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11 April 2019

Criminalized to Silence: A Systemic Denial of Black Victimhood as Exposed Through the Lens of the Black Lives Matter Movement.

**Introduction**

Sodium, a major component of human blood has a residence time of 260 million years, it will take 260 million years for the blood of the countless beings tossed off countless ships during the Atlantic slave trade to leave the ocean (Sharpe, 2016). The physical tolls of slavery are not even a percentage of the way forgotten by the Earth, if this is true how can we expect that within seven or maybe eight generations the social consequences of enslavement have been ameliorated? If we understand that human social interaction is so much more intricate and difficult to study than the physical sciences, might we contend that legislation too cannot be a one size fits all solution? The collateral consequences of law and governance do not equally burden all men and women in this country, and due to capitalism and cultural hegemony those most effected by political decision making are primarily black and brown.

Black and white race relations will be forever informed by slavery’s social, psychological, and economic legacy and because of this is requires discussion (Tatum, 2017). How do we then begin a conversation that has been looming over our heads since this country was a mere colony? Here I offer the utilization of anti-racist protest as framework for understanding the extent racism still plays on the mind of the American imaginary. We cannot “sanitize” the pain of the oppressed in these talks in so doing we would be abstracting the violence of the past, removing the direness to create change to ensure it never happens again (Tatum, 2017; Sharpe, 2016). This allows us to move past our historic roles as victim and victimizer (Tatum, 2017).

Anthropologist Carol Anderson asserts, that by 1860, millions of enslaved people had built 80% of the wealth of the United States. In return for those 250 years, “African Americans had received nothing but rape, whippings, murder, the dismemberment of families, and forced subjugation, illiteracy, and abject poverty (2017). Anderson argues that American courts transferred control of black people from the plantation owner to the carceral state.

We can see that the state saying nothing to condemn these attitudes and actions through their silence has made Black victimhood more prevalent and increasingly difficult to prevent,

Martin Luther King Jr. said he who says nothing about injustice is really in agreement with it and Marc Lamont Hill (2017) said, “for the powerful justice is a right, to the powerless, justice is an illusion (28)”. If this is true, what does it say about this new era that human rights lawyer Michelle Alexander terms the New Jim Crow and what journalist Yawo Brown refers to as polite white supremacy?

This paper aims to illustrate the ways Black/Brown bodies are still widely and prolifically framed as sublegal and less legitimate and is an excerpt of a larger thesis study. Here, I use the way we respond to social movements as a lens to understanding the ways “colorblind” policies have failed in bridging our racial divide and have instead relocated the same problems under new names. I will argue here that this does nothing more than create monuments for American chattel slavery and racial inequality within the minds of mainstream society. I contend that Black capture is ongoing and not past, and here I look to the racialized subjugation within academia and the NFL as microcosm and artifact that America is not the post-racial place it claims to be and to illustrate the varied ways that law, order and policing in America are instruments of social control and profit, rather than necessary protections of the right to life and liberty.

**White Impunity, Black Incarceration: A Review**

The state is a human community who claims a monopoly on the legitimate use of physical force within a given area, this is not hyperbolic speech, this is Max Weber’s definition of a modern-nation state (Geping, 2008). The term monopoly implies the only persons within the bounds of the state that can legitimately use force are those who have the permission of the state, put into context, the near impunity police officers and white offenders can expect in response to perpetrating anti-other violence and killings, is undeniable proof that Black/Brown lives do not really matter in the eyes of the state.

Polite white supremacy is the desire for white people to be comfortable in all settings by maintaining influential control over all situations without acknowledging this power, it is the justification for government sanctioned atrocity under a veneer of civility (Brown, 2015). If violence is inflicted on a less than human being it can then be framed as a mercy (Meyerson, 2017; Livingstone-Smith, 2011).

Psychologically, not acknowledging this privileged position gives the effect that white people work harder than minorities who must be lazy based on statistical “evidence” of economic stagnancy and historic underachiever status. This works to destroy the sense that something must be done about this inequality outside the black community and locates it as a Black problem instead of a human one.

It is personified by the white “moderate”, who are more dedicated to law and order than justice, due to this Martin Luther King Jr. said they were more dangerous to black freedom than the KKK (Harriot, 2018). These are the conservatives who claim all people are equal, stop talking about race, racism has reached its conclusion, or I agree with your message but the way you have tried to gain equality is inappropriate (Ciccariello-Maher, 2017; Sharpe, 2016).

