catholic/Protestant Ethic and the spirit of capitalism language game of the *Affranchis* (mulatto elites and petit-bourgeois blacks) and their European trading partners following the Revolution (See Table 1).

So the logic here is that the early Europeans encountered a brutal material existence in Europe and later reified that existence as the Protestant Ethic and the spirit of capitalism when they encountered Christianity via Roman colonization. Whereas, in Africa, the bountiful experience of the earth, which the Africans encountered, gave rise to their Vodou Ethic and the spirit of communism as an alternative constructive identity which they reified with the nature of reality as such. As such, for the Africans, Vodou became a monotheistic religion in which the one God, *Bon-dye*, or *Gran-Met*, is an energy force that gave rise to a sacred world out of itself. Everything that is the world, universe, galaxies, animate and inanimate objects, etc. are a manifestation of *Bon-dye*, and are sacred. Thus, unlike the barbaric God of Judaism, Christianity, and Islam, which stands outside of spacetime and makes human beings, the fallen, the superior creation of its design, i.e., the earth, which is to be exploited and dominated for human happiness and wealth. The God of Vodou has no such place for the human being. *Bon-dye* is spacetime, and the human being is no different from any other creation that is a part of this being. The aim of the human individual is to maintain balance and harmony between nature/God, the community, and the individual. Ideologically in Vodou, therefore, as in all other West African and Native American beliefs, the human being and all that is the universe is a manifestation of *Bon-dye*. Balance and harmony with this Being as revealed in nature is the *modus operandi* for human existence. This one good God (*Bon-dye bon*) is an energy force that can manifest itself in the human plane of existence via the ancestors and four hundred and one *lwa yo* (spirits), which humans can access as a material energy force and concepts to assist them in being-in-the-world in order to maintain the aforementioned balance and harmony. Hence, like the God of Judaism, the Good God, *Bon-dye Bon*, of Vodou is active in history and in current political events, via ancestors, *lwa yo*, and humans, rather than in the primordial sacred time of myth. Unlike the God of Judaism, however, in Vodou human beings are

not distinct from that great energy force due to sin and must seek to reunite with it, we are always a part of it whether we like it or not. The human being, like all other beings, whether sentient or not, are a manifestation of the energy force of *Bon-dye*. In other words, the human being is a spirit or energy force living in a material body or physical temple. We are constituted energy, which is recycled or reincarnated sixteen times, eight times as a male and eight times as a female, on the planet earth in order to achieve perfection. There is no moral right or wrong in Vodou. As such, the energy, which constitutes the human-being is not punished for acts done in the material world through the descent into animal embodiment as highlighted in the reincarnation logic of Hinduism, Buddhism, and Jainism. The emphasis in Vodou is on experiencing the lived-world and perfection. The closer the human being gets to their sixteenth experiences on earth and perfection, the wiser and less materialist they are. At the end of their sixteenth life cycles the energy that constitutes the human being is reabsorbed with the original energy force, *Bon-dye*, which manifested them as life.

The Vodou Ideology and the Spirit of Communism

Normally referred to as animism in the academic literature, Vodou is the oldest religion in the world. If we assume the African origins of civilization hypothesis of Cheik Anta Diop (1996), Vodou gave rise to all of the other traditional metaphysical systems found among the early inhabitants of this planet, the animism of the native people of the Americas, Hinduism, Shintoism, Santeria, etc., which encountered the earth in bountiful conditions. Whereas slavery and the colonization of Africa undermined the Vodou religion and communal way of life among people of African descent in Africa and the diaspora, the Africans of Haiti given their early freedom from slavery and the fact that the majority of them, almost 70 percent of the population, were directly from Africa when the Haitian Revolution commenced were able to maintain, reorganize, and reproduce, the Vodou way of life, and its ethic, communism, and ideological apparatuses (Lakous, peristyles, hounfo, secret societies, etc.) in its purest form (Du Bois, 2004, 2012; Mocombe, 2016). At Bois Caïman or Bwa Kay-Imam (near the Imam Boukman Dutty's house), the birthplace of the Haitian Revolution in 1791, nineteen African tribes or nations and one tribe of the Taino nation organized a Vodou ceremony led by the oungan, Boukman Dutty and manbo, Cecile Fatima, to create one new nation, the Empire of Ayiti, the twenty-first tribe or nation of the ceremony, in the Americas around the Vodou religion, its ethic of communal living, subsistence agricultural production/komes, Kreyol language, and ideological apparatuses. As highlighted by Boukman's prayer, the aim was to recursively reorganize and reproduce the Vodou

religion and its way of life (practical consciousness) through the new Haitian empire against the European worldview or language game practiced by the Europeans and the *Affranchis*:

Bon Dje ki fè la tè. Ki fè soley ki klere nou enro. Bon Dje ki soulye lanmè. Ki fè gronde loray. Bon Dje nou ki gen zorey pou tandè. Ou ki kache nan niyaj. Kap gade nou kote ou ye la. Ou we tout sa blan fè nou sibi. Dje blan yo mande krim. Bon Dje ki nan nou an vle byen fè. Bon Dje nou an ki si bon, ki si jis, li ordone vanjans. Se li kap kondui branou pou nou ranpote la viktwa. Se li kap ba nou asistans. Nou tout fet pou nou jete potre dje Blan yo ki swaf dlo lan zye. Koute vwa la libète k ap chante lan kè nou.

The god who created the sun which gives us light, who rouses the waves and rules the storm, though hidden in the clouds, he watches us. He sees all that the white man does. The god of the white man inspires him with crime, but our god calls upon us to do good works. Our god who is good to us orders us to revenge our wrongs. He will direct our arms and aid us. Throw away the symbol of the god of the whites who has so often caused us to weep, and listen to the voice of liberty, which speaks in the hearts of us all.

Within the Vodou worldview or language game and its communal organizations and practices, serviteurs, practitioners of Vodou, as previously highlighted, believe *Bon-dye*, the primeval pan-psychic field, created the multiverse and all of its objects out of itself. As such, the earth, its objects, and all life on it are a manifestation of *Bon-dye* through our *nanm* (soul), and as such are sacred. *Bon-dye* manifests itself in the material and spiritual, or energy world, through the spiritual and conceptual essences of the four hundred and one *lwa yo* and deceased ancestors (*lwa rasin* or *lwa eritaj*) (ancestor worship is huge in Haiti), who manifest themselves to the living in dreams, divinations, and bodily possessions so that they can maintain balance and harmony within the material world, which is the manifestation of *Bon-dye*. *Lwa yo*, in essence, are manifestations of *Bon-dye* who exist, without a material body, in a different dimension of spacetime from living human beings as energy. Because the energy force of *Bon-dye* is so vast and powerful, it manifests itself in the material world through the deceased ancestors and *Lwa yo*, who represent cosmic forces, concepts, values, and personalities for us to model in the material world in order to achieve balance, harmony, subsistence living, and perfection as we experience being-in-the-world. Although

they do not possess corporeal bodies, *lwa yo* nonetheless have personalities and enjoy corporeal things such as drinking, eating, smoking, dancing, and talking.

Lwa yo, essentially, are cosmic forces, the spirits of the ancestors, and the major forces or concepts of the universe, i.e., beauty, good, evil, health, reproduction, death, and other aspects of daily life. Each *Lwa* is represented by a hieroglyphic symbol, a hieroglyphic *vévé*, and are predominantly divided into two nations or families, *Rada* and *Petwo Lwa yo*, representing *lwa yo* of the twenty-one nations of Bois Caïman. The *Rada Lwa yo* are relatively peaceful, happy spirits, cosmic forces, and concepts, beauty, reproduction, etc., of daily life served by *oungan yo* and *manbo yo*. *Petwo Lwa yo* represent malevolent spirits of animals and other forces of nature, and are usually served by members, *Bókós/Bokors*, of secret societies to gain wealth, political power, do harm, kill, or cripple. *Bokors* (*Bokor yo*, plural form in Kreyol) are also the police force of the society or village life, and mitigate the harshest punishment, zombification, in Vodou.

The *Rada* tradition constitute ninety-five percent of Vodou practices, and *Petwo* five percent. Notwithstanding its sacerdotal hierarchy, Vodou is very democratic. Once initiated, everyone establishes their *lakous* and *peristyles* and serve their *lwa* or *lwa yo* according to the will and desires of *lwa yo* (This is similar to the Protestant faith, where pastors establish their own churches based on their readings and interpretations of the bible). Albeit recently, January 2008, all the *lakous* and *peristyles* have organized themselves under one political organization *Konfederasyon Nasyonnal Vodou Ayisyen* (KNVA) led by, Max Beauvoir, who is called the *ATI-oungan* of Vodou.

Whereas in the *Petwo* tradition the human individual seeks assistance from *lwa yo* through a *bokor* for wealth, power, i.e., *pwen*, to do harm to someone, vindicate oneself, revenge, etc.; in the *Rada* tradition, that is not normally the case. In the *Rada* tradition, the human individual does not seek *lwa yo*. (Albeit, they can seek certain *Lwa* to assist them in acquiring wealth, love, health, political power, revenge, etc. But this is done through *Bokors* (sorcerers), initiates of secret societies in Vodou). Each person has a spiritual court, meaning that particular spirits show interest in them and become intertwined in their lives. Everyone's spiritual court is different and people must learn to recognize their spirits so they can effectively work with them. Religious professionals, or the power elites of Vodou, i.e., *oungan yo*, *Manbo yo*, *Bokor yo*, *gangan yo*, and *granmoun yo* (elders) in the family are consulted to decipher the spiritual court of an individual and ensure that their life is being led in harmony with the desires and wills of *lwa yo* who constitute their spiritual court, since it can be difficult to decipher exactly what a spirit wants

and which spirit is affecting a person's life. Once an individual's spiritual court is determined through a card reading or Vodou ceremony, many people use this knowledge to create a home altar to strengthen their relationship between themselves and *lwa yo* of their spiritual court. For individuals who are called further, they may choose to have a head washing (*lave tèt*), which connects them permanently to their *mèt tèt* (ruler of the head) who is the spirit most closely aligned with them. The next step, if one chooses, would be to initiate into the religion into one of three stages: *ounsi* (congregation member), *manbo* or *oungan* (priestess or priest), and *manbo asogwe* or *oungan asogwe* (high priestess or high priest). These levels of initiation (*kanzo*) are not decided by the individual but by the spirits and revealed through dreams, card readings, and other forms of communication. This is a permanent life-time commitment and each level requires different duties to spirit and community. Contact provides a way to mitigate relationships with *lwa yo* and ancestors who otherwise could impact lives without individuals having the ability to negotiate their situation. *Lwa yo* and ancestors have individual personalities and preconceived notions about proper behaviors that can cause them to help or hinder people as they see fit. Engaging with *lwa yo* allow humans to gain their aid and take control over their own luck. However, this usually requires a pledge of either a direct exchange of offerings for services or a lifelong commitment to serve and honor. Failure to uphold a person's end of the deal or to recognize when a spirit is making a demand can result in punishment that affects luck, health, personal relationships, and financial situations. *Lwa yo* also become part of an extended spiritual/material family, and as such individuals love them and provide offerings because they enjoy making the *Lwa yo* and ancestors happy. Home altars, as in Hinduism, dedicate a space to honoring and feeding *lwa yo* and ancestors, dreams bring messages, and daily experiences reinforce their presence. Hence humans and spirit beings exist in a symbiotic relationship on earth.

Within this symbiotic relationship on earth, the Petwo tradition dialectically balances and harmonizes nature, the community, and the individual by counterbalancing the relatively peaceful and happy spirits or concepts of the Rada traditions with the malevolent forces and concepts of nature. In the Petwo tradition, the individual seeks the aid of a Bokor for wealth, political power, protection, or to do harm to an adversary through the aid of the malevolent forces or concepts, i.e., revenge, greed, hate, violence, etc., of nature. Whereas the killing, harming, etc. of an individual is not allowed in the Rada tradition, they are sanctioned in the Petwo tradition. The Petwo tradition houses both the secret societies of Vodou, which are in place to protect the society from those who violate the norms of the *ounfo*, and the sorcerers, bokors, who use their knowl-

edge of *les mystere* to kill, cripple, or do harm (financially, socially, politically, etc.) to an individual. According to Max Beauvoir, the late *ATI-oungan* of Haitian Vodou, the Bokors stem from the Taino tradition, which paralleled the Congo elements of the Africans, of the island, and when serving in the capacity as the protector of social norms and social relations, practitioners, Bokors, of the Petwo tradition must obtain the consent of leaders, *oungan yo avek manbo yo*, of the Rada tradition, of the *ounfo*, which is not the case when serving as sorcerers to benefit themselves or those seeking power, wealth, or to do harm to an adversary. In the former instance, zombification is the ultimate punishment allowed by *oungan yo avek manbo yo* to be meted out by a bokor for violation of social norms and relations, which are deemed sacred. In the latter instance anything and everything goes, i.e., financial, social, and political ruin, zombification, or death. The Petwo tradition is considered the black magic of Vodou, and it is this tradition and its practice of zombification that is and has been portrayed by Hollywood and Wade Davis's (1985) work, *The Serpent and the Rainbow*. Conceptually, the Vodou tradition is not one or the other it is both. The two traditions represent the energy/material symbiotic (binary) world that is Bon-dye and within which all life is constituted and experiences existence.

As the late *ATI-oungan* of Vodou, Max Beauvoir (2006), highlights, within this energy/material symbiotic relationship, the human being is a sentient being, which is constituted as three distinct entities, the physical body, the *gwo bon anj* (*sé médo*), and the *ti bon anj* (*sé lido*). The latter two constitute our *nanm* (soul), and the physical body is aggregated matter that eventually dies and rots. It is animated by the energy force of *Bon-dye* or the universe, the *gwo bon anj*, which is not active in influencing personality or the choices that the human subject makes in life. Instead, it is simply the spark of life or the energy force that keeps the body living or activated. In other words, metaphorically speaking, imagine the body as an electrical cord, *Bon-dye* as the socket, and the spark of energy from the socket that animates the appliance as the *gwo bon anj*.

The animated body, the physical body and the *gwo bon anj*, gives rise to consciousness and the personality through the *ti bon anj*. The most important part of the body is the head, which is the seat of consciousness and the space where sight, hearing, smell, and taste all reside. The five senses of the head, and the brain's reflection on what is smelled, heard, seen, tasted, and touched gives rise to the *ti bon anj*, which is consciousness, intellect, reflection, memory, will, and the personality. That is to say, it is the *ti bon anj* that houses the ego, self, personality, and ethics of the person from experiences in life. So the *gwo bon anj* animates the physical body, which gives rise to the *ti bon anj*, i.e., the

individual ego or I of a human subject as they experience being in the world with others.

