

WILLIAM T. HOSTON

BLACK
LIVES
MATTER

RACE and the
BLACK MALE
SUBCULTURE

THE LIVES OF TOBY WALLER



Race and the Black Male Subculture

William T. Hoston

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The Lives of Toby Waller

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To My Brothers
Feddrick M. Hoston
Release Date: 01/20/2031
Cleveland R. Wilborn
Released: 05/21/2013

To My Uncles
Willie A. Holmes
Released: 07/10/2015
Recardo J. Holmes
Release Date: *Life in Prison*
Timothy C. Holmes
Released: 09/16/2013

*Acts 3:19: Repent ye therefore, and be converted, that your
sins may be blotted out, when the times of refreshing shall come
from the presence of the Lord. ~KJV*

To My Son
William Terrell Hoston Jr.
*You were birthed to fulfill God's purpose for you and take unconditional
care of your mother.*
You have the greatest mother in the world.
Daddy loves you.
I pray that you will be a drum major for justice
Like the Kings before you
On April 4, 1968/The world lost a King
On April 4, 2015/A King was born
The King of all Kings

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BOOK ABSTRACT

Race and the Black Male Subculture is a study of black masculinity in the twenty-first century. Through a series of critical, interdisciplinary chapters, this book examines the image of the black male in American society as a Toby Waller stereotype. He is the fictional, yet symbolic character from Alex Haley's highly acclaimed book and mini-series, *Roots*. It is a richly detailed, fictional story about slavery and one enslaved African man's struggle to regain freedom. The parallel of the life of enslaved Toby Waller is similar to present day black males. Both are individuals who are often stripped of their cultural identity and exist within an institutional and systemic framework that devalues black male life. This dichotomy is the historical platform to discuss how those in the annals of white America demarcate, which embodiment merits inclusion into societal acceptance.

The goal of each chapter is to explore salient concerns affecting the black male, relative to the Toby Waller stereotype, by using a race and crime intersectional analysis to understand the experiences and contexts that, correspondingly, generates reflexively to what can be regarded as the black male subculture. This book is organized into three parts: the first part introduces chapters that discuss the devaluation of black male life; the second part sheds the spotlight on white privilege and social and legal inequality; and lastly, the third part provides an ethnographic history of two black males, one who chose a life of crime, and another, who was wrongfully convicted and imprisoned.

Introduction: The Toby Waller Stereotype

The image of the black male in the twenty-first century is projected as a Toby Waller stereotype. He is the fictional, yet, symbolic character from Alex Haley's highly acclaimed book and mini-series, *Roots*. It is a richly detailed, fictional story about slavery and an enslaved African man's struggle to regain freedom. The parallel of the life of enslaved Toby Waller and present day black males is that, by and large, their lives are on a similar plane. Both are individuals who are often stripped of their cultural identity and exist within an institutional and systemic framework in American society that devalues black male life. For centuries, the embodiment of black males has been subjected to racial castigation. Their societal worth has continually been a cord of debate. Once counted as three-fifths of a person in the US Constitution, the struggle to fight for their devalued status has at times been challenged by a society that has yet to grapple with the history of slavery.

Roots stands as one of the more important mini-series in American cinematic history. This iconic mini-series, based on Haley's 1976 book, *Roots: The Saga of an American Family*, was an attempt to address the sensitive topic of slavery in a truthful manner. The eight-part mini-series aired in the homes of millions of Americans who were finally exposed to the visceral, unjust, and brutal images, and subsequent effects of slavery. For black Americans, the timing of the mini-series after the Civil Rights Act of 1964, Voting Rights Act of 1965, formation of the Black Panther Party for Self Defense (1966), deaths of Malcolm X (1965), and the Rev. Dr. Martin Luther King Jr. (1968), the consciousness bred from the

Civil Rights Movement, and the black intellectual initiatives of the 1970s led black Americans to appreciate Haley's mission. The timing was conducive to provide a significant narrative in American history.