This can be seen through the demonization of protesters in the NFL, instead of trying to empathize and understand the end goal Kaepernick tried to achieve the movement was immediately “recolonized” (Mignolo, 2009) and coopted by conservatives who made it about them, and then later the troops (Blackistone, 2017). The NFL listened to those who complained about the appropriateness and then responded by mandating a punishment. The Houston Texans owner Bob McNair would go on to say: “we can’t have the inmates running the prison” (Blackistone, 2017). These instances of flagrant demonization helped to convince and convert those without an opinion to believe that the primarily black professional athletes have no place in politics or reason. This points to the historic construction and belief that slaves were less than human savages who were incapable of reason and as such slavery was a soul saving mercy (Mbembe, 2017; Meyerson, 2017). During slavery white Christians believed that they had received a call to action by God to not only perfect slavery as it was depicted in the Bible; it was a civilizing mission, the enslaved were saved from their savagery (Meyerson, 2017). Polite white supremacy makes it seem safer to be a white serial killer than a Black person exercising the constitutional right to assemble and speak freely (Brown, 2015).

Social Movements as a Lens to Study Racism

In 2014, British journalist Reni Eddo-Lodge published a blog entry entitled: “Why I’m no longer talking to white people about race,” the response and support was immediate and spurred a follow-up in the form a 2017 book of the same title. Eddo-Lodge argues that because white people never have to be conscious of what it means to be white in the same way a Black person understands their Blackness, “anytime they’re vaguely remined of this fact, they interpret it as an affront (2017, x).” That is, white people often become defensive to the point that they shut down when a person of color indicates that their behavior is problematic and unbecoming of an ally.

It is unproductive then, for my purposes, to begin dialogue from within a majority white space about the dynamics of race by widely proclaiming that my project concerns the institutional racism I posit we here, are all complicit in. Instead, as Eddo-Lodge states because “[t]he journey towards understanding structural racism still requires people of color to prioritise white feelings (2017, x)”, it is fruitless to explicitly address our current issues in justice as a racial one. This is due to the implicit dangers of discussing race with someone who “refuses to see color” lest it offends us. To be Black or Brown and expose your humanity, to show your rightful anger and frustration in regard to someone’s blatant refusal to attempt to understand that another less talked about narrative about “equality” exists, is to re-inscribe in the white imaginary the stereotype of the angry Black person. Instead of being framed as advocate and educator, we are re-imagined, re-framed, as a bully, a threat to their personal safety; anything we said previously has now lost all merit.

It is necessary, that we re-frame and re-locate, the beginning of our discussions on racialized violence through concentrating on the perceptions of legitimacy Black voices have in the eyes of the state and society. This thesis is interested in the ways that the media creates narratives from silent acts of protest. Does the media perpetuate the notion that bodies are hierarchically arranged on a ladder? Are some bodies generally portrayed as more legitimate than others while silently and peacefully assembling? How are those narratives constructed? Which words of reference to Black/Brown survival have we passively accepted as truth?

Eddo-Lodge goes on to say being Black or Brown is a life of “self-censorship”, “[your] options are: speak your truth and face the reprisal or bite your tongue and get ahead in life (2017, xii).” This last quotation can be exemplified within the hallowed halls of academia, two of the authors I will introduce later in this thesis, George Ciccariello-Mahr, and Henry Louis Gates Jr., are not exempt from being victims of racialized violence, the distinction here between their stories and those of Freddie Gray, Michael Brown, Trayvon Martin, and countless others; they are still alive, by virtue of being Black/Brown respectables (Eltagouri, 2017; Lamont Hill, 2017).

Political theorist George Ciccariello-Maher (2016), states that social movements have the aim of rupturing the bounds of the totality, breaking away from the status quo and our normative ways of action, however, to the majority whose lives will be framed as threatened, this rupturing will seem violent. If white people control most capital and therefore power and influence and have historically launched campaigns for miseducation, it stands to reason that regardless of race or background, the majority of study participants felt the need to add a qualifier that states in order for protest to be viewed as legitimate and transformative it has to be done in a way that does not pose a threat to Whiteness.

Qualifications & Disqualifiers for Political Agency

We live in a world where qualifications have never mattered more, largely due to economic competition and debates about the legitimacy of social movements and protest.