The three aforementioned distinct entities constitute the average individual and can be separated at various points throughout their life cycle and at the time of death. As previously mentioned, people who are called to work with *lwa yo* also have a fourth entity, personal *lwa*, *mét tét*, who permanently resides within their head, i.e., a sort of split personality that guides the individual in making important and daily decisions. For the average individual, at the time of death the physical body dies and rots, the *ti bon anj*, the ego, personality, etc., returns to *Ginen* (Africa), and the *gwo bon anj* lingers around seeking to animate a new body. Serviteurs, *oungan yo*, *Manbo yo*, and *Bokor yo*, can work to bring the *ti bon anj* of elders back across the waters from Africa so that they can be an active and honored ancestor. This latter process of ancestor retrieval is usually done a day and a year after the death of the person, and requires an animal sacrifice, i.e., the taking of a life to feed *lwa yo* in order to retrieve the deceased ancestor from *Ginen*. Upon retrieval, the *ti bon anj* of the ancestor is kept in a *govi*, a small clay bottle. Bokors, who are members of secret societies in Vodou, and stand apart from *oungan yo* and *Manbo yo* as sorcerers who serve Petwo *lwa yo*, can also capture the lingering *ti bon anj* to do spiritual work aimed at healing, ascertaining money, love relationships, work, political power, i.e., *pwen*, or other desires. This latter act is one form of zombification wherein the *ti bon anj* of a deceased person is captured in a bottle, *govi*, and directed to serve either the *Bokor* or an individual seeking wealth, love, political power, or to do harm to another person, etc.

Aside from separation in death, separation can also take place during a person's life cycle. During a person's life cycle, the *gwo bon anj* can be displaced by a *lwa* during possession or a *Bokor* for zombification. The *lwa* utilizes the animated body (the person possessed is called a *chawl* or horse for the *lwa*) to experience the world, heal, protect, etc. The *ti bon anj* can be displaced during a person's life cycle by a *Bokor* for the mitigation of punishment through zombification. This latter action is essentially the death penalty in Vodou when individuals morally violate nature, communal life, or an individual. *Bokor yo* are called upon by *oungan yo* and *manbo yo* to punish the transgressor through the removal of their *ti bon anj* from their bodies. During this process, the ego and personality, *ti bon anj*, is removed, and the person is left with the material body and the *gwo bon anj*. The purpose of this act is to render the transgressor without the desire and drive to commit any further acts, which arose from their *ti bon anj*. The person is not killed, but the desire and passion that caused them to commit the initial transgression that they committed is removed. Hence the person is left alive as a mindless zom-

bie. Essentially, whereas oungan yo, manbo yo, and gangan/dokté fey are the readers, judges, and healers, Bokor yo are the sorcerers and police force of the village. They are practitioners of black magic, and are visited by people seeking to do harm to someone, or seeking wealth, power, luck, revenge, etc. There are three other, external, cosmic force and lwa yo that impact the individual. They are the *zetwal*, i.e., the star of a person, which determines their fate; the *lwa rasin*, or *lwa eritaj*, the spirit of the ancestors “who enter the path of the unconscious to talk to him or her in dreams, to warn of danger, and to intervene at the many levels of his [or her] life”; and the *wonsiyon*, “these are a series of spirits that accompany the *lwa mét tèt* and modify somewhat the amplitude and the frequencies of its vibration or presence” (Beauvoir, 2006, pg. 128).

THE POWER ELITES AND IDEOLOGICAL APPARATUSES OF VODOU

The arrangements of social and familial obligations, relationships, and interactions (i.e., Haitian practical consciousness in the mountains and provinces) move outwards from this central spiritual and communal worldview or language game of Vodou, also known as the mystery system, through its power elites, oungans, Manbos, Bokos, and elders, subsistence agricultural mode of production and commerce, and their ideological apparatuses, Lakous, peristyles, secret societies, herbal medicines, Vodou ceremonies, and zombification. In Vodou, the emphasis is on balance and harmony with nature, the community, and within the individual all of which are interconnected. As such, subsistence agricultural production, i.e., the tilling and protection of the earth, and the trade (commonly referred to as commerce usually performed by women) of agricultural products for other goods are emphasized as the proper form for human environmental, communal, and individual interactions with nature and each other. Village life in the majority of the provinces is centered on a Lakous, family compound, and its peristyle where everything is shared. All provinces, cities, communes in Haiti have Lakous and peristyles. The three dominant Lakous, Souvnans, Badjo, and Soukri, are located in Gonaives, Haiti and maintain the rites and traditions of Dahomey, Nago, and the Congo, respectively. The class structure of the Lakous and the villages or regions they influence, *houngo*, are not based on the subsistence mode of production but on the spiritual relationship, which is tied to nature (i.e., the earth, the cycle of birth, rebirth, and death in nature). That is religious leaders and elders of the community constitute the power elites of the society followed by the middle-aged and the young. The elders are the intermediaries between the young and the religious leaders. The functions of the religious leaders, oungans and manbos, are healing through herbal medicine, performing Vodou ceremonies to call or pacify the spirits and bring about harmony

to village life, initiating new oungans and manbos, forecasting the future, reading dreams, casting spells, resolving village disputes, protecting the society, and creating protections. Conversely, the Bokos are the sorcerers and police force of the society. They are responsible for black magic, patrolling village life, through Sanpwels, Bizangos, and lougawous, and meting out punishment through zombification.

Vodou morality is not a black and white understanding of right and wrong, but rather a contextual response that above all works to maintain harmony in the community. The universe exists in harmony as a natural state, and any action that creates discord is a moral transgression. Moral transgressions are not individual acts that permanently taint the soul and change the outcome of the afterlife as one finds in Islam, Christianity, Hinduism, Buddhism, etc. There is no defined concept of heaven in Haitian Vodou and reincarnation of the *nanm* is not affected by the sins of the past life. Rather, moral transgressions change the circumstances of the individual and community in the here and now but can be overcome and moved past through some form of retribution or punishment. Also important is that the moral violation of harmony by one individual can affect the morality of the group and cause repercussions from spirits and ancestors that affect the community. This places a huge focus upon the collective and tends to downplay the individual. Yet, it would be wrong to characterize the Haitian Vodou worldview as solely a collective one. That is to say, individual action is an important part of disrupting, maintaining, and repairing balance through the religious leaders and elders of the community who must decide the appropriate course of action to take against any transgressions in order to restore balance and harmony. As the taking of life is prohibited in the Rada Vodou family, the ultimate punishment in the Haitian worldview is the second form of zombification outlined above, which is usually performed by Bokos of the Petwo tradition. Vodou requires that some form of retribution or punishment is required for all forms of moral transgression in order to restore balance and harmony in nature, the community, and within each individual involved in the transgression. Understandably, this is why the Haitian Revolution commences with a Petwo Vodou ceremony at Bois Caïman on August 14, 1791. The ceremony was called upon by the oungans, Manbos, Bokos, and elders under the leadership of oungan Boukman Dutty and manbo Cecile Fatima to bring about retribution and punishment against whites for the institution of slavery, which was causing great disharmony and imbalance in nature and in the African communities on the island. According to Seviteurs, manbo Fatima was mounted by the Petwo lwa, Manbo Erzulie Danthor (the Goddess of the Haitian nation), who meted out the punishment for the whites, and laid out the hierarchy of the leaders of the revolution. In return, as highlighted by Boukman's prayer, the

participants promised not to serve the white man's God or allow inequality on the island. Following the revolution, it would be the struggle between the Vodou Ethic and the spirit of communism language game of the Africans of the mountains and provinces and the Catholic/Protestant Ethic and the spirit of capitalism language game of the *Affranchis* which would bring about the great disharmony and imbalance that has plagued Haiti since the death of oungan Jean-Jacques Dessalines October 17, 1806, the father of the Haitian nation. Ostensibly, this struggle, contemporarily, is captured in the political discourses of political leaders and the masses as the ideas of: social inclusion, democracy, equitable distribution of wealth, social wealth, etc., of the children of Dessalines versus the ideas of: capitalism, individual wealth, etc., of the children of Pétion who assassinated him.

CONCLUSIONS

Essentially, the Frankfurt school's "Negative Dialectics" represents the means by which the *Affranchis*, Critical Race Theorists, Fanon, the Du Bois of *The Souls*, and the majority of liberal/conservative bourgeois blacks in America and elsewhere have confronted their historical situations within the global capitalist world-system under American hegemony. The differences between their "negative dialectics" and the anti-dialectical response I am calling for as represented in the Vodou Ethic and the spirit of communism is subtle, but the consequences are enormously obvious. For the Frankfurt school, "[t]o proceed dialectically means to think in contradictions, for the sake of the contradiction once experienced in the thing, and against that contradiction. A contradiction in reality, it is a contradiction against reality" (Adorno, 1973 [1966], p. 145). This is the ongoing dialectic they call "Negative Dialectics:"

Totality is to be opposed by convicting it of nonidentity with itself—of the nonidentity it denies, according to its own concept. Negative dialectics is thus tied to the supreme categories of identitarian philosophy as its point of departure. Thus, too, it remains false according to identitarian logic: it remains the thing against which it is conceived. It must correct itself in its critical course—a course affecting concepts which in negative dialectics are formally treated as if they came "first" for it, too (Adorno, 1973 [1966], p. 147).

This negative dialectical position, as Adorno points out, is problematic in that the identitarian class convicting the totality of which it is apart remains the thing against which it is conceived. As in the case of blacks, their "negative dialectics," their awareness of the contradictions

of the heteronomous racial capitalist order did not foster a reconstitution of that order but a request that the order rid itself of a particular contradiction and allow their participation in the order, devoid of that particular contradiction, which prevented them from identifying with the Hegelian totality (i.e., that all men are created equal except the enslaved blacks). The end result of this particular protest was in the reconfiguration of society (or the totality) in which those who exercised its reified consciousness, irrespective of skin-color, could partake in its order. In essence, the contradiction, as interpreted by the blacks was and is not in the “pure” identity of the heteronomous order, which is reified as reality and existence as such, but in the contradictory praxis (as though praxis and structure are distinct) of the individuals (i.e., institutional regulators or power elites), who only allowed the participation of blacks within the order of things because they were “speaking subjects” (i.e., hybrids, who recursively organized and reproduced the agential moments of the social structure) as opposed to “silent natives” (i.e., the enslaved Africans of Bois Caïman with their Vodou and Islamic Fundamentalists with their radicalized Islam, for example). And herein rests the problem with attempting to reestablish an order simply based on what appears to be the contradictory practices of a reified consciousness. For in essence the totality is not “opposed by convicting it of nonidentity with itself—of the nonidentity it denies, according to its own concept,” but on the contrary, the particular is opposed by the constitutive subjects for not exercising its total identity. In the case of black America, the totality (American racial capitalist society) was opposed through a particularity (i.e., racism) which stood against their bourgeois identification with the whole. In such a case, the whole remains superior to its particularity, and it functions as such. But this is not the logic required if humanity is to survive in the near future. We must seek to go against and beyond the master/slave dialectical logic highlighted in the negative dialectics of the Frankfurt School and Critical Race Theory.

In order to go against and beyond this “mechanical” dichotomy (i.e., whole/part, subject/object, master/slave, universal/particular, society/individual, etc.) by which society or more specifically the object formation of modernity up till this point in the human archaeological record has been constituted, so that society can be reconstituted wherein “Being” (Dasein, Martin Heidegger’s term) is nonsubjective and nonobjective, “organic” in the Habermasian sense, it is necessary, as Adorno points out, that the totality (which is not a “thing in itself”) be opposed, not however, as he sees it, “by convicting it of nonidentity with itself” as in the case of blacks in America and elsewhere, but by identifying it as a nonidentity identity that does not have the “natural right” to dictate identity in an absurd world with no inherent meaning or purpose except those

which are constructed, via their bodies, language, ideology, and ideological apparatuses, by social actors operating within a reified sacred metaphysic. This is not what happened in black America and elsewhere, but I am suggesting that this is what took place with the Vodou leadership, oungans and manbos (Vodou priests and priestesses), of Bois Caïman within the eighteenth century Enlightenment discourse of the whites and *Affranchis*, mulatto elites and petit-bourgeois blacks, and contemporary Islamic Fundamentalists.

Blacks in America and elsewhere by identifying with the totality, which Adorno rightly argues is a result of the “universal rule of forms,” the idea that “a consciousness that feels impotent, that has lost confidence in its ability to change the institutions and their mental images, will reverse the conflict into identification with the aggressor” (Adorno, 1973 [1966], pg. 94), reconciled their double consciousness, i.e., the ambivalence that arises as a result of the conflict between subjectivity and forms (objectivity), by becoming “hybrid” Americans desiring to exercise the “pure” identity of the American totality and rejecting the contempt to which they were and are subject. The contradiction of slavery in the face of equality—the totality not identifying with itself—was seen as a manifestation of individual practices, since subjectively they were part of the totality, and not an absurd way of life inherent in the logic of the totality. Hence, their protest was against the practices of the totality, not the totality itself, since that would mean denouncing the consciousness that made them whole. On the contrary, Boukman, the Vodou leadership at Bois Caïman, and Jean-Jacques Dessalines decentered or “convicted” the totality of French modernity not for not identifying with itself, but as an adverse “sacred-profaned” cultural possibility against their own “God-ordained” possibility (alternative object formation or form of system/social integration), the Vodou Ethic and the spirit of communism, which they were attempting to exercise in the world. This was the pact the participants of Bois Caïman made with their lwa, god, Erzulie Danthor, when they swore to neither allow inequality on the island, nor worship the god of the whites “who has so often caused us to weep” (Du Bois, 2004, 2012; Buck-Morss, 2009). In fact, according to Haitian folklore and oral history, the lwa, Erzulie Danthor, who embodied Fatima, descended from the heavens and joined the participants of Bois Caïman when they initially set-off to burn the plantations in 1791, but her tongue was subsequently removed by the other participants so that she would not reveal their secrets should she be captured by the whites. Haiti has never been able to live out this pact the participants of Bois Caïman made to Erzulie Danthor to reconstitute their society within an alternative constructivity, because of the claims to positions of economic and political power by liberal bourgeois *Affranchis*, mulatto elites and petit-bour-

geois blacks, who were backed by their former colonizers, America and France. The latter groups in the society have, as a Francophile neocolonial oligarchy, attempted to organize and reproduce modern rules and laws grounded in the Protestant Ethic and the spirit of capitalism that have caused the majority of the people to weep in dire poverty as wage-laborers in an American dominated Protestant postindustrial capitalist world-system wherein the African masses are constantly being forced via ideological apparatuses such as Protestant missionary churches, privatization, industrial parks, tourism, and athletics, for example, to adopt the liberal bourgeois Protestant ethos of the West against the ideology and ideological apparatuses of the Vodou ethic and the spirit of communism of the Vodou leadership who commenced the Revolution.