Rosa Parks was nowhere near the first Black person to be arrested for not giving up her seat on a bus in Alabama, so what was it about her that catalyzed a community into action? She was a good, church going granny with no prior record, no children out of wedlock and no problematic immediate relatives (Alexander, 2012). Previous Black people who tried to oppose the status quo who did not have a perfect past did not receive support or elicit sympathy from equal rights activists because even in this line of work Black criminals need not apply. The Montgomery bus boycott organizers were waiting for the perfect person to be the face of their movement; anyone with a blemished past would undermine the legitimacy, and political agency of the protest.

Today we do not view unwed mother as unfavorably, today we delineate worthiness along terms such as criminal and terrorist.

Terrorist Designation

Political opponents of Black Lives Matter have worked to re-colonize the oppositional energy of the movement by exploiting instances when black protesters have broken windows or shown any kind of vandalism as justification for their campaign to have the movement designated as domestic terrorism (Ciccarriello-Maher, 2017; Khan-Cullors & Bandele, 2017). This would have the effect of making all anti-racist movements in this country illegal.

In the case of BLM, the state labeled them “violent black nationalists”, and domestic terrorists this political designation works to discredit all anti-racist movements in the US (Khan-Cullors & Bandele, 2017). If it is a terrorist organization than so are its members and the people who look like them, if you are a terrorist you cannot also be a victim which denies black people sympathy and the many auxiliary services being a victim entails.

Who has ever heard of a terrorist being arrested and charged with a misdemeanor? This is empirically proven by looking comparatively at black and white sentencing for the same crime.

To my knowledge, not a single white supremacist group has ever received this same designation, despite the senseless violence and murder that they have inflicted upon marginalized groups since the abolishment of slavery (Khan-Cullors & Bandele, 2017).

**Casual Racism in Contemporary Institutions**

In order for Black people to find full acceptance or success in predominantly white institutions like academia and professional sports, it means becoming an agent of white supremacy (Brown, 2015; Illing, 2018). This is a tool of white supremacist power, in which non-white persons receive special/heightened status in society by enforcing and preserving white supremacy. This has the effect of creating internal divisions in the Black community, undercutting many possible avenues for mobilization, for the revolution will begin when the 80% of the world who lives without in a sublegal, subhuman “undercaste” realizes they are the majority and come together to fight against the naturalized order of things as naturalized through neoliberal ideology (Brown, 2015; Mignolo, 2011; Alexander, 2012 & Wang, 2018). This power relation is maintained through the dualist nature of the English language which created the notion of a person that is inherently good or bad (Castro-Gomez, 2002). Race does not matter except in relation to capitalism, that only works if human difference can be used to exploit labor and excess.

Policing

This form of domination functions especially well within the criminal justice system, primarily the institution of policing. Currently the police operate under few legal constraints due in part to the Drug War and the ability to rhetorically sidestep personal responsibility by using the passive voice in police reports (Alexander, 2012; Brown, 2015). This makes it difficult for the juror’s imagination to construct the “bringer of peace and security” (Fanon, 1963; Ciccariello-Maher, 2017; Brown, 2015) as a being capable of cold blooded murder.

Historically, the construction of policing was created to police blackness, initially this was through the enforcement of fugitive slave laws, then following emancipation black only crimes were legislated in order to keep black people enslaved under a new name (Anderson, 2017; Alexander, 2012). This origin is empirically proven by looking at the ways in which black persons greatly outnumber white persons in prisons through bias. A white person is likely to receive probation for the same drug crime a black person commits, who will receive a felony designation usually in conjunction with prison time (Alexander, 2012). This is nothing more than legislatively codified black disqualification from humanity. For the designation of “felon” has the commission of denying the basic constitutional and democratic rights afforded to Americans (Alexander 2012).

Criminals are the only group we are allowed to openly hate and show contempt in this “Post-racial” era of American history; entitled only to subhuman status. One’s debt to society is not paid in full following jail time, the power of labels extends here resulting in a civic death in which all rights afforded to citizens of a democracy have been permanently stripped away. In a nation that has waged countless campaigns and wars in the name of protecting and extolling democratic principles, it is terrifying to note that a criminal defendant will not be told these rights will be permanently forfeited if they plead guilty to a minor drug offense, they will be accepting a felony offense on their record and entering an un-talked about parallel universe where discrimination is not only perfectly legal it is expected and often times even encouraged.

A felony designation means never being allowed to vote, serve on a jury, qualify for public benefits like government subsidized housing, food stamps, financial aid or being able to get a desirable job that pay enough money to live on comfortably. These sanctions make it increasingly difficult to keep custody of their children as they are not able to take care of themselves. Feelings of hopelessness during this time have lead the previously incarcerated to state that prison was better than being out in the world with only partial human status. The near impossibility of trying to reform and work towards being a better person means reoffending is very likely to happen. The government created this legal limbo of humanity to justify atrocious behavior and continued racial inequality by making it so that no action or road to legitimacy is available. Drug operations are primarily conducted on poor minority communities who are unable to afford a lawyer and fight back, where mass drug arrests are made so that the police can profit from the asset forfeiture of the guilty and federal grants programs for departments who can make as many drug arrests as possible. It is due to this that so many innocent people are swept into the system of incarceration and out of humanity.

Mandatory drug minimums are so daunting it allows overworked public defenders to easily lighten their caseload by telling their clients they would be better off pleading guilty and getting probation even if they are innocent.

The drug war undermines many of the civil liberties promised to us by the constitution by allowing the police to openly discriminate and destroy our rights to privacy. This is accomplished through the wording of the Drug War mandate by the Supreme Court, whose language is so nebulous it allows the police to eviscerate our 4th amendment rights by openly allowing racial discrimination, allowing search warrants based on anonymous tips, expanding wiretapping abilities, warrantless helicopter surveillance of private residences, paying unidentified witnesses and the seizure of all private property including homes and cars of the accused.

In the state of Illinois 90% of those arrested in the name of the Drug War are Black, giving it the nickname “engine of incarceration (Alexander, 2012)”. It is the main contributor to the racial disparities within the criminal justice system. When white drug offenders are actually arrested, they are treated favorably during every stage of the process from arrest, plea bargaining and sentencing. White offenders are more likely to avoid prison and felony sentencing even if they are repeat offenders, dissimilarly, black offenders are consistently labeled and charged as felons so that the prejudice they receive can be justified.

The Drug War operates in a number of ways, the most important is the significant absence of meaningful checks on police discretion is key to its design. Also, key, is the Supreme Court’s facilitation of the Drug War by rulings that effectively eviscerate our 4th amendment protections (Alexander, 2012).

Believe it or not drug crime in America was actually in decline before the War on Drugs was declared in the 1970s, before this, many criminologists believed there was an end in sight for American prisons.

Sociologists and criminologists say that prison is not a significant deterrent to crime, if this true why is the American penal system expanding at the rate it is? (Alexander, 2012; Wang, 2018). Civil rights lawyer Michelle Alexander posits that the American penal system is a system of social control that is defined largely by race and is independent of actual crime trends (2012).

The fear of illegal drug users was a product of a carefully orchestrated political campaign, public concern has very little to do with statistics and actual crime rates, but political initiatives and partisan appeals do (Wang, 2018).

The Civil Rights movement brought forth many changes in American society both expected and unexpected, hearts and minds do not change overnight and as a result, racism became more insidious during this point in our history where racism was codified through legislation and political initiatives. Since racism was no longer fashionable or condonable the status quo keepers found new ways to perpetrate racial violence which began with a shift towards a society who is tough on drug crime. When it became time for white people to make sacrifices in order to meet the gains of the movement, real resentment became apparent and politicians worked to quickly capitalize on the resentment born of notions of white superiority that could be naturalized as fair and appropriate if the enemy is a criminal. Does any of this sound familiar? Politicians competed to win the votes of the poor working-class whites who felt threatened by racial reform.

In order to win swing voters, namely the poor white Americans that got Trump elected, who were beginning to vote Republican, Democratic politicians seized control of the narrative of being tough on drug crime. This campaign was so successful it made Democrats out of virulent racists like the KKK who saw the drug war for what it was: an avenue for the mass arrest of black Americans.

It would seem that Martin Luther King Jr. set up the necessary preconditions for Donald Trump to be elected the leader of the free world. The presidency that is being protested by every modern democracy has been barreling towards us for 60 plus years, and everyone wants to be surprised. The same surprise that registered on the faces and in the minds of many Trump supporters upon discovering despite his anti-other rhetoric, Trump does not have the best interests of the everyday white American at heart as his policies adversely affect them economically more so than any other demographic because there is no affirmative action to prioritize their needs once public aid money gets slashed to provide tax breaks to the wealthy, the only group our current administration shows concern for.

This was an especially problematic strategy as political allies to African Americans were forced to adopt strategies and rhetoric to prove how tough they could be on societies’ dark-skinned outcasts.