This same anti-dialectical logic of the Vodou leadership who commenced the Haitian Revolution at Bois Caïman against the negative dialectics of the *Affranchis* seeking equality of opportunity, recognition, and distribution with the West, holds true for Islamist Fundamentalists who, contemporarily, are fighting the West not because they are convicting them of not identifying with their ideals and values, which Muslims (liberal bourgeois Muslims) recursively reorganize and reproduce in and as their praxis. But they are anti-dialectically seeking to reconstitute an alternative constructivity to that of the West based on Sharia law. In a world globally organized around the accumulative and consumerist logic of the West the negative dialectics of Critical Race theory is problematic in that it seeks to maintain the “enframing” totality to which it is against. Instead, an anti-dialectical discourse similar to that of the Vodou leadership of Bois Caïman and Islamic Fundamentalism is necessary if humanity and the earth will survive this century. That is, a call for a constructivity/practical consciousness that speaks against and rejects every aspect of the West, not just particular “isms,” is necessary if humanity and the earth is to survive the exploitative and consumptive constructive identity of the West grounded in the Protestant Ethic and the spirit of capitalism. This new constructivity, must stem from an earth center discourse, as encapsulated in the metaphysical logic of Vodou, that seeks to align human practical consciousness with the spirit of the earth, not against it, in order to go beyond the subject/object, master/slave, etc., logic of the West.

TABLE 1. *Differences between the Catholic/Protestant Ethic and the Spirit of Capitalism and the Vodou Ethic and the Spirit of Communism in Haiti*

Differences	The Catholic/Protestant Ethic and the Spirit of Capitalism	The Vodou Ethic and the Spirit of Communism
Language	French	Kreyol
Mode (s) of Production	Agribusiness, Manufacturing (Industrial production), and Post-Industrial Service	Subsistence Agriculture, Husbandry, and Komes (Wholesale and retail Trade)
Ideology	Individualism, Capitalism, subject/object thinking, Authoritarianism, racialism, liberalism, private property	Individuality, Social Collectivism, syncretic thinking, Democratic, spirit of social justice, holism
Ideological Apparatuses	Church, schools, police force, army, law, patriarchal family, Prisons, the streets, bureaucratic organization of work	Ounfo, peristyles, dance, drumming, lwa yo, vèvés, Secret societies (Bizango, which serve as police forces of The society), ancestral worship, alters Vodou magic
Communicative Discourse	Economic gain for its own sake, wealth, status, upward mobility, class	Balance, harmony, subsistence living, and perfection
Power Elites	Upper-class of owners and high-level executives of businesses And corporations, educated professionals, bureaucrats, Managers, etc.	Oungan/manbo, bokor, gangan, dokté fey, granmoun

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THE BIRTH OF A CINEMATIC STORYLINE NORMALIZING VIOLENCE AGAINST BLACK LIVES

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Shootings of people of color, the poor, women, and liberals have increased in recent years, and as police shootings increase, so do mass public shootings in an intolerable level of gun violence throughout the United States. The 2012 killing, some assert persuasively the “murder,” of Trayvon Martin spurred actions by a group naming itself the Dream Defenders to demand the arrest of George Zimmerman and the firing of the Sanford Police Chief (McLain 19-20). The July 13, 2013 acquittal of Zimmerman led Alicia Garza and Patrisse Cullors to create the Black Lives Matter movement through social media as Garza’s expression “Black people, I love you. I love us. Our lives matter” went viral with Cullors’ hashtag (Altman 118). The British newspaper, *The Guardian*’s “The Counted” crowd sourced database found that United States police killed 1,146 persons in the year 2015, with Blacks two times more likely than whites to be killed by the police. Law Professor Cynthia Lee notes that “Blacks and Latinos constitute only thirty percent of the United States population but make up fifty-six percent of the inmates in prisons and jails across the country (Lee 482).” Nelson notes the historical disregard of the bodies and health of Blacks, minorities, and the poor throughout history, and Rickfort documents the Black Lives Matter movement’s use of social media to build a coalition in the streets battling new violence re-enforcing old racial hierarchies in the age of the Obama Presidency (Nelson 1734; Rickfort 35).

In order to figure out how old racial hierarchies remain alive in our consciousness, we should examine the stories, the myths, that we tell in our popular culture. Campbell argues that myths serve as a model for how to see the world, observing that the most developed myth is the ameliorative myth, one which affirms the world according to how we think it should be (Campbell 4-6). Cultural critic Walter Benjamin noted films are the most powerful art form for shaping mass consciousness and serving political purposes (Benjamin). D. W. Griffith, the landmark Hollywood director, said film was the most powerful medium because the artificiality of the medium was hidden from the viewer and it was as if they were “present at the making of history” itself (Rogin 186, 194). Vaughn argues that the repetition of accepted myths limit social and po-

litical dialogue when “mythic reality becomes resistant to change because it has defined the terms that constitute a given culture’s perspective (423-435).” Movies remain in the powerful narrative in United States culture to this day.

It is in this context that we should re-examine the most successful and influential movie of all time, *The Birth of a Nation*. D.W. Griffith’s movie *The Clansman* premiered at Clune’s Auditorium in Los Angeles on February 8, 1915. By March, Thomas Dixon, whose works the movie is based upon, had renamed it *The Birth of a Nation* and it was playing in New York and in the White House (Henderson 155-157). By 1946, over 200 million people had seen the film while 200 film critics labeled it the greatest film in the first fifty years of the cinema (Pitcher 50; Rogin 150). *The Birth of a Nation* became the most successful movie of all time in terms of dollars adjusted for inflation and the number of tickets sold relative to the population (Pitcher 50). The first blockbuster film gave birth to Hollywood becoming the movie Mecca of the world, and it was the first film to be distributed to live theaters while charging live theatre prices of \$2 a ticket (Stokes 3; Brown 98; Henderson 159). *The Birth of a Nation* has been cited as establishing film as an art form, motion pictures as an industry, modern movie distribution, and cinema conventions, such as cross-cutting, panning, the close-up, and using the camera, lighting, editing, and music to enhance the story being told (Stokes 3-9; Niderost 62). However, for all the accolades, controversy, and cinematic importance of the film, there has been an absolute silence about the most successful film in history establishing a conventional storyline. This silence on establishing a storyline imprinted on subsequent movies seems particularly incredulous in Hollywood where ‘success breeds imitation’ is both gospel and bane in a town where commercialism and creativity are constantly in tension.

This article circumvents the silence by: defining the conventional storyline in *The Birth of a Nation*, and by exposing its undeniable presence and popularity in successful Hollywood films, such as *Gone with the Wind*, *Fort Apache*, *The Omega Man*, and *The Outlaw Josie Wales*. It is fashionable today to abhor the repugnant racism in *The Birth of a Nation*, but the question I ask is, “If the storyline in *The Birth of a Nation* itself is racist, sexist and promotes murder should it not make all films using the same storyline no less repugnant? If we measure the answer according to commercial success the answer throughout history and into the present is no because many of the most successful films at the box office have employed *The Birth of a Nation*’s storyline.

CONVENTIONAL STORYLINE

The Birth of a Nation contains a storyline where white conservatives use gun violence to remove progressives, people of color, and feminists from power in order to re-establish a patriarchal colonial order. This narrative contains four themes that can be categorized as the following: First, people of color, feminists, and progressives pose a threat to the family and social order (i.e., patriarchal, colonial order). Second, a white male savior, who has been resurrected from the dead, neutralizes the threat. Third, a renegade military provides a violent solution to the conflict, and fourth, challenges to patriarchy and the traditional racial hierarchy are eradicated and equilibrium is restored in a return to male domination and the neo-colonial racial order. This storyline and four themes are common to the books and plays by Thomas Dixon and D.W. Griffith's movie (Dixon 1902; Dixon 1905a; and Dixon 1905b).

In *The Birth of a Nation*, people of color, progressives, and women become the monsters that threaten the conservative social order, a social order in which slaves exist in a hell of perpetual servitude while the poor subsist on wages barely adequate for survival. Similar to Dixon's books, the movie claims wealthy whites are the true victims of the Civil War and Reconstruction, a fictional world where morality is inverted and then is presented as being factual. The opening card for the movie reads:

We do not fear censorship, for we have no wish to offend with improprieties or obscenities, but we do demand, as a right, the liberty to show the dark side of wrong, that we may illuminate the bright side of virtue—the same liberty that is conceded to the art of the written word—that art to which we owe the Bible and the works of Shakespeare.

This framing echoes Dixon's books and plays which he claimed to be factual and objective (Dixon, 1905b, 16; Okuda 218), but notice how the association of black with "wrong" and white with "bright side of virtue" perfectly illustrate Malcolm X's critique of negative associations with blackness that reinforce Jim Crow stereotypes (Haley 178). This is the subtle start to the monsterizing taking place from the beginning of the film, and in less than twenty seconds the film devolves further into historical and moral inversion when the title card declares "The bringing of the African to America planted the first seed of disunion." Three black men in chains are shown being put on the auction block. In Dixon's and Griffith's 'factual' world, the three slaves being sold are the perpetrators of human suffering, for they are not the victims but the agents of disunion. The whites buying the slaves, selling the slaves, and whipping the slaves are innocent victims. Dixon repeatedly states throughout his

books that the African is responsible for the lives lost and money expended on the Civil War. Heaven forbid anyone identify the South as causing the Civil War even if they take the Southern position that the war was about secession or “state’s rights”, not slavery. In Dixon’s and Griffiths’ inverted reality, the African planted the seed of disunion, for the Africans themselves were the ‘bad seeds.’

The demonizing of progressives continues with their Congressional leader, the character Austin Stoneman. We first meet Stoneman with Elsie, his daughter, helping him to put on his toupee. The toupee symbolizes Stoneman’s loss of hair, vanity, superficial nature, and false sense of personhood. Similar to Samson being sheared, the bald Stoneman is an emasculated male. He is not a real man. In his opening scene he is sitting down with a shawl around his shoulders, like an old woman. Stoneman is not a real person, for he is as fake as his hair. The hair in his wig is visually different and strange. To the contemporary eye the texture appears coarse and artificial, as if it could only be synthetic, but this movie was made in 1914, two decades before nylon and other synthetic fibers came into market existence. The wig is made from black, kinky hair that has been straightened through acid treatment. The hair is symbolically important because Director Griffith had to special order such an item. Stoneman’s wig, like his politics, symbolizes the betrayal of his race.

Beyond Stoneman’s betrayal of his race, *The Birth of a Nation* is a film of comparison and contrast, a story of black and white, good and evil, progressives and conservatives, North and South, the push for equal rights and the push for black disenfranchisement. Austin Stoneman is the patriarch of the Stoneman family representing the North, the progressives, Reconstruction, and the push for Equality. Doctor Cameron is the patriarch of the Cameron family who represents the South, the conservatives, and the push for disenfranchisement of blacks. Austin Stoneman becomes demonized as that which is bad in this process of comparison and contrast while Doctor Cameron is presented as genteel benevolence, the embodiment of all that is good. Austin Stoneman is shown inside, frail, emasculated complete with wig and shawl, surrounded in his library with books he does not read, his books being pretentious decorations as false as the hair on his head. He is supposed to have a club foot, like Thaddeus Stevens, the real life Congressional leader upon which he is based, and Griffith has the actor Ralph Lewis portray Austin Stoneman by wearing an extreme platform shoe, on his left foot that forces him to walk with a gate reminiscent of Charles Laughton in the *Hunchback of Notre Dame* (1939) or Roddy McDowall in *Planet of the Apes* (1968). It is a walk that makes him frail, grotesque, and beastly. He is usually seen alone, for he lives apart from his children. He does not initiate hugging

with his children, and when Elsie goes to hug him it is an awkward occasion, as if he does not know how to love.

On the other hand, we have Doctor Cameron, the sage with white long hair, his real hair. In the first shot with him, he is outside, a real man's province, on his porch with kittens and puppies. He is reading a newspaper for he is a man of the world concerned with real events, not dusty, pompous idolatry of books. His chair on a large porch, the width of the house, is surrounded not only by fawning baby animals, but also by friends and family. Doctor Cameron is a family man, and he is always seen with his family throughout the film. This looms in contrast to Stoneman's solitary chair by a small table that forces guests and family to stand. The Camerons represent a family staying together against all odds when a war takes two of their sons as well as their wealth. Stoneman represents the disintegration of family due to misplaced ideals pushing for equality that lead to betrayal of oneself and betrayal of one's race. This is a contrast between progressives sacrificing family for false ideas while conservatives save family in the face of the progressive decay forced upon communities.

The ideals of community come to light in *The Birth of a Nation* when the sons go off to war, and during Reconstruction when we see the consequences of giving blacks equal rights. The Cameron sons and the sons of the South dance all night in uniform at a ball that is proper and chaperoned. In the morning when the bugle call for assembly beckons the troops to march off to war, the streets are filled with slaves and whites cheering. The entire community, the entire system of master and slave, is one happy family, united in spirit and mind. Compare this to when the Stoneman boys in the North head to war where there is no ball, there is no ceremony. There is only Elsie on the street with them, their father nowhere to be seen. There are three disinterested black men in the distant background that could care less. The Aunt is sitting in a chair on her super small porch waving goodbye. After her two brothers leave, Elsie runs back to her aunt and falls into the aunt's arms weeping, but the porch is so small there is no room for Elsie on the porch, leaving her to fall to its steps. Unlike the Cameron porch, the porch to the aunt's house, where the Stoneman children have lived and grown up, there is no room for family. Unlike the Cameron send-off, the Stoneman brothers leave with no bands playing, no dancing in the streets. The Stoneman brothers leave with the streets empty, the three blacks in the background entirely oblivious to them, the community absent like their father, isolated and disconnected.

Disconnected from family and community, Austin Stoneman has no mercy, wisdom, or decency. In post-war negotiations with President Lincoln, Austin demands that the rebel leaders be hanged and that the

white South must be subjugated until it accepts equal rights for all its citizens. Lincoln is portrayed as the voice of reason and wisdom, who does not seek revenge, but wants to leave the South to its own devices, meaning free for whites to subjugate blacks with disenfranchisement. Austin, the false prophet with false hair, wants hangings, revenge and servitude thrust upon a vanquished foe. The news of Lincoln's assassination does not bring tears or grief to Austin or to his live-in companion, his temptress mulatto maid, Lydia. Instead, Lydia smiles with glee and begins rubbing her greedy grubby hands together as she proclaims to her seduced employer, "You are now the greatest power in America." In contrast, on the Cameron porch the entire family falls into grief as Doctor Cameron reads from the newspaper about Lincoln's death. "The New South" titled newspaper reads, "It has thrown our community in the deepest gloom" and Doctor Cameron declares, "Our best friend is gone." In other words, the Camerons understand the true meaning of the tragedy while the progressive family has no honor, for the assassination is trivialized as a political opportunity to inflict suffering upon a defeated foe.

During Reconstruction, we find out the true character of the black community in Dixon and Griffith's fictional world of *The Birth of a Nation*. It is symbolized in the licentious Lydia Brown who uses sex to control Austin Stoneman to the point of having him living in a house separated from his children. Blacks live to deceive themselves and all those around them, for in the end Lydia has fooled Stoneman for her true lover is Silas Lynch, but Silas Lynch has used sex to control Lydia, so Stoneman will help make Lynch Lieutenant Governor. Silas covets not Lydia, but Stoneman's daughter Elsie and it is she he intends to marry. Lydia has fooled Stoneman, and Silas has fooled Lydia, just like blacks have fooled the educated northerners into believing that blacks can be equal with whites.