Clinton has largely been lauded as the first president to care about black social needs despite the fact that he was responsible for the strengthening and expansion of the War on Drugs that would go on to be the single largest contributor to black hyper incarceration. In a symbolic act, in order to secure the white working-class vote, he flew home to Arkansas to oversee the execution of a mentally disabled black man for the murder of a police officer. The man, Ricky Ray Rector was said to have been so mentally limited that he asked that the desert for his last meal be saved for the next day.

The news and police procedural shows are told from the perspective of law enforcement which helps to perpetuate rhetoric and narratives that are incomplete, due to simplicity of factors that lead the viewers to the falsehood that only goal of the justice system is keeping us all safe (Alexander 2012). Emory University professor Carol Anderson boldly asserts to the contrary of the aforementioned misrepresentation, that when slavery officially ended:

Southern courts transferred full control of black people from the plantation owner to a carceral state. The instrument of re-enslavement was a brutal deployment of sheriffs, judges, and hard-labor punishment for black only offenses such as carrying a firearm, making an insulting gesture, or stealing a pig. African Americans were then swept into the prison system to have their labor fill the coffers of the state and line the pockets of the plantation, mine, and lumber mill owners (2016, 28).

This claim is bold in many ways, first by daring to point out a very obvious fact that opposes the mainstream narrative that the primary function of policing is to keep the peace. Empirically we know that this is a smokescreen, as the majority of arrests made are drug related, and since most countries view addiction as a health problem these are superfluous arrests (Alexander, 2012).

Alexander says that the media that perpetuates these falsehoods, is a “fictional gloss placed on a brutal system of racialized oppression and control” (2012, 59). Trials, the key to “justice” are rare, most people arrested in the name of the Drug War will never even meet with a lawyer and when they do go to trial witnesses are coerced or paid by the government to give testimony for the prosecution. Clinton’s drug policies made penalties so severe it made it easy for overworked public defenders to coerce their clients into pleading guilty, especially if they were innocent, believing it would allow them to quickly get back to their lives only to find out that the effects of a “felony” designation will be an impediment for the duration of their lives.

The NFL

I focus here on the NFL as microcosm and artifact that America is not the post-racial place it claims to be. In our colorblind post-civil rights world, it is no longer appropriate to openly discriminate against someone who is innocent. Today, we hide our racial biases under the guise of upholding justice, accountability and respect for one’s country, but as I will illustrate these standards only matter in relation to Black/Brown bodies (Alexander, 2012; Bonilla-Silva, 2003; Illing, 2018).

Professional football is considered an arena where masculinity is best observed, it is a hotbed for exercising American nationalism, it is violent and full of military metaphors: It’s played on a “gridiron” there are “blitzes” and “bombs thrown into the end zone” teams “march” down the field to conquer one another (Illing, 2018).

Ben Carrington, professor of sociology and journalism at the University of Southern California says, “people like to talk about sports as a post-racial space in American society”

as one of the first integrated arenas of American society it would make sense that this is true. However, he goes on to say “but it’s probably the most racially tinged spectacle in modern society.” This is substantiated by the language commentators and analysts use to talk about white and Black athletes and shows that race is always there, always looming. White quarterbacks are referred to as “heady” or “hard-working” or a “coach on the field,” and black quarterbacks are “mobile” or “athletic” or “explosive.” We’ve got all these stereotypes that are constantly reinforced with this coded language. This is why sports concerns and confirms the notion of racial difference more than any other cultural medium (Illing, 2018).

The real objection to the NFL protests is not the awareness it sought to bring or that it actually offended anyone for undermining the importance of country and the sacrifices made by the military in upholding our freedoms until the conservative media told them it did, rather it is the result of power dynamics, in this protest, “Kaepernick has shown agency and power in speaking about political issues... this is about an organization trying to reassert its power over the player” (Illing, 2018).

Many sports psychologists look to the intersection of race and professional athleticism because it very much is a Black male dominated “industry” (Illing, 2018). Let’s look closer to this word industry, it implies that profit is to be had and since most professional sports teams are white owned and the majority of players are Black, many scholars liken this power and economic structure to modern slavery this comparison has only been made stronger in the response to this protest movement.

Colin Kaepernick has essentially been blacklisted from the NFL for expressing dissent with the state, our very fine president responded by saying, “Wouldn’t you love to fire those sons of bitches?” and Houston Texans owner Bob McNair responded: “we can’t have the inmates running the prison” (Blackistone, 2017). The prison, there is no clearer link to Black capture and contemporary notions of inferiority and inherent criminality than this statement which sees McNair equating himself as master and jailer.

These instances of flagrant demonization helped to convince and convert those without an opinion to believe that the primarily black professional athletes have no place in politics or reason.

**Data & Analysis**

Criminalizing Black Protest

The morning of Donald Trump’s inauguration saw mass anti-hate protests not only spread throughout the United States but also in major cities in around 30 other countries in the world. We did not hear much about these protests on TV, in fact, it was only in the process of finding images of anti-racist protests for a presentation that I was made aware of just how large the movement against Trump was.

In an underpublicized act, 234 protesters were arrested in a field outside Washington D.C., because these protesters were expressing their dissent with the inauguration of Donald Trump happening across town (Leven, 2017).

If you looked up photos of the Inauguration Day protests you will see tens of thousands of people protesting Donald Trump’s presidency, peacefully and civilly, and only a few depicting the limited instances of the violence that often accompanies protesting (Rossman, 2017; Brown, 2015). The idea of Black protesters being criminalized has been naturalized into the discourse surrounding the legitimacy of social movements and protests in contemporary America. Long before any physical violence or vandalism ensues, Black protesters are already labeled “thug”, “looter”, “criminal”, and “complainers”, while white people can freely without consequence go out and destroy public property following the victories of their favorite sports team, the media does not criminalize them, they call them “revelers” (Brown, 2015). This reduces peaceful black activism and resistance to criminal activity and white celebrants who go too far to good old-fashioned fun. Calling protesters criminals in the media conditions mainstream society into believing the movements do not have legitimacy, so the American people can justify standing by and with apathic eyes watch while the same militarized tactics used during the Civil Rights Movement are resurrected without once questioning the use of force.

In both instances of protest the government choses to respond with the same iron fist,

instead of acting as peacekeepers the police took to militarized tactics, while the military was deployed to stand guard as if signs and chanting are somehow tantamount to destroying property and pillaging.

The court would go on to say that even those swept up in the mass arrest who did not personally throw bricks into windows, were still guilty by association, by not leaving when a few people went violent, for wanting to be a part of the protesting anyway (Rossman, 2017). They were charged with multiple felonies including that of rioting; if convicted they each stand to spend decades in jail (Rossman, 2017). The severity of the consequences sends the message that those who attempt to protest the rhetoric of white nationalism in America will never be safe or free under this new administration.

The majority of current studies of contemporary racism focus on the utilization of surveys in order to understand how racism operates currently, Bonilla-Silva (2003), states this premise is ineffective because it underestimates the true extent of race-based beliefs among white survey respondents in colorblind America. Bonilla-Silva sites two main reasons for this: First, following the Civil Rights Movement researchers failed to adapt their Jim Crow Era questions to measure racial attitudes, to reflect the change in social consciousness and shift towards race neutral terms. This had the effect of miscalculating the level of tolerance whites had for Blacks. Second, the interpretation of ‘agree’ and ‘disagree’ answers are subjective in that there is no consensus on how to rate your feelings on a spectrum. “In sharp contrast to survey researchers, most qualitative researchers conceive of ‘racism’ as having a structural foundation (Bonilla-Silva, 2003).” This study aims to understand racism as something with a collective nature “and thus affects the consciousness of all actors in any society” (Bonilla-Silva, 2003). This was accomplished through the utilization of qualitative data collected from Communications students at Illinois State University, this entailed asking open ended neutral questions and doing analysis of the general themes and views that were continually expressed that point to the fact racist sentiments still exist on a prolific level that we cannot grasp because of the way we dance around what we want to say due political correctness.

I posed the following questions to assess beliefs about the role of inequality, civil disobedience, peacekeeping efforts by police, Colin Kaepernick and the political agency of individuals in society:

1. Are we all seen as equal in the eyes of the law? Is there a demographic you believe is treated unequally? Provide examples for why or why not you believe so if you can.
2. Should personal principles matter in terms of the law, for example, if individuals think a law is unjust is it important for the health of society that they follow it anyway?
3. If you can, share an image you recall of police action in keeping the peace during a protest or political demonstration. Do you think the response was appropriate? Why or why not?
4. What do you understand/know about the NFL kneeling protest movement that was begun by Colin Kaepernick? Do you think society and/or the NFL responded appropriately, why or why not?
5. Do you think political demonstrations during the national anthem is appropriate for protest, or a sign of disrespect, and why do you think so?
6. What do you think is the most appropriate way to protest state actions we don’t agree with? Why?