In Dixon's inverted world, blacks retrogress into primitives when given freedom, primitives who ultimately will marry white women. Throughout the movie, signs are displayed calling for abolition of slavery and equal rights for blacks. These signs frequently read, "Equal Rights, Equal Politics, Equal Marriage" where inter-racial marriage is the bottom line literally and figuratively. In the state houses, black legislators are shown at their desks with their dirty boots on desktops, drinking hard liquor, eating fried chicken, and taking off their shoes to reveal sockless, uncouth and uncultured feet. Upon winning the vote to legalize inter-racial marriage, the black solons and observers in the gallery go wild jumping up and down and dancing for joy as if the highest priority for the black race, including black women, is for black men to cohabit with white women. The whole point of the black legislators seems to be in line with Stoneman's revenge. A title card reads, "The policy of con-

gressional leaders wrought. . . a veritable overthrow of civilization in the South. . . . in their determination ‘to put the white South under the heel of the black South,’ Woodrow Wilson.” The frequent quotes of this attitude from Wilson’s books place him ideologically next to his best friend and roommate from graduate school, Thomas Dixon (Cook 13).

Carpetbaggers go through the town of Piedmont telling slaves to put their hoes down because they are now free, and the carpetbaggers proceed to drink alcohol and dance with blacks in the streets where the negroes are eating fried chicken and watermelon. The carpetbaggers drag blacks to get in line at the Freedman’s Bureau where they are handing out free tools and seeds to blacks. The title card reads “The Freedman’s Bureau. The Negroes getting free supplies. The charity of a generous North misused to delude the ignorant.”

Blacks and progressives are caricatures of chaos and ignorant knaves. In other words, progressives and blacks are not real people. They are as false as Austin Stoneman’s wig, and are rotting material that produces odor. These caricatures have been replayed over and over again against progressives and blacks, and they were highly successful in forming conventions to be followed in subsequent Hollywood movies. In *The Birth of a Nation*, progressives, blacks, and women are a threat to law and order, they tax and spend you into oblivion, and they are not real people, but are a real threat to all that is “decent.” They are monsters that will destroy the world.

The world needs to be saved from these monsters, and the hero in *The Birth of a Nation* is Ben Cameron. He fits the mold of the second theme when he is resurrected from the dead and saves the world by neutralizing the monstrous threat of equality. Ben Cameron leads his Confederate soldiers on a daring charge into the Union lines. In his charge he carries the Confederate flag and is shot multiple times. He is captured and sent to a hospital in Washington, D.C., where he almost dies. In the hospital he meets Elsie Stoneman, raising his spirits as he has carried a photo of her in his pocket throughout the war. He is resurrected from the dead, but he is again doomed to death because he is going to be executed as a rebel guerilla. He is resurrected a second time when President Lincoln pardons him.

Lincoln’s pardon allows Ben to return to his hometown, Piedmont, where the black troops will not let him walk on the same sidewalk with them. The black troops are a threat to social order, for they kill negroes loyal to the master, use rifles to stop whites from voting, and encourage legal judgments by black judges and black juries to go against victimized white defendants. The situation is simply scandalous, and the third theme comes into play when Ben leads a renegade military consisting of the Ku Klux Klan to ride in and save the day.

The fourth theme of the renegade military re-establishing patriarchal colonial order comes by Ben leading the Ku Klux Klan in re-establishing white control by defeating an all-black United States Army in the streets of Piedmont. Subsequently, the Ku Klux Klan uses the threat of the rifle to stop blacks from voting and to re-establish the patriarchal colonial power of the white southern male. Disenfranchisement takes place through the violence of the rifle, just as in the case of the only successful coup d'état in United States history, the overthrow of the elected government in Wilmington, the most populous city in North Carolina, in 1898 when Silas White was Mayor (1898 Wilmington Race Riot Commission). The white savior and his paramilitary group in *The Birth of a Nation* use the gun to remove Silas Lynch from power and to stop blacks from voting, and, thus, the four themes are central to the problem and solution in *The Birth of a Nation's* storyline.

GONE WITH THE WIND (1939)

The success of *Gone with the Wind* as both a book and as a movie cannot be overlooked. Similar to Dixon's book *The Leopard's Spots*, *Gone with the Wind* sold over a million copies in its first year of publication (Stokes 42; Lambert 27). What is different, however, is *Gone with the Wind* was critically acclaimed and was awarded the Pulitzer Prize (Lambert 27). Similarly, *Gone with the Wind* the movie was the box office champ from 1939 to 1966, and during its many theatre releases it has been estimated to have earned \$390 million dollars at the box office, or approximately 3.3 billion dollars when adjusted for inflation. The film also won eight competitive Academy Awards, including Best Picture, Best Director, Best Actress, Best Screenplay, and Best Supporting Actress (www.oscars.org/oscars/ceremonies/1940). While *Gone with the Wind* echoed the commercial success of *The Birth of a Nation*, the public attitude towards the two in the present could not be more different for *The Birth of a Nation* is reviled as racist melodrama while *Gone with the Wind* is revered as classic entertainment. The infamy of *The Birth of a Nation* could not be more clear cut than its black and white prints while the popularity of *Gone with the Wind* remains as colorful as its Technicolor stock shot by Haller and Rennahan.

The discrepancy between the public's vilification of the one and adoration for the other remains a little queer when one considers that Margaret Mitchell was an avid reader of Thomas Dixon's books, to the point of writing "I was practically raised on your books, and love them very much" (Harwell 52; Slide 192). What makes it all the more interesting is the same attitudes and storyline of *The Birth of a Nation* can be found in *Gone with the Wind*.

The reader may respond defensively that *Gone with the Wind* is a love story of survival in the face of insurmountable odds, and the main protagonist of the story is female, so how is it possible that it contains the same storyline and attitudes as *The Birth of a Nation*? Finding the same racist attitudes in *Gone with the Wind* is not difficult as the book is laced with white supremacist drivel espoused by Southern radicalist writers like Thomas Dixon. Narration from Margaret Mitchell's book expresses this throughout the book, as in the following examples:

There they conducted themselves as creatures of small intelligence might naturally be expected to do. Like monkeys or small children turned loose among treasured objects whose value is beyond their comprehension, they ran wild-either from perverse pleasure in destruction or simply because of their ignorance (Mitchell 434)

Confronted with the prospect of Negro rule, the future seemed dark and hopeless, and the embittered state smarted and writhed helplessly. As for the Negroes, their new importance went to their heads, and realizing that they had the Yankee Army behind them, their outrages increased. No one was safe from them (Mitchell 517).

The Southern radicalist philosophy reads like it was lifted straight from the pages of Dixon's *The Leopard's Spots*, one of the main books *The Birth of a Nation* is based upon (Gillespie and Hall 49). In it is the same notion of the United States Army not being the real army, for it is the 'Yankee Army,' a stooge serving ignorant Darkies, misguided liberals, and Northerners bent on revenge. These sentiments remain in the movie as do the four themes found in the storyline of *The Birth of a Nation*.

The first theme of people of color, feminists, and progressives being a threat to the family and human existence is absolutely in play in *Gone with the Wind* the movie as it is an idealized contrast between fairytale notions of what is prim and proper, and what is indecent and immoral. The film opens with images of contented slaves working in fields and picking cotton, sweeping portraits of grand mansions, and placid scenes of rivers and sunsets. This perfect world and its implied contrast are further punctuated with the opening title cards, more fit for a silent movie than a modern talkie that read:

There was a land of Cavaliers and cotton fields called the Old South. . . Here in this pretty world Gallantry took its last bow. Here was the last ever to be seen of Knights and their ladies Fair, of Master and of Slave. . . Look only for it in books, for it is no more than a dream remembered. A Civilization gone with the wind. . .

In the movie, as in the book, the patriarchal, conservative social order of white master-black slave, male rule-female subordination, upper class-lower class, of prized citizenry and outcast aliens is a world of idyllic equilibrium where somehow all involved, including the slaves and aliens, are happy and fulfilled. The story itself, and the characters within the story, are a textbook case of contrasts between supposed opposites, and in this fairytale, patriarchal Caucasian supremacy is the social order that is “pretty” and the “dream” of what is moral and what should be.

Conversely, the world of equality is an evil and chaotic nightmare where human beings become despicable. Every slave on the plantation has the potential to be evil by leaving the tranquility of the slave life to pursue freedom. Every woman has the potential to be evil by leaving the tranquility of married life to pursue freedom and independence. Every person has the potential to evil by leaving the tranquility of conservatism to pursue advocating liberalism and egalitarianism.

Most of the slaves leave Tara when the Union troops are near, and these slaves become evil. Mammy and Prissy remain at the plantation as members of the old order at Tara, so they are sanctified. Big Sam becomes evil when he leaves and lives in Shantytown. However, he saves Scarlett from robbery and rape while she is passing Shantytown, and heads home to Tara and the old order and becomes sanctified as a prodigal son who has gone astray and returned home.

Women who challenge tradition are scandalous and lost. Prostitutes go their own way, and have fallen. In the film there is a running tension between prostitute women, who wear colored clothes, colored hair, and make-up, and married women who wear conservative clothes. The independent Scarlett often wears dresses, such as bright red and bright green, that place her in the prostitute camp. Women in the film are also characterized as gossips, fainting from weakness, emotional sobs, and, like Scarlett, they are manipulators.

The Yankees who fight to end slavery are evil beyond redemption. Sherman and the United States Army are the “Great Invader” that inflicts destruction and injustice upon the South. Continually, U.S. Army soldiers are shown to be depraved robbers and rapists, such as the deserter who goes rummaging for things to steal at Tara and approaches Scarlett with bodily desire. Before he is shot, he asks Scarlett, “Got anything else besides these ear bobs?” and she replies, “You Yankees have been here before.” The meaning is the Yankees have already stolen everything else, for they are nothing but an army of thieves.

With the end of the war the Yankees steal the Southern way of life and destroy it. With the war over, taxes due, and no slaves, Scarlett’s sisters are reduced to picking cotton in the fields of Tara. One sister says, “My back’s near broke. Look at my hands. Mother says you can

always tell a lady by her hands.” And the other sister replies, “I guess things like hands and ladies don’t matter so much anymore.” Harkening back to the opening title cards, we are supposed to feel anger over these ladies having to suffer. Harkening back to the opening visuals, the Southern Radicalist viewpoint is that blacks are made for backbreaking work, for they are not really human (Gillespie and Hall 48). Thus, in the beginning when we see blacks hoeing the fields and picking cotton everything is pleasant and as it should be. There is no oppression, and there is no pain in their backs and hands. But, when we see Scarlett’s sisters picking cotton we feel the pain and the world has been turned upside down, and the U.S. Army is to blame for it.

The only thing worse than the U.S. Army are liberals who come down to the South to educate blacks, push for social equality, and work for black suffrage. These liberals are called ‘Carpetbaggers’ in the parlance of the Southern Radicalists. The movie explicitly proclaims this when the title cards read, “Home from their lost adventure came the tattered Cavaliers. . . Grimly they came hobbling back to the desolation that had once been a land of grace and plenty. . . And with them came another invader. . . more cruel and vicious than any they had fought. . . the Carpetbagger.” Then immediately we see crippled and one-legged Confederate veterans straggling home on a dirt road, and there in the road is a buggy with . . . carpetbaggers. One of the carpetbaggers is white, the former overseer at Tara, Jonas Wilkerson. The other carpetbagger is black. Both of them are dressed as dandies, replete with white shirts with starched collars, expensive gloves, hats, vests, and the black man has a gold handled cane, gold watch, ascot, and cigar. Jonas is the chauffeur, as if to emphasize the scandalous social inversion of a white man playing caddy to a black man. These two liberals are completely oblivious to the suffering Confederate soldiers along the road. In fact, Jonas has to stop the carriage because two soldiers are in the way, and he admonishes them, “Get out of the road rebel, get out of the way!” One of the Confederate soldiers replies, “Have you room in your cab for a dying man?” Jonas Wilkerson represents the liberal devoid of human sympathy and compassion and says, “I’ve got no room for no Southern scum alive or dead. Get out of the way!” Wilkerson then whips the horse and practically runs over the dying Confederate soldier while the black carpetbagger curtly snarls, “Act like they won the war!” Nonchalantly running over a dying veteran with malice is about as low as you can get.

This is the nightmare of chaos and brutality liberals force upon the social order with their ideas of social equality and freedom. Uncouth people put on the clothes of the dignified, but remain heartless and devoid of compassion and morality. This treatment of liberals mirrors the Southern Radicalist viewpoint in which liberals are the lowest scum of

humanity, for in Dixon's world they are ignorant, hypocritical do-gooders that are out of touch with humanity and the human suffering they claim to be fighting to alleviate. In today's world, Dixon's books are frowned upon as racist, yet you put Clark Gable and Vivian Leigh in a Technicolor love story and it becomes a time honored television event on TBS and NBC.

The third theme is when order will be restored through the violence of a paramilitary group, the Ku Klux Klan, just like in *The Birth of a Nation*. The great infringement starts when Scarlett is attacked while she is traveling through Shantytown. "The black ape" rips open her clothes after a white man stops her wagon (Mitchell 525). In the movie, the attack on Scarlett must be avenged and it is the Ku Klux Klan with Scarlett's husband Mr. Kennedy and her beloved Ashley at the helm, that will "clean out those woods where you [Scarlett] were attacked." It's the paramilitary force of the Ku Klux Klan that must protect whites and their women when the United States Army will not. As Melanie says in the movie, "It's what many of our Southern Gentlemen have had to do for our protection."

This leads to the fourth theme of the storyline when order and equilibrium are restored through violence. The Ku Klux Klan's war on "those woods" is not the only violence that takes place when order is restored. Throughout the book and the movie there is a constant tension between Scarlett, who wants to live life on her own terms, and Rhett Butler, who sees the spirited Scarlett as a lively woman who is his match. The problem is that she is so thick headed she cannot see her true love before her. The only time this is really set straight is when Rhett is aggressive, especially when he gets drunk and rapes Scarlett. Scarlett wakes up in the morning a satisfied woman in bliss only to lose it when Rhett walks in to apologize and ask for a divorce.

Finding the second theme of *The Birth of a Nation* storyline, the white savior that is resurrected, in *Gone with the Wind* is problematic, and, yet, resurrection is a major component of the movie. Rhett Butler, Ashley, Melanie, and even Tara the family homestead go through resurrections when each is brought back from the dead. The central character Scarlett, a woman, nearly physically dies when she falls down the stairs and suffers a miscarriage. Spiritually her innocence dies with the South before she rises to give her "as God is my witness" dialog. She could be said to be resurrected again when she finally realizes that she loves Rhett Butler. It is this realization that finally puts her back into her social place when she begs Rhett to stay with her and professes her love. She is now willing to accept her proper place at Rhett's side, instead of him as a poor substitute for Ashley. In the end, it is the hope of re-establishing family by returning home, to Tara, and winning back Rhett that saves the

day. This hope, a hope that was killed by the Union Army, is resurrected in Scarlett, the once independent woman who dresses more like a prostitute, who is brought back to the sanctuary and province of patriarchal order.

FORT APACHE (1948)

Masculinity and what is a man is constantly in play throughout the story of the South and the lost cause, and it is also a basic element of Westerns in which men must face villains, hostile Natives, and survive Mother Nature. The cowboy in the Western is a man's man, a man among men in a world where few women exist. In many ways, the social order of the Western is similar to the old South in which women are either fallen prostitutes or proper married ladies. Similarly, the Old West is another game of contrasts, a struggle between life and death, and a place where the good guy wears a white hat and the bad guy wears a black one. The Western is almost a ready-made fit for *The Birth of a Nation* storyline and its four themes.

Fort Apache, from 1948, is the first installment of what many call director John Ford's cavalry trilogy, with the other films being *She Wore a Yellow Ribbon* (1949), and *Rio Grande* (1950). All three of Ford's cavalry trilogy: star John Wayne; are based upon James Bellah stories; the cavalry units include veterans from the United States Army and the Confederacy; and involve fighting the Apaches (Gallagher 254). Ford's non-conformist, revolutionary if you will, challenges to the status quo, such as exploding the hero myth, are acknowledged here, but this is not our concern. Our focus is on a conventionalized storyline common to Hollywood blockbusters. Another common trait to the films in Ford's trilogy is that they were all commercial hits. This is most assuredly due in large part to the artistry of Ford, the director, and the people who made the films. However, I would also argue this is in part due to a story that simultaneously issues challenges to social order, such as characterizing the Apaches with an uncommon degree of dignity for the day, while maintaining a larger status quo framework within a storyline that was familiar and safe to viewers.

The first theme that is familiar to viewers is that people of color, women, and liberals are a threat to family and social order. Ford makes it clear in his films that the Apache have family, order, and honor, but it is also clear they are still "the Other (Gallagher 249)." The Apaches are the enemy who will destroy civilization, just as they torture cavalry soldiers instead of just mercifully killing them. Apaches are the threat to white social order, so they must be isolated and contained.

The main female character in *Fort Apache* is Philadelphia Thursday, played by Shirley Temple. Philadelphia is the unmarried, sophisticated

daughter of widower and new Commanding Officer Lieutenant Colonel Owen Thursday. She has returned from being educated in Europe, and, without a mother, Philadelphia represents the threatening potential of a woman coming of age who wants to be independent and does not know her place. This threat is quickly softened with the casting of Shirley Temple and her box office topping screen persona of innocence and her sugary smile. Philadelphia adopts the role of surrogate wife to her father when she attempts to put together a proper home from odds and ends furniture she has acquired from the limited offerings at the fort. Early in the film the potential threat of her becoming independent is cast off by her immediate falling in love and pursuit of Lieutenant O'Rourke, played by her then real life husband, John Agar.

Philadelphia's father, Commanding Officer Lieutenant Colonel Owen Thursday, played by Henry Fonda, is the liberal in *Fort Apache*. Lieutenant Colonel Thursday is the ultimate Yankee intellectual born in Boston and educated in the East, and, like his daughter, he has just returned from Europe, where he has been stationed and, no doubt, has been likewise corrupted by a sophisticated European world view.

In a Western cowboy world of contrasts, Lieutenant Colonel Thursday is the opposite of his second in command Captain Kirby York, played by John Wayne. Thursday is a socially awkward, clean, petite and thin-framed Fonda, a frail intellectual who wears white gloves and is prim and proper. Thursday is a martinet who follows the book codes and rules of rank. Captain York is tall, dirty, hair on his arms girthy John Wayne, whose bare hands are just as ready to shake hands in friendship as they are to form a fist ready for a brawl. York survives by virtue of his ability to read people and situations, and, unlike Fonda, his adroit social skills are responsible for his advancement and staying alive.

On too many fronts, Lieutenant Colonel Thursday is a replay of the liberal stereotype of Austin Stoneman from *The Birth of a Nation*. Stoneman was emasculated through his having to sit, use a cane, and wear a wig; and was a threat because of his disregard for family, such as having one chair at his dinner table. The chair comes back in *Fort Apache* when Thursday sits in a chair, the chair breaks, and he MUST be helped to his feet by his daughter Philadelphia and her servant Guadalupe. Thursday might as well have had a clubfoot. Thursday is not a real man, for he must be helped up to his feet by two women. Thursday is literally a feeble excuse of a man who cannot lift himself up by his own bootstraps. Similar to Stoneman, Thursday is awkward when his daughter goes to hug him, and he acts stiff and unassured. Similar to Stoneman, Thursday places his ideals ahead of family, such as when he is all too eager to leave his daughter's dinner party because of a general alarm. A disappointed Philadelphia ends up having dinner with a real

family, the conservative Captain Sam Collingwood, Mrs. Collingwood, Captain York, and Lieutenant O'Rourke. Like Stoneman, Thursday cannot protect his own daughter. He knows where the Apaches are, but does not know where his own daughter is when she is out with Lt. O'Rourke, and yet Captain York knows where both the Apache are and where Lt. O'Rourke and Philadelphia are, as if York is her proper father, like when she is sitting next to him at the dinner table in the Collingwood home. In a strange admonishment of these roles the Commanding Officer Lt. Colonel Thursday defers to Captain York's paternal approval when he says, "I think I am within a father's right's Captain York. My daughter's life and safety are precious to me." Like the hug earlier, he is not sure and he doubts what family roles and responsibilities are.

The vilification of the North takes place in one of the longest scenes in *Fort Apache*, a scene that is supposed to serve as comic relief. Sergeant Beaufort, who was a major in the Confederate Army, asks the new recruits, "Did any of you gentlemen have the honor serving with the South arms of the late War Between the States?" One new recruit replies, "Yes sir. I had the pride, sir, of serving with Bedford Forest." Sergeant Beaufort gives the Private a promotion to Corporal, and tells the Corporal to show the "Yankees how to ride." The Corporal rides off like he is an expert and punctuates it with a rebel yell. The Yankee recruits try to mount, and they are a bunch of clowns falling off their horses. The first volunteer is the shortest, and he is thrown over the horse by one of the trainers. The ineptitude and inexperience of riding horses by the Yankees is supposed to be comic relief, but these gestations are hardly innocent as evidenced by the concluding bookend when the Corporal returns from galloping around and informs Sergeant Beaufort, "Sir, I beg to report I lost my Yankee cap." To this affront of being out of uniform, Sergeant Beaufort rewards the Corporal with not one handshake, but with three.

The third theme comes into being when Lt. Colonel Thursday forces the soldiers, who have supposedly disobeyed orders or violated his trust, to stay back with the supply wagons, for this includes Captain York and Lieutenant O'Rourke. Everyone, including Thursday, knows that the main unit is heading into an ambush where they will certainly die. It is their duty, and they follow orders anyway.

The only ones left living are Captain York, Lt. O'Rourke, and the supply people. The rest of the unit survives because John Wayne's character effectively surrenders to Cochise by taking off his weapons and walking out to receive the unit's flag. But this is one strange surrender where it would be customary for the highest-ranking officer of the defeated to give his sword or weapon to the victor. Captain York does not give his weapon to Cochise, nor does he give the unit's colors to

Cochise. Cochise gives the colors to Captain York indicating the unit will live on. Captain York drops his weapons to the ground with his men indicating he will pick them up again when he returns to them. This is not surrender; this is an official's time out in which the defeated will return to fight again. It is "what Bogdanovich has called Ford's glory in defeat (Place 86)."

This leads to the second theme of the resurrection of white savior. J.A. Place, following Bogdanovich, notes:

What lives after that massacre is not Colonel Thursday or his men, but a tradition more important than any of them. . . . The situation is so powerful that its tragedy is transcended by the force of destiny. There is more power in living out a myth than in winning a battle, and this is the key to many Ford films (Place 87-89).

The resurrection is not of a person per se, but is of the myth of a person and a unit. One of the last scenes is of Captain York answering newspaper reporters' questions about Lt. Colonel Thursday's charge. Captain York as Commanding Officer adopts Thursday's tact of formal response to the print media and also submission to rank, code, and system. Thursday's better traits live on in Captain York, and more importantly the cavalry unit lives on. The focus is on history, not the moment, and the audience finds security in the connection to the future of defeating, containing, and isolating the Apache that re-establishes white, patriarchal order.

THE OMEGA MAN (1971)

If *The Ten Commandments* represented the pinnacle of Charlton Heston's career as the main character in Hollywood's biggest budget films, it could be said *The Omega Man* represented his nadir as he slipped into being a leading man in low budget science fiction films. Interesting to note is in *Gone with the Wind* and *Fort Apache*, the four themes of *The Birth of a Nation* storyline where not all direct, or literal, correlations, but involved a complexity of translation. For example, in *Fort Apache* the resurrected savior is not an individual person per se, but is the personification of the unit and the myth of battle. However, under the cloak of science fiction we find direct correlations for all four themes in *The Omega Man*.

The movie is set four years into the future of 1975 when warfare breaks out between the Soviet Union and communist China, and this conflict devolves into one side or both employing biological weapons to gain tactical advantage. However, these biological weapons produce the horror of human destruction because they are killing everyone and no cure is

known. Thus, the Soviet Union represents the evil liberals and communist China represents the evil people of color, so the first theme is the very source of destruction of the human race.

Early in the film we see Charlton Heston as the character Colonel Robert Neville in a helicopter carrying a case of a possible vaccine when the pilot starts going through the quick throes of the plague's death symptoms. Colonel Neville attempts to take over as pilot when he himself starts going through fast death symptoms as well. The helicopter crashes, and on his deathbed baptized in fire, Neville opens the case and injects himself with the vaccine. It works, but he becomes what we think is the sole survivor. Thus, he has died in a helicopter crash and been resurrected with clean blood and immunity to the scourge of liberalism and people of color.

Neville travels through the city gathering a new car, food, clothes, and gas. He returns home and he is confronted by the family, a group of survivors whose last stage of a prolonged death sees the victim become an albino and extremely sensitive to light. The family goes about burning library books, destroying the technology of the old order, and refusing to use the machines and weapons of the old order. Instead they use fire to destroy that which has brought destruction to the human race. Neville on the other hand embraces the technology that made him a biological researcher in the military and saved his life. He replaces human companionship with playing videotapes, records, and talking to mannequins, until he meets Lisa.

Neville first meets Lisa while he is clothes shopping and she is posing as a mannequin to escape his detection. Lisa, with her huge Afro, is very black, and her ability to survive the scourge makes her tough and the equal of Neville. She and Neville strike up a romance. Critics have been quick to cite Lisa's, played by Rosalind Cash, character and romance with Charlton Heston as a progressive advance for a film leading us into the future. However, Lisa as the last available woman is a commentary on what lengths have to be existent for this progress of equality to take place. But for every step forward in this venture, two are taken back, as Lisa represents not only blacks, but as the last woman, women as well.

A crucial part of the story is when Lisa develops the last stage of the disease and becomes albino, sensitive to light and confused. She rejoins the family and gives the keys to Neville's apartment to the leader of the family, allowing the family to capture Neville and attempt to execute him. Thus, blacks and women once again betray the social order and lead to the downfall of man. Thus, the first two themes are completed.

Themes three and four come together in the film when the white savior complex is completed in explicit symbolism. The third theme

comes when Neville is shooting up the family with automatic assault rifles while wearing his colonel hat and gun holster, like a gunman in a western shootout. In the end, Neville is dying like Jesus on a modern sculpture that stands in for the cross. He hands a bottle of his blood, the serum, to Dutch and then expires. Thus, the fourth theme is completed as through his death, and blood humanity will be saved as Dutch drives a bus full of children to whom he will administer the serum. Through this new generation humanity and the social order will be re-established. The futuristic *Omega Man* is in the end a recycled rehash of killing liberals, people of color and women to re-establish the patriarchal order of the old South.

THE OUTLAW JOSIE WALES (1976)

The Outlaw Josie Wales begins when the old South is ending during the Civil War, and the movie presents another tale of the conservative male killing liberals in order to re-establish patriarchal social order. I agree with Drucilla Cornell's assessment that the film has anti-war sentiments and that Clintwood Eastwood is a complex person telling complex stories, more so than early critics were willing to grant him (Cornell 139; Foote xiii). However, I also agree with her assessment that Eastwood "works within traditional genres so that the imaginary that gives the films its seeming sense of shared meaning is both challenged and made explicit (Cornell 143-144)." Additionally, similar to Dixon and Griffith, Eastwood may be the storyteller of the film, but the script cannot escape the fact that it is based on a book written by a white supremacist and former Klan leader. The book, *The Rebel Outlaw: Josey Wales*, was written by Asa Carter, a notorious segregationist and speechwriter in the 1960s for the Governor of Alabama during George Wallace's infamous days as a white supremacist (Barra). Clint is the storyteller, but Carter is the storywriter, and Carter firmly operates within the conventions of *The Birth of a Nation* storyline.

From the beginning we are traveling in the province of demonizing liberals and those who fight for equality. Josie Wales is minding his own business, sitting out the Civil War, plowing his field when 'redleg' United States soldiers burn his house, kill his son, rape and murder his wife, and leave Josie for dead with a sword leaving a huge cut down his face. Squarely in the tradition of Dixon's vilification of real life abolitionists, Carter and Eastwood slander non-fictional abolitionist General James Lane by placing the Redlegs in this fictional atrocity under General Lane's command. General and Senator Lane, a real person who existed, represents the abolitionists and liberals, and in this fictional account he represents the most morally bankrupt human scum that walked the earth. Lane condones and prods the Redlegs into massacring,

under a flag of truce, the Confederate unit Josie joined after the Redlegs massacred Josie's family. True to the tradition of Dixon and Mitchell, the war is over and the massacre of the Confederate unit makes no sense, but this is the chaos and nightmare that happens when liberals and people of color seize control. General Lane says of the massacre, "These men were decently treated. They were decently fed, and then they were decently shot. These men are common outlaws, nothing more." Can you imagine the outcry from Southerners if a real life Confederate General, such as Robert E. Lee, was slandered like this in a major motion picture?

Within, the first 20 minutes, the four themes in the storyline of *The Birth of a Nation* have been replayed in *The Outlaw Josie Wales*. Liberals and abolitionists have been demonized, and real life General and Senator Lane has been slandered in a most base portrayal. The white savior, pacifist Josie Wales, is killed, and is resurrected as a gunslinger for God exacting justice upon the evil Yankees to re-establish the social order from the chaos and hell the liberals forced onto the world. One thing gets in the way, and that is the end of the Civil War.