The first three questions were not meant for deep rhetorical or discursive analysis, but rather to get a snapshot of how my study participants openly view the role of racism in the world at large. Further and to understand if they would

Question four was meant to understand how pervasive and effective the media campaign to coopt the narrative from Colin Kaepernick was and whether it could expose the full extent racial inequality still plays in society by looking towards the first racially integrated part of American society. I wanted to see how distorted Kaepernick’s argument became after two years of television, newspaper and social media coverage, as well as, what, if any, key phrases of the counter narratives meant to delegitimize Kaepernick’s efforts, would be repeated. Question five was meant as a follow up, I wondered if I removed race from the question of legitimate protest, would some study participants contradict themselves on the appropriateness of silent protest during a public event like the national anthem. It was interesting enough to note that people who stated they personally liked Kaepernick either thought his protest was appropriate or they expressed they did not understand why people cared. Some stated that they were okay with his message but did not agree with the timing of the protest and said that his “backup quarterback talent” was not worth the effort to keep him in the NFL, given the controversy he stirred up.

The final question asked on the survey is what I will focus most analysis on as it gets to the point of the study, the answers given in response to this question also exemplifies colorblind America’s casual racist speech strategies as outlined by Eduardo Bonilla-Silva (2003). I saw many of these themes and patterns emerge during data analysis, the first was the issue of respect, peaceful, and non-violent.

In answering the survey question regarding participant’s perceptions of the most appropriate way to protest state actions, the top four keywords mentioned are, non-violence, attention, peaceful, and respectful. We can begin to conceptualize by understanding the ways race has been politely folded into a larger seemingly more neutral discussion about respect, in order to strip the legitimacy and political agency of the articulator. In broader context, this means respondents assume that protest will devolve into violence and therefore are inherently not peaceful. They also asserted that a key function of a successful social movement and protest is the ability to bring attention to them. To them violence is equated to attention, this is a reflection of the way the media only covers and discusses in depth, the images and instances of violence and destruction that only periodically arise from generally peaceful protestation. Of the respondents who provided a location they believed protest had a right to take place, overwhelmingly they gave places like parks and fields that were out of the way, so as not to disrupt everyday life. This gives the idea that the agency of protest in the people’s imaginary is that it provides the illusion that individuals under democratic regimes have an actual say in our governance.

One-third of respondents wanted to make absolutely clear they believed violence had no place in protest. The most concrete language that was offered in response was used in delineating what they absolutely thought was inappropriate in protest, words like rioting and destruction were widely used, whereas abstract words like peaceful and respectful were most often used while describing protest that was the most legitimate. Peaceful and respectful are still abstract words despite the images they conjure in our minds because they are subjective, they represent different things to different people.

**Prescriptive Solution: The American TRC**

The question here that remains to be answered, is how we move forward as a society in light of the aforementioned conditions? How do we imagine and enact change while reconciling with a past that is not yet past? The future of equality lies in Truth and Reconciliation for the atrocities of slavery, that are still ongoing under new terms (Sharpe, 2016; Alexander, 2012; Ciccariello-Maher, 2017). An American Truth and Reconciliation Commission modeled off those in South Africa, Canada, South America and previous small community based American TRCs for race-based violence could be the next step (Collins & Watson, 2015).

Past TRC’s were not completely effective largely due to the fact that they were looking to solve systemic problems by focusing on individual perpetrators instead of the laws, and structures that created a market or opening and maintenance for said atrocity to occur.

The necessary modifications for an American TRC include:

The government structures and individuals need to be examined in the process of gathering truth and because of that the TRC should not be undertaken by the government as that would allow the TRC to fall victim to the problems of past commissions, which gives the government the authority to define what ‘truth’ and ‘reconciliation’ should look like (Collins & Watson, 2015). Due to past precedence it has been recommended that an American TRC would work best as a part of a grassroots mobilization, *by* the people being affected.

The problem with this is evident in the news, Black protesters and allies have met violent and brutal resistance by the status quo keepers since the dawn of America. The question here remains, how do we resist loud enough to be heard without the threat of death?

Despite the aforementioned horrors of being a minority within the academy, this could very well still be the best, safest place to begin the processes of truth and reconciliation. Here, testimony for atrocity can be legitimized and naturalized into fact by (re)creating parts of the historical record the state would like to pretend does not exist by destroying it (Inwood, 2017; Collins & Watson, 2015; Sharpe, 2016).