But for Josie, there is no end to the war. He refuses to surrender to General Lane, and he rides in to try to save his old unit, but most of them are gunned down, and he is only able to save mortally wounded Jamie, the youngest member of the unit. General Lane places a \$5,000 bounty on the head of Josie.

The rest of the film is road picture where along the way Josie is joined by Lone Watie, Little Moonlight, Grandma Sarah Turner, Granddaughter Laura Lee Turner, and Chato. This straggly band heads to live on Sarah's son's Crooked River Ranch, which is itself in the middle of Comanche land. Sarah's son, Tom, is dead, so the ranch is abandoned.

Josie Wales, the white savior, brings justice and peace to the hell and chaos brought by the evil liberals represented by the Redlegs and the United States government. Josie brings the North and South together when he takes Laura Lee Turner, a Jayhawker, as his wife. This marriage brings the orphaned and independent Laura Lee back within the confines of the family. Josie negotiates a peace with the Comanche through a pact of assured mutual destruction, very akin to the nuclear détente that was present in the 1970s and 1980s. The presence of Josie and the peace allows Chato to partner up with Laura Lee's grandmother, Sarah, an independent woman Josie cannot tame, and together they form an extended family. Sarah's son lives on by the continuance of family on the ranch he started. Lone Watie gains a lover with Little Moonlight, whom was freed from bondage by Josie. In the end, Josie kills Captain Terrill and the rest of the Red Legs that have come after him. The evil liberal has been slain, and family and the social order has been restored where those who have lost their families to the Civil War, including

Josie, Sarah, Laura Lee, Watie, and Little Moonlight. The audience can now rest because the familiar formula has played out.

Audiences did find refuge in the familiar story. The Outlaw Josie Wales brought in a box office receipts that were roughly ten times the budget on which it was made (www.imdb.com/title/tt0075029/business?ref_=tt_dt_bus). Time magazine “hailed it as one of the year’s ten best” and Orson Welles heaped praise onto the film while a guest on the Merv Griffin Show (Foote 32). *Gone with the Wind*, *The Omega Man*, and *The Outlaw Josie Wales* all play out with a similar backdrop of their genre not being en vogue upon release, yet all of them enjoy huge commercial success. But why should they not be successful when they share the same storyline as the box office smash *The Birth of a Nation*?

DISCUSSION

The storyline with the four themes in *The Birth of a Nation* has become conventional and familiar to audiences throughout the last century. *Gone with the Wind*, *Fort Apache*, and *The Outlaw Josie Wales* were all commercial hits that were critically acclaimed. Even *The Omega Man*, which made its money back and then some, but was not critically acclaimed, remains revered today with a cult following, which includes industry heavies, like Director Tim Burton (Davis, Dickinson, and Villarejo 406). The motion pictures reviewed herein are examples of how this conventional storyline plays out in romance films, Westerns, and science fiction films. These four themes can be found in countless other films, including *Star Wars* and *The Lone Ranger*. The point is the examples herein are by no means alone, for in a town where success breeds imitation you find this storyline in many of the top blockbusters of today.

The questions remains: “If the storyline in *The Birth of a Nation* itself is racist, sexist and violent shouldn’t it make films using the same storyline no less repugnant?” At the very least, this storyline plants the seeds in our consciousness that Black Lives, liberals, and feminists are monsters threatening white, patriarchal power, and gun violence, not negotiation, is the way to terminate the threat. Currently, *The Birth of a Nation* remains a reviled and controversial film, while those films cut in its pattern remain popular and revered. The portrayals of blacks, liberals, and women in *The Birth of a Nation* are repugnant to most, yet the portrayals of liberals, such as Senator Lane, in *The Outlaw Josie Wales* is no less outlandish and yet the movie is critically acclaimed to this day. I propose one cause of this quandary, and by no means do I say it is the only one, is what I call social distance by layering.

I propose that seeing the meanings of symbols becomes harder when they are submerged in more layers in which the symbol is further removed from its original context. Layers may consist of time, technol-

ogy, changes in meaning, or any ‘thing’ that further removes or hinders the audience from being aware of the original social context. To further explain this concept, I will use the example of time.

Thomas Dixon felt a direct connection to the Civil War, for he was born during its waning days. Dixon hated the Civil War, the end of slavery, the push for racial equality and black suffrage because he viewed it as being responsible for his family’s economic misfortune. His uncle, who was a surrogate father for him, was a leader in the original Ku Klux Klan. Dixon is well connected and invested in knowing about real life Congressman Thaddeus Stevens, and has a strong hatred for him. He bases his caricature of the evil Congressman Austin Stoneman on Congressman Stevens, and this is familiar to his audience in 1915, merely fifty years after the Civil War’s end, because Steven’s indelible character and push for black equality was still fresh in the national consciousness. Thus, you have people like President Wilson who applauded the Stoneman portrayal as realistic, and then you have others, like the NAACP, that staunchly opposed it as a shrill distortion (Stokes).

However, you add on a layer of social distancing by taking a less well-known character, such as Senator Lane, and the real life person becomes obscured by a layer of anonymity. You make the movie a century removed from the war, and you have an entire audience that has no direct connection with the time period or its players. It is very conceivable that Director Clint Eastwood was not aware that Senator Lane was a real person, and it is much more likely that Eastwood was not aware the book *The Rebel Outlaw Josie Wales* was written by a former Ku Klux Klan leader. Even if Eastwood read about General Lane and the real life atrocities that took place under his command, he provides no counter of the real life atrocities by Quantrill’s Raiders, such as the Lawrence Massacre, and their leader Bloody Bill Anderson, whose robbery and murder of civilians clearly are the actions of a psychopathic killer. Josie becomes a member of Quantrill’s Raiders and we know this because Blood Bill Anderson identifies himself when this band of border ruffians ask Josie if he wants to join them. In the mythos of this movie, we are supposed to be sympathetic and understanding of Josie’s wrath, and by extension Bloody Bill Anderson and every other member of Quantrill’s Raiders, and we empathize with their search for ‘justice’ while we are provided no idea of the immorality and psychopathic sadism which took place in their robbery and execution of literally hundreds of civilians, including children. They are not thugs; they are out for justice just the same as any sane man would be. But in the mythos of this movie, Senator Lane and the Red Legs have no such complexity of character nor understanding. They are cold-blooded killers who engage in it for the joy of it under the

charade of protecting people and pushing for equal rights of all races while hiding behind the authority of the United States.

Does this moral inversion seem familiar? It should because it is the same moral inversion that takes place in *Gone with the Wind* and countless other movies. Once again, in the opening scenes of *Gone with the Wind* we see blacks plowing fields and picking cotton. These blacks are in essence beasts of burden that feel no pain, whose backs do not sweat under the hot sun, nor do they feel the pain after hours upon hours of stooping and bending over. On the contrary, this horrific situation of slavery and oppression is presented as an idyllic fairytale with angelic choruses singing in the background. This is heaven, not hell. They are not human and do not deserve empathy or understanding. However, Scarlett's two sisters pick cotton and we can see the sweat on their brow and dirt on their faces, and we see close-ups of their hands and feel their pain. They are real human beings who deserve our empathy and understanding. Moral inversion takes place with the dehumanization of the truly downtrodden while the oppressor is shown as the victim who deserves our understanding.

Eastwood has been defended, and no doubt will continue to be defended, by those who argue every maker of motion pictures must operate within the conventions of the medium, and in the movies you have to have bad guys and good guys. This is my point exactly. In the real world, all things being equal, the bad guy is more likely to be the person that argues we must continue to oppress one group of people and the good guy is going to be the person that argues for equality and freedom of all people. However, in the real world *The Birth of a Nation* which established a medium as an art form, the conventions of its aesthetic and camera work, and also its distribution system; also established a conventional storyline in which the bad guy is the person who advocates equality and freedom for all people and the good guy is the person who says we must keep some people as slaves. This is the real world moral inversion that takes place in *The Birth of a Nation* and it is the conventional story that is propagated by Eastwood in *The Outlaw Josie Wales*, and no amount of defending it can change the fact that this moral inversion of reality is inexcusable and is no less repugnant than when the Klan rides into save the day to become heroes and use the threat of a gun to keep blacks from voting.

In the real world Eastwood could have told this same story from the point of view of a Jayhawker whose family was brutally murdered. But he did not. Let us be real for a second. Who is more likely to be a pacifist? An egalitarian abolitionist living in Lawrence, Kansas, or a white supremacist living in Missouri in the 1860s? The storyline in *The Outlaw Josie Wales* does not make sense in the real world, but its irrational-

ity and moral inversion make perfect sense and commercial cents within the conventions of a medium in which the moral inversion of *The Birth of a Nation* establishes conventions.

The storyline from *The Birth of a Nation* becomes more distant and acceptable as each layer of new movie telling it is added. The storyline may be unfashionable, but wrap it in a layer of Technicolor and replace a white woman in black face with Hattie McDaniels and the storyline is resurrected like Scarlett O'Hara. Add another layer of distance by dressing it up in a different genre, say as a Western, and it becomes even harder to recognize while becoming more socially distant and acceptable. Hide it in science fiction and the key is, for the most part, thrown away forever. By 1976, the story has been told so many times, and so many layers have been added that even the same story written by a white supremacist beginning in the same time period of the original becomes unrecognizable. The tale has come full circle and it is told by a vaunted director which in turn leads to this telling being praised no less than by another hallowed director.

This exposé warrants further study, for it reveals a quandary of a repugnant storyline the film industry must come to terms with in a day when gun violence against Blacks, liberals, and women espoused as the solution on the big screen is reflected in the real world streets of our nation. The idea that a Black President and affirmative action are threatening to the social order where white males suffer an unjust loss of rightful power plays directly in *The Birth of a Nation*. This is not a coincidence, and it is the sad swan song played over and over by The Lost Cause of the South.

With the end of slavery, the so-called Southern gentleman is no longer supreme. His right to class privilege, of guaranteed inheritance, and perpetuation of an aristocratic social order in perpetuity has been undermined. In this time of uncertainty, the very question of what makes a white man a white man translates into the de facto what makes a man a man in a world where white males are thought of as not only being the standard for what it is to be male, but are also thought of as the standard for what it is to be huMAN.

The second line of research that needs further investigation is that this conventional storyline advocates violence as the solution for returning white males to power. The first theme tells the story of evil liberals, women and people of color threatening social order. However, the more alarming aspects are in themes three and four where the solution to the problem is for white males to re-establish patriarchal power by killing liberals, women, and people of color. Research on this topic is of particular expediency because of current events in the real world taking place where white men are shooting liberals, women and people of color

in unprecedented numbers. As noted before, Blacks and Latinos constitute 30 percent of the population, but constitute 56 percent of the prison and jail population in the United States. However, when it comes to public mass shootings, Blacks and Latinos only comprise 24 percent of incidents from 2006 to 2016, and this number has been skewed because Blacks and Arab Americans account for 75 percent of the incidents thus far in 2016 (<http://www.gannett-cdn.com/GDCContent/mass-killings/index.html#explore>). Meanwhile, non-Hispanic Whites account for 39 percent of the prison population, but account for 55.5 percent of mass spree shooters (Leah). Does the rise in mass shootings of men with hatred towards women, Blacks, and liberals at churches in Kentucky and North Carolina, and of Representative Giffords parallel the resurgence of the commercial success of this storyline promoting the murder of women, Blacks, and liberals? After all, this storyline is overtly present in recent blockbusters such as *Indiana Jones and the Kingdom of the Crystal Skull*, *Transformers Revenge of the Fallen*, and others. Is there a link between the fables we tell our children, and the behaviors these children exhibit when they become adults? These are but a few of the questions Black Lives Matter and our nation must confront today.

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THE COLOR OF MASS INCARCERATION

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According to the United States Constitution, the Fourteenth Amendment provides “Equal Protection Under the Law;” as well as the “Right to Due Process.” It is a generally accepted view that this amendment was implemented to ensure African Americans were treated fairly in the United States. It is an accepted practice that this amendment was implemented to bring about equality in segregated circumstances in this country. Nevertheless, the pivotal application of the Fourteenth Amendment is that of “The Right to Due Process.” When one reviews the statistics of the current plight of African American men and women as well as those of Hispanics as it relates to the composition of the United States prison population; there are some serious issues that arise. The current composition of the United States prison population is a majority of the minority population. The “Color of Mass Incarceration” is that of non-white Americans. The issue of Mass Incarceration has even lead to the hypothetical concern as to whether or not this is another way of stifling the future increase of the African American population? This is an issue that will require strict attention in view of the rate of incarceration of African American men in this country. The concern of the “Color of Mass Incarceration” is further perpetuated when review is given to incarceration trends in America. For instance, from 1980 to 2008, the number of people incarcerated in America quadrupled-from roughly 500,000 to 2.3 million people (NAACP Criminal Justice Fact Sheet; 2009-2016).

African Americans now constitute nearly 1 million of the total 2.3 million incarcerated population. The incarceration rate of African Americans is nearly six times that of whites (NAACP Criminal Justice Fact Sheet; 2009-2016). As a matter of fact, if these trends continue in America, one in three African American men born today can expect to spend time in prison during their lifetime. There is also the disheartening fact that 1 in 100 African American women are in prison as well. In a national review, statistics reveal that, nationwide, African Americans represent 26% of juvenile arrest, 44% of youth who are detained, 46% of the youth who are judicially waved to criminal court, and 58% of the youth admitted to state prisons (Center on Juvenile and Criminal Justice).

THE DEFINITION OF MASS INCARCERATION

Mass incarceration is defined by historically extreme rates of imprisonment and by the concentration of incarceration among the most marginalized (Garland, 2001). Mass incarceration is the confinement of large numbers of people to prisons, and the subsequent legal and financial restrictions they face once they leave prison which prevent them from reentering mainstream society (Younes, 2014). It is important to note that the definition of “Mass Incarceration” is an inclusive and far-reaching definition. The far-reaching perspectives of “Mass Incarceration” is that it presents a potential for the parental imprisonment of children (Wildeman, 2009), a geographic concentration of imprisonment in urban neighborhoods (Sampson and Leoffler, 2010), and the symbiotic relationship between the prison system and the American ghetto (Wacquant, 2001). There is also the unfortunate potential that the impact of mass incarceration will extend beyond the walls of the prison and impact other social controls (Simon, 1993).

There appears to be an indirect or even direct correlation between mass incarceration and the issue of drug usage among African Americans. Thus causing one to speculate as to whether or not mass incarceration is connected to drug use and drug crimes. The “War on Drugs” began as a “crackdown” on the drug dealers and drug abusers; however, statistics reflect that there is a disparity in drug sentencing that has provided a correlation to the number of African Americans being incarcerated. Studies reveal that about 14 million Whites and 2.6 million African Americans report using illicit drugs. While there are five times as many Whites using drugs as African Americans, African Americans are being sent to prison for drug offenses at 10 times the rate of Whites. When put into a statistical perspective, the results are: African Americans represent 12% of the total population of drug users, but 38% of those arrested for drug offenses, and 59% of those in state prison for drug offense. The telling result is that African Americans serve virtually as much time in prison for a drug offense (58.7 months) as whites do for violent offenses (61.7 months) (Sentencing Project). This point will be further explored under the discussion of the number of African Americans in prison for non-violent crimes.

When the issue of mass incarceration is studied, it reveals that there are over two million inmates giving the United States the world’s highest imprisonment rate, higher than that of Iran and China. Given that African Americans make up only 12% of the United States population, but, together with Latinos, comprise over 60% of total inmate population, it is hypothesized that the color of mass incarceration is drawn from African American, Hispanic, and Native American populations. It is noteworthy that the United States current rate of imprisonment has a higher percent-

age of African Americans than that of South Africa at the height of Apartheid, with one in every eight African American men behind bars (Younes, 2014). Given this assessment of the current rate of imprisonment of African Americans, there exists the potential that African American children born today are less likely to be raised by both parents than an African American child who was born in slavery.

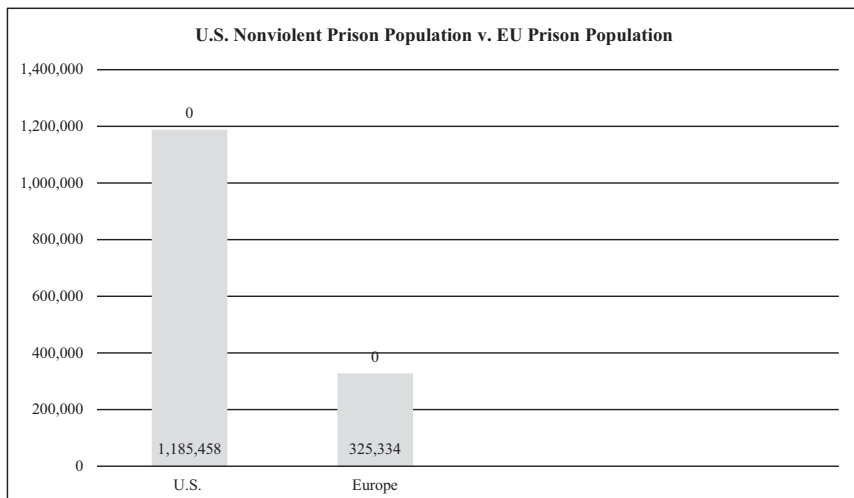
TABLE 1: BASIC DATA ON PRISON POPULATION IN THE UNITED STATES

Total Male	White	African Amer.	Latino/Hispanic	Other
1,402,404	453,500	516,900	308,700	123,300
Total Female	White	African Amer.	Latino/Hispanic	Other
106,232	53,100	22,600	17,800	12,800
All Genders	White	African Amer.	Latino/Hispanic	Other
1,508,636	559,732	539,500	326,500	136,100

*Race and Prison- Drug War Facts- 2014

When reviewing the prison population in the United States, there are 435,500 White men imprisoned compared to 516,900 African American men. The next larger number of imprisoned men are Hispanics/Latinos at 308,700. Even though Hispanic/Latinos and African Americans are not the majority population, they do constitute the majority population within prisons. Table 1 indicates that there are, however, fewer African American and Hispanic/Latino women imprisoned than white women. The data in Table 1 includes those sentenced in State and Federal prisons in the United States as of December 31, 2014.

TABLE 2: COMPARATIVE ANALYSIS



Comparing the nonviolent prisoners only with those of the European Union, Table 2 demonstrates that the United States has 1,185,458 nonviolent offenders which is five times the number of people detained in the European Union's entire prison system, 325,334. The United States also has a rate of six times higher than that of Canada, England, and France, and seven times higher than Switzerland and Holland, and ten times that of Sweden and Finland (Street, 2012). The composition of these nonviolent prisoners is that of primarily African American males. Thus, the looming assessment is that in the United States, incarceration is heavily racialized in nature. In view of the numbers previously stated, it is inferred that on any given day in the United States, thirty percent of African American males ages 20-29 are "under correctional supervision (Bureau of Justice).

MASS INCARCERATION AND RACIALIZATION

It was the expectation of many African Americans that the election of President Obama would bring the United States into a "post-racial" era. There were expectations that the election of the first African American president would signal a symbolic demise of Jim Crow era and that the social, political and cultural climate would improve. However, this expectation was quickly dashed as a Republican Congress determined to see the President fail, dug in their heels and basically did nothing for two years. In the midst of this, the expectation was further dashed by the fact that every state in the nation continues to have a disproportionately high percentage of African American men presently in prison. One year prior to the 2008 presidential election, roughly 35% of incarcerated men in federal and state prisons and jails were African American. Even though, African Americans comprise just over 12% of the total population. In 2010, the prison population declined for the first time since 1972 (Bureau of Justice Statistics). Nevertheless, this did not lead to a reduction in the incarceration rate for African American men, as studies reveal that African American men are imprisoned at an overall rate of nearly seven times that of white men (Bureau of Justice Statistics).

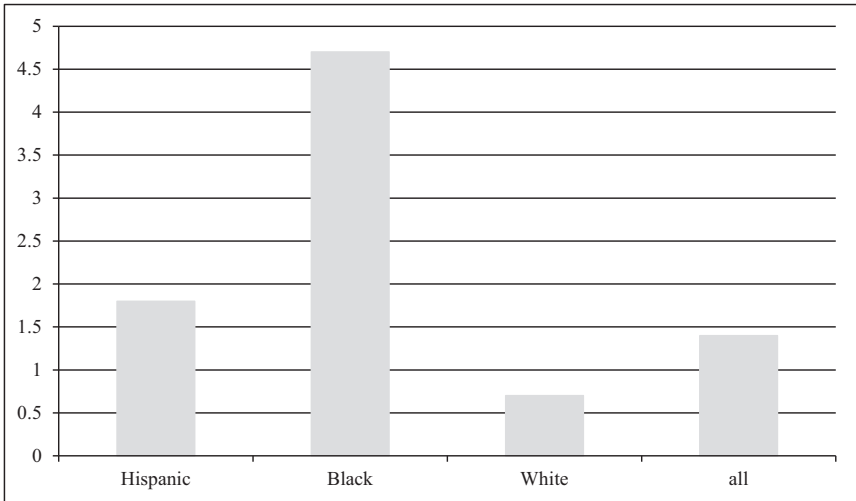
It becomes apparent that the high rate of incarceration among African American men is part of an overall trend in punishment defined by a dramatic increase in what is viewed as the "carceral system" (Foucault, 1975). It is clearly evident that the increased incarceration rate is more significant for African American men than any other segment of population with Hispanics coming in at a close second. According to the noted author, Michelle Alexander, "More African Americans are under correctional control today, in prison, jail, or probation, or on parole than were enslaved in 1850 before the Civil War began (Alexander, 2010). Manning Marable identifies the criminal justice system as one of three pillars

forming a deadly triangle of “institutional racism” (Marable, 2007). Alexander is in agreement with this statement and suggests that “mass incarceration has established a ‘racial caste system’ in society, primarily driven by politics, not crime (Alexander, 2010). It is as Alexander suggests, that the incarceration rate of African Americans is now the new “Jim Crow.” There is also the matter that race has become embedded in the very principles of criminal law in the United States. Incarceration rates bring race into what might otherwise be viewed as a racially neutral process. The imposition of mass incarceration which is colored by minority population, especially African American men, brings with it social and residential segregation. It is understood that *de jure* segregation is unconstitutional but yet in the criminal justice system, it appears that *de jure* segregation is alive and doing very well! The segregation of African American males especially from society has a pervasive effect in that it spreads to many areas of life in the African American community.

STATISTICAL OVERVIEW OF MASS INCARCERATION

Today, people of color continue to disproportionately represent those being incarcerated, policed and sentenced to death at a much higher rate than whites. The statistics that relate to the color of mass incarceration have varied over the years, but with the same result that people of color constitute the color of mass incarceration. For example, it was revealed that an African American man born in 1991 had a 29% chance of spending time in prison at some point in his life. During this same time period, it was predicted that one out of nine African American men would be incarcerated between the ages of 20-34. It was further stated that African American men ages 30-34 have the highest incarceration rate of any race, ethnicity, gender and age combination (American Community Survey). According to Fizen, “the lifetime chances of going to prison are 32.2% for African American males and 17.2% for Latino males, while only 5.9% for white males” (Fizen, 1991). The statistics would change again for mass incarceration during the period of 2009.

TABLE 3: PERCENTAGE OF ADULT MALES INCARCERATED IN THE US IN 2009



*Prison Inmates at Midyear 2009- NCJ

The inmate population in 2009 revealed that there were 1.8% Hispanic males, 4.7% African American males, while 0.7% were white males, and 1.4% of all adult males. There would be an interesting change in the prison population in 2013, however, the underlying fact would be that African Americans still have the highest incarceration rate and clearly exhibit the color of mass incarceration. It should be noted that during the period of 2010 and 2012, there was a continued substantial increase in mass incarceration, yet the end results remain the same. In 2013, African American males constituted 37%, the largest percentage of male inmates under state or federal jurisdiction. That compares to Whites (32%) and Hispanics (22%). During this timeframe, white females comprised 49% of the prison population compared to 22% African American females. The imprisonment rate for African American females (113 per 100,000) was twice the rate of white females (51 per 100,000) (Bureau of Justice Statistics). The Bureau of Justice Statistics noted that, “almost 3% of African American male U.S. residents of all ages were imprisoned on December 31, 2013, compared to 0.5% of white males.

African American males had higher imprisonment rates across all age groups than other races and Hispanic males. In the age range with the highest imprisonment rates for males (ages 25-39), African American males were imprisoned at rate at least 2.5 times greater than Hispanic males and 6 times greater than white males. For ages 18-19, the age range with the greatest difference in imprisonment rates between whites and African Americans, African American males (115 inmates per 100,00 white males). In 2015, the prison population increased to 2.2 mil-

lion; with African Americans still constituting 40% of the total prison population. The continued increase of African Americans in mass incarceration creates concerns regarding the manner in which policing is taken place and the manner in which the judicial system operates. The color of mass incarceration continues to be that of Black, Brown, and Red, with a sprinkle of Yellow mixed in.

THE UNDERLYING FACTOR LEADING TO MASS INCARCERATION

The numbers pertaining to the incarceration of African Americans are staggering, but yet they tell only a portion of the story. Since African Americans constitute the majority of the prison population, it would seem likely that they would represent proportionally large number of offenders in violent offenses as well. However, the majority of offenses committed by African Americans are nonviolent. As a matter of fact, the majority of African Americans in prison are there as a result of drug-related offenses.

In view of the number of people of color in prison, it would seem that there would be a correlation between mass incarceration and violent offenders in prison. However, people of color are not the Ted Bundies or Charlie Mansons of our society. The people of color being incarcerated are not even the offenders who have committed sensationalized robberies, rapes, or murders. The bulk of the people of color who have fallen victim to mass incarceration are those who have been convicted of class D drug charges. The additional issue that increased the number of people of color incarcerated is the implementation of “Three Strikes” laws. Many of these offenders may even spend little time in prison, but yet they are labeled as drug offenders. It has been noted that the “War on Drugs” has in actuality translated into a “War on People of Color.” As a result of the “War on Drugs,” people of color have been the victims of collateral damage.

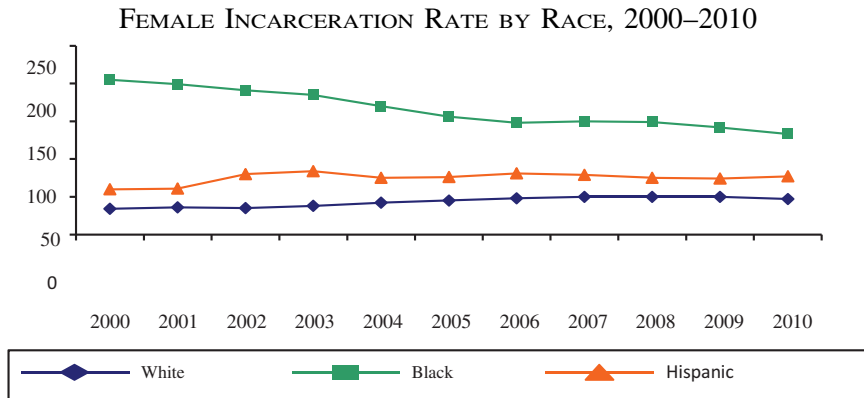
The war on drugs has been unfortunately waged primarily in communities of color where people of color are more likely to receive higher offenses. According to the Human Rights Watch, people of color are no more likely to use or sell illegal drugs than whites, but they have the higher rate of arrests. African Americans comprise 14% of regular drug users but are 37% of those arrested for drug offenses (Human Rights Watch). Studies have shown that between 1980 and 2007, approximately one in three of the 25.4 million adults arrested for drugs were African Americans (Kerby, 2012). The color of mass incarceration is exacerbated due to the additional fact that once convicted African Americans receive longer sentences compared to white offenders. According to the U.S. Sentencing Commission, “in the federal system African American offenders receive sentences that are 10% longer than white offenders for

the same crimes. The Sentencing Project reported that African Americans are 21% more likely to receive mandatory-minimum sentences than white defendants and are 20% more likely to be sentenced to prison. As a result of being incarcerated for a drug offense, many African Americans men and women are declared convicted felons, which translates into a period of disenfranchisement in many states.

It is suggested that African American and Latino drug dealers are more likely to be arrested because their drug activities are more likely to take place in “open air public” drug markets than white drug dealers. However, police elect to pursue open air drug markets with minority dealers and ignore those where whites are selling drugs. Hence the war on drugs has been especially hard on people of color as individuals and as a community. While the war on drugs has a high correlation to the number of people of color being incarcerated it is understood that this is the only factor contributing to mass incarceration. Consideration, nevertheless, needs to be given to creating a goal of equality of opportunity for all races, with the focus being the removal of the so-called “War on Drugs” and the dismantling of legal restrictions that prevent ex-prisoners from being able to function in society and attain food and shelter.

THE GENDER COMPOSITION OF INCARCERATION

Within the realm of mass incarceration is also the gender factor since African American women are also incarcerated. African American women comprise 30% of incarcerated women, although African American women represent only 13% of the nation’s female population (The Pew Report). The rate of incarceration for women has increased at nearly double the rate of men since 1985, and the impact of the absence of these primary caregivers on families is devastating. Today, there are more than eight times as many women in prisons and jails than in 1980. The PEW Center reported in 2008 that 1 in 355 white women between the ages of 35-39 were imprisoned compared to 1 in 100 African American women. The likelihood of a woman of color being incarcerated is 1 in 19 for African Americans and 1 in 15 for Hispanics, compared to only 1 in 118 for whites. In 2010, African American women were incarcerated at nearly 3 times the rate of white women (133 versus 47 per 100,000). Hispanic women were incarcerated at 1.6 times the rate of white women (77 versus 47 per 100,000). Studies revealed that from 2000 to 2010, the rate of incarceration decreased 35% for African American women and increased 28% for Hispanic women, and 38% for white women (Guerino, 2011).