The process of Truth and Reconciliation would be best supported by simultaneously decolonizing rhetorically (Ciccariello-Maher, 2017); a refusal to refer to the perpetrators of atrocity on their own terms, no more media reports about the Alt-Right, we will call them the neo-Nazi’s and white nationalists they are. This will mean utilizing counter discourses that will constitute differing political identities slamming into each other, and in the process transform themselves and their worlds in the process. Body-political identities are forged through struggle, and it is here they can be re-forged (Ciccarriello-Maher, 2017). This means we will no longer allow ourselves to be placated by utopian ideals of assimilation; it is a myth, a smokescreen, absent the reconciliation this can bring us. The process of creating new intersectional identities lies in these counter discourses, previous attempts to enact change legislatively have failed due to the dichotomous good or bad that is supported by law (Mignolo, 2009).

This paper then, choses to turn to the ontological to name and resist the “colonial disqualification of certain subjects from humanity” (Ciccarriello-Maher, 2017; 118), this has the effect of rupturing the border between “us” and “them”.

This includes changing the normative framework/narrative that is being pushed on schools (Castro-Gomez, 2002; Tatum, 2017), by demanding schools that receive government funding teach our children a full, uncensored, non-white washed version of history, to ensure that the horrors of the past be unimaginable to perpetrate again (Sharpe, 2016; Mitter, 2017).

Legislatively, we can end minimum sentences for non-violent crime, tax cuts for companies that use prison labor, and make for-profit prisons illegal (Alexander, 2012; Wang 2018). Last but not least we need to end the stigma of incarceration, this means destroying the felony designation and its secondary consequences (Alexander, 2012). We can also place a moratorium on building new prisons that are funded by the budget cuts to social welfare programs and public housing that felons lose access to for life upon conviction (Wang, 2018).

All of the above-mentioned points to the very real fact that the greatest barrier to realizing equality for all is the link between Blackness and exploitation. Black labor is exploited and extracted to this day under the guise of punishment, prison labor. Black pain is coopted by white artists and voices for profit and attention; it is a form of mobilization to move the public consciousness from what is really happening. This is evident in the use of Emmitt Till as artifact, in order to disrupt the running narrative that the state does not value Black lives, Jeff Sessions orchestrated a cover up, a cynical play in reopening the murder investigation of a Black teenager, from 63 years ago (McLaughlin & Grinberg, 2018; Tyson, 2018; Newkirk, 2018). This was an act meant to show that this administration is not racist, but instead showed us the only Black life they framed as worthy of sympathy is one so far dead, accountability is only symbolically available, because Emmitt’s killers are long dead, and the woman who accused him of flirting with her leading to his death, she has already been framed as too old and fragile to face repercussions for her role.

**Conclusion**

This paper has been shaped and prefaced by my own personal experience and complicity in the preservation of the “colonial matrix of power” (Mignolo, 2009), as the child of a 20-year veteran cop from a liberal college town, I thought the world was simple, that racism did not extend beyond rural towns in the former confederacy, and black people should just stop resisting, but then George Zimmerman was found innocent by a jury of his peers. George Zimmerman’s fear of a Black kid in a hoodie holding a piece of candy was enough reasonable doubt. I was around Trayvon’s age when this happened, I had a little brother who would soon be a target if he was not already one, these factors urged me to become a better more civic minded citizen. I realized Black children didn’t have the same luxuries their white peers do, we cannot ignore current events or politics because they were negative, our lives and positionalities are up for debate, our premature deaths current and palpable.

The images created by the labels used against Black/Brown people are how I believe Donald Trump got elected in the first place, this means the entire world is a secondary victim to the legalized violence inflicted upon Black persons in America. It is everyone’s job to counter the racialized dehumanizing rhetoric that was able to mobilize and inspire a mass following of people who never before cared about civic engagement.

This study shows that college students do not know any way to interact with our democracy than by voting, but other studies show that the majority of Americans only vote in presidential elections and students of this generation vote even less than the previous ones. Occupy Wallstreet movement co-founder posits that maybe the time of the American protest might be over and maybe it might be for activists to consider running for local and small-town politics and seeking to reform the system legislatively from the bottom up.

Further study here could involve undertaking more research on a larger scale than one department in order to define what peace and respect look like to most individuals as these were major questions left hanging after the conclusion of this study. If we can get a more in depth understanding of what society views as legitimate modes of publicly displaying dissent, we might be able to curate the perfect protest in order for individuals to realize the agency needed to change the problems with the status quo that maintains structural violence and inequality.

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