SOURCE: Guerino, P., Harrison, P. M., & Sabol, W. (2011). *Prisoners in 2010*. Washington, DC: Bureau of Justice Statistics.

As the rate of incarcerated African American women increases, so too does the number of children with mothers in prison. An additional inhumane element to this statistic is that most prisons allow women prisoners to be shackled during the labor process. As of 2012, African American women between the ages 18-19 were three times more likely to be imprisoned than white women. Hispanic women in this age group had imprisonment rates nearly twice that of white women. However, African American women and White women imprisonment rates were the closest among prisoners ages 25-39, when African American women were less than twice as likely as white women to be imprisoned (Bureau of Justice).

THE INJUSTICE OF THE JUSTICE SYSTEM

A famous comedian once said that he went to court seeking justice and what he found was just us! Today people of color continue to be disproportionately incarcerated, policed and sentenced to death at significantly higher rates than their white counterparts. Racial disparities in the criminal justice system threaten communities of color. There are thousands who are disenfranchised and denied equal access to employment, housing, public benefits, and education (Kerby, 2012). The criminal justice system has a serious impact on the color of mass incarceration. People of color comprise 30% of the United States population, but account for 60% of the prison population. The prison population has grown tremendously at a rate of 70% from 1970 to 2005. The incarceration rate disproportionately impacts men of color. It is noted that 1 in every 15 African American men and 1 in every 36 Hispanic men are incarcerated in comparison to 1 in every 106 white men (Kerby, 2012).

The Bureau of Justice Statistics indicate that one in three black men can expect to go to prison in their lifetime. This is due to the fact that

people of color have a disproportionate number of encounters with law enforcement, indicating that racial profiling continues to be a problem. The Department of Justice reported that African Americans and Hispanics were approximately three times more likely to be searched during a traffic stop than white motorists. African Americans were twice as likely to be arrested and almost four times as likely to experience the use of force during encounters with law enforcement. Further studies regarding the injustice in the justice system reveal that the number of women incarcerated has increased by 800 percent over the last three decades. As can be expected, women of color have been disproportionately represented. It is documented that African American women are three times more likely than white women to be incarcerated, while Hispanic women are 69% more likely than white women to be incarcerated.

Another issue that adds to the injustice of the justice system is that once convicted, African Americans receive longer sentences compared to white offenders. The United States Sentencing Commission stated that in the federal system, African American offenders receive sentences that are 10% longer than white offenders for the same crimes. It was reported that African Americans are 21% more likely to receive a mandatory-minimum sentences than white defendants and are 20% more likely to be sentenced to prison.

The injustice of the justice system rears its ugly head once again in the manner in which people of color are targeted as a result of the war on drugs. As mentioned earlier, this war has far reaching impact in the communities of people of color. It is suggested that drug arrests are a large source of the bodies and business for the criminal justice system. Consideration should be given to the fact that half the arrests these days are for drugs and half of those are for marijuana. Despite the fact that African Americans and white people use marijuana at the same rate, an African American is 3.7 times more likely to be arrested for the possession of marijuana than a white person. The ACLU discovered that African American people were six times more likely to be arrested for marijuana than whites. In all drug arrests between 1980 and 2000 in the United States, African American drug arrests rose dramatically from 6.5 to 29.1 per 1,000 persons. During this same period, the white drug arrest rate barely increased from 3.5 to 4.6 per 1,000 persons (Quiley, 2015). As was mentioned earlier, in looking for justice, there is just us! This is particularly interesting when consideration is given to the fact that once again, the majority of people of color are not incarcerated for violent offenses, but primarily for traffic, property, drug, or public order offenses.

The injustice in the justice system that enhances the color of mass incarceration is the manner in which the justice system is structured.

When people of color face felony charges they often find public defenders, who all too often are overworked and underfunded and thus not fully available to provide adequate defense. In recent years' public defenders in Kentucky, Louisiana, Missouri, and Pennsylvania were so overwhelmed with cases they refused to represent any new clients. It is noted that the right to counsel, is an inherent aspect of the Fourteenth Amendment and the right to due process. It is not uncommon for public defenders to have more than 100 cases going at the same time. And as a result all too often people of color fearful of the justice system as it is, will accept a plea bargain, when in actuality if justice was given, would have not been imprisoned at all. On the other hand, too many people of color, simply plead guilty with the expectation of receiving a reduced sentence. The fundamental right to a lawyer in the United States should apply to all, and yet, it is given out in a disproportionate rate for people of color. As a result of the injustice handed down by the justice system, there are 600,000 African American men in prison at a rate of five times that of white men.

The question then arises, what does this say about our society that it uses its jails and prisons as the primary detention facilities for the poor, and for black and brown people who have been racially targeted, jailing them with those who are mentally ill and chemically dependent. It makes one give serious consideration to Alexander's suggestion that mass incarceration is the new Jim Crow. One must ask whether or not mass incarceration is a legal means of enforcing *de jure* segregation in this century? Is mass incarceration of African American men in particular the means by which the future growth of the African American race is limited if not seriously curtailed? It is necessary to consider that the current criminal justice system has several parts that begin with legislators who make the laws, to the police who enforce them, to the courts which apply them, to the jails and prison which house the people of color caught up in the system, to the public and business community who decides to hire, to all of us who turn our heads away. It is imperative that the United States strive toward the elimination of racial disparities inherent to our nation's criminal justice policies and practices. There must be the constitutional protection of the rights of all individuals and not just a few. There must be the actual and realized practice of using the Fourteenth Amendment to benefit all citizens of the United States.

The story remains too much the same, boys and young men of color are subject to more surveillance by police in their neighborhoods, partly by virtue of more often living in high-crime neighborhoods. The continued use of "racial profiling" and the utilization of stop and frisk programs are further enhancing the mass incarceration of people of color! These types of surveillance lead to more injustice for people of color.

The question arises as to how a check can be instituted to remove the inherent bias found in policing and the justice system as a whole? There continues to be the failure for grand juries to correct the numerous injustices that have been inflicted on people of color! Because of these concerns and numerous others, the perception that police officers can treat communities of color and their individuals with impunity has served to undermine the trust that is necessary for law enforcement to effectively partner with communities.

The issue of the color of mass incarceration raises the question of whether or not mass incarceration is the “New Racism?” This becomes an issue when one considers the far reaching aspects of mass incarceration. The color of mass incarceration lends itself to the issue of whether or not racism is alive and well as an institutionalized concept. Is mass incarceration the method by which people of color are relegated to a second class lifestyle, by being forced to remain in unemployment zones, further perpetuating the continued establishments of ghettos that lead to a spiral of recidivism of the prison population? The matter of the color of mass incarceration provides a façade for the majority culture to continue to ignore the issue of urban blight and crime infested neighborhoods. The color of mass incarceration encourages a “new” and subtler racism in an age when open, public displays of bigotry have been discredited. Sad to say, the issue of the color of mass incarceration provides the majority population with the thought that people of color contribute to their plight of mass incarceration. It is interesting that the majority population continues to build more prisons and less colleges and universities which causes one to wonder if there is an innate expectation that people of color will continue to populate the prisons and not have an impact on the population of universities and colleges in the United States? It is an American cliché that one can dream big in the United States and become anything one desires. Yet, with the color of mass incarceration, it becomes apparent that a myriad of dreams is housed in prison! One can certainly speculate on whether or not the exorbitant cost of incarceration is really worth it. Considering that about \$70 billion dollars are spent on corrections yearly, prisons and jails consume a growing portion of the nearly \$200 billion spent annually on public safety.

Race continues to be a subject that many refuse sit down at the conference table and discuss in the United States. The issue of mass incarceration is an issue directly related to race relations in this country. The ongoing effects of the mass incarceration of people of color leads to a discussion pertaining to racism in the United States. Mass incarceration, especially the mass incarceration of people of color directly correlates to the future of families and the continued existence of people of color. Again, as Alexander has proposed, is mass incarceration a code

name for Jim Crow? It is apparent that the New Jim Crow of mass incarceration of African Americans, Hispanics, and Native American, but especially African Americans, is another means of segregating and demoralizing an entire race. Is mass incarceration of people of color a return to the Black Codes found immediately after the Civil War? Have we really made any gains since the decision of *Brown v. Board of Education* in 1954? It is becoming apparent that the prison system is another institutional means of subordinating Latino and African American men, thereby ensuring that their social mobility is non-existent. It is apparent when comparing the rate of incarceration for people of color to the number of bachelor, master, and doctoral degrees awarded to young African Americans and Hispanics, that it is more common to find these young men in prison cells rather than in a classroom.

CONCLUSION

The color of mass incarceration is unenviably black, brown, red and yellow. The continued incarceration rates and the continued building of more prisons provide a strong indicator that the color of mass incarceration will remain the same. There must be consideration given to the manner in which the justice system continues to fail to provide justice for people of color. The issue of law enforcement in an equitable fashion continues to plague this nation. There must be consideration given to the manner in which people of color are denied equal protection under law when confronted by the justice system. Is the color of mass incarceration a reflection of the majority society preventing the progress of people of color at all cost? One has to in a comical manner wonder if mass incarceration is the response to the fact that people of color are now dominant in all major professional sports, music, cooking, and even reality television shows, so that now the majority population can boast the fact that people of color, men and women dominate the prison population. The prison system has symbolic cultural effects that extend beyond the physical boundaries of the complex organization of procedures, processes, and material institutions that comprise the criminal justice system. Mass incarceration containerizes, legitimizes and grounds perceptions which associate race with criminality. Yet the majority of people of color victimized by mass incarceration are committed for nonviolent offenses. The reduction of the imprisonment of nonviolent offenders by one half could lower correction expenditures by as much as \$16.9 billion per year! It could be argued that this money could be channeled to public defenders in order to ensure that people of color are afforded their rights under the Fourteenth Amendment of the Constitution and that they are no longer victims of the New Jim Crow.

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POSTSCRIPT

BEING IN ONE'S PLACE: RACE, ONTOLOGY AND THE KILLING OF TRAYVON MARTIN¹

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The killing of Trayvon Martin along with the trial and acquittal of George Zimmerman provoked many discussions and debates: some touching upon painful issues, others just rather painful to listen to or read. What struck me most however were the conversations and opinions about what the killing, trial, and subsequent acquittal meant for our nation. What we came to learn is that the killing, trial and acquittal mean different things to different people. That fact should neither surprise us nor make us hesitant to examine, still further, the complex nature of the Trayvon Martin killing, its aftermath, and the history of our nation.

What I would like to suggest is that at the very core of this tragedy is the fundamental issue of what it actually means for an African American (especially a Black male) “to be” in the United States. I would argue that there is, and always has been, an *ontological* problem here: that there is, in fact, no proper or legitimate place for a person of color *to be*. This problem has been raised many times by different people, including the novelist and philosopher Charles Johnson in his *Being and Race* and by the writer and cultural critic bell hooks [sic] in her *Black Looks*, among other notable Americans.

I am specifically saying it is an ontological problem, in large part, due to the very historical status of “being black” in the United States. Sadly, no matter where Trayvon Martin may have found himself, for too many Americans (including some people of color themselves), he would, by definition, *be* out of place. Thus, the suspicion George Zimmerman had, and acted upon, was a suspicion regarding the very existence of Trayvon Martin because as Angela Davis asserts, “[i]n our society, the assumption is that if you are from a certain racialized community, you

¹ This commentary was originally published in the NAES FORum Pamphlet Series in 2013 (Volume 1, Article 1). It has been slightly modified for publication here.

will have had some contact with the prison system [either directly or not].” And as a result “black men are essentially born with the social stigma equivalent to a felony conviction.” George Zimmerman’s “suspicion,” therefore, of Trayvon Martin, and perhaps of anyone of color, would always render them “out of place,” and hence worthy of observing, monitoring and policing.

Some may feel that this ontological assessment and predicament are an exaggeration of the current state of “being black” in the United States. But I would argue that it does not take much for us to uncover that very fundamental and presumed suspicion of a person of color’s legitimacy, of his or her appropriateness to be anywhere. Take, for example, the sustained suspicion regarding the issue of Barak Obama’s status as a *real* citizen throughout the duration of his presidency by many “concerned” Americans, including Donald J. Trump—the legitimacy of his birth is still doubted by any number of nervous and suspicious people, although apparently it is no longer the salient talking point for President Trump as it was for candidate Trump. This is not just some arbitrary suspicion about Obama’s place (which for eight years was the White House); it is an historical reaction to a black man not being in his proper place, namely where White America can tolerate him. And here is the crux of the matter: due to the very complex history of our nation’s birth and development, it is hard, if not impossible, for a person of color to be ever in the right place—in large measure because every place is a charged and a vexed reminder of how Africans came to be here in the first place. This material history haunts our nation like some racist specter, spooking and frightening too many citizens about the legitimacy of too many *other* citizens—a curse, as it were, that our nation lives with every day, despite the efforts to either justify the suspicion or to outright deny its existence.

There is much more to discuss (including, for example, the very “stand your ground law” that was essential to Zimmerman’s defense). But, no matter what else the killing of Trayvon Martin means to contemporary Americans, it must remind us all (White, Black, Latino, Asian American, Native American, male, female, gay, straight, transgender) that *being in the world*, specifically *being* in the United States is a complex, and still a very dangerous, and at times a very deadly, place to be. “Being” here in the United States has a history, unfortunately a very violent and bloody one. And we who now inhabit this diverse nation need to remain ever vigilant and determined to overcome our many suspicions, but especially the suspicion that automatically makes us assume that Trayvon Martin and the many others killed since him were in the wrong place, and could never actually be in the right place.

Finding one’s place in the world is hard enough, but it becomes an almost impossible journey of self-discovery if we systematically make

being in one's place a mandate to stay in someplace that only those deemed free of suspicion get to determine as appropriate for others (of dubious status). The killing of Trayvon Martin, the suspicion George Zimmerman had of him that led up to the killing, and the many similar manifestations of that suspicion that have followed, remind us that traversing the contours of our nation, and even the streets of our own neighborhoods, has never been free from risk, never free from both historical and ideological misrepresentations. The killing of Trayvon Martin, those killed before him, those killed even before the birth of our nation, and those killed since (in just about every conceivable circumstance) are sad and *real* reminders that we as a nation have a long way to go, as both Walt Whitman and Malcolm X would put it, "to become what we someday will be."

The National Association For Ethnic Studies

Ethnic Studies Review (ESR) is the journal of the National Association For Ethnic Studies (NAES). ESR is a multi-disciplinary international journal devoted to the study of ethnicity, ethnic groups and their cultures, and inter-group relations. NAES has as its basic purpose the promotion of activities and scholarship in the field of Ethnic Studies. The Association is open to any person or institution and serves as a forum for its members in promoting research, study, and curriculum as well as producing publications of interest in the field. NAES sponsors an annual spring conference.

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