Roots received many awards and nominations for its courage to provide a cinematic visual to educate those whose knowledge and understanding of slavery was only made available through literary works. The mini-series is highly credited with helping to better understand race relations in American society. The narrative revolves around the main character, Kunta Kinte. He is the antithesis of Toby Waller. Kunta Kinte life's journey is tracked from free African to American slave. He is a Gambian-born African, who is captured and transported through the middle passage to the states, and sold at an auction as chattel property to new slaver owner, Massa John Reynolds. In the book, Kunta Kinte is sold to the slave plantation of John Waller. Despite this minor difference between the book and mini-series, the center of the exchange is the relinquishment of Kunta Kinte's status as a human being.

Upon Kunta Kinte's purchase, Massa Reynolds renames Kunta to Toby. He then assigns Fiddler, an older black male slave as his overseer, to teach Toby how to speak English, be subservient, and mentally train him to be a good nigger slave on the plantation. Massa Reynolds wants to strip Kunta of his natural identity and suppress his inclination to think as a free African. He is adamant about Kunta embracing the name of Toby; however, Kunta wants to retain his birth name to preserve his African identity and culture. Early on Kunta does not allow Fiddler and the other white overseers on the plantation to break his will and create a vulnerable mental state of mind. Kunta attempts to escape from the plantation four times, but each time is unsuccessful. He rejects the notion that slaves should wear chains, shackles, and be held in bondage.

There are two poignant scenes in the mini-series (for me) that best exemplifies his desire to remain a free African. The first is when Kunta plans to escape and Fiddler returns to their quarters to find that Kunta has broken his leg chains. Initially upset that Kunta has not obeyed his orders nor adhered to his teachings, Fiddler lashes out at him. He slaps Kunta and says, "Damn you nigger, didn't you think nothing about me?" After an exchange, Fiddler further tells Kunta, "You was mine to turn into a good nigger!" Kunta begs Fiddler to run away with him while Fiddler packs Kunta's belongings to help him and convey to Massa Reynolds that he had no knowledge of the attempted escape. Fiddler is against running away in fear of the physical repercussions. He tells Kunta, "You should

have left them chains alone, nigger,” and Kunta replies, “Chains ain’t right for nigger, Fiddler.” At that moment, there is a pause, a pause in the name of liberation. Fiddler finally realizes how important freedom is for Kunta. This transcendent scene shows a Fiddler who wishes he had Kunta’s courage, strength, and understanding of the worth of freedom. Born into slavery and oppression, Fiddler has never experienced the autonomy of that world. He responds to Kunta, “Lord, you sure is some mighty child.”

After this particular failed attempt for freedom, the second moving scene was when Mr. Ames, a white overseer on the plantation, and group of bounty hunters return Kunta to the plantation. Fiddler was alerted by one of the fellow slaves. Even though Fiddler had warned him not to escape, upon Kunta’s capture, Fiddler went through extraordinary measures to protect him by visiting Massa Reynolds to spare Kunta from a brutal whipping. This was to no avail. Massa Reynolds turned Kunta over to Mr. Ames. While lifting Kunta by rope to whip him, Mr. Ames summons the other slaves to watch. He explains to them, “You’re going to see how a bad nigger gets turned good.” Mr. Ames instructs James, a fellow black slave, to whip Kunta until he relinquishes his rebellious ways and finally acknowledges his name as Toby. During the whipping, there were temporary pauses.

Mr. Ames: What’s your name?

Kunta: Kunta, Kunta Kinte.

The whipping commences again.

Mr. Ames: When the Master gives you something you take it. He gave you a name. It’s a nice name. It’s Toby and it’s going to be yours until the day you die.

After several temporary pauses between the whippings, Kunta finally submits.

Mr. Ames: What’s your name?

Kunta: Toby.

Mr. Ames: Say it again. Say it louder so they all can hear you. What’s your name?

Kunta: Toby, my name is Toby.

Mr. Ames: That’s a good nigger. Cut him down.

After being cut down, Fiddler comes to Kunta’s aid to comfort him. In response to his pain and anguish, Fiddler says, “What you care what

that white man call you? Make you say, Toby. What you care? You know who you be, Kunta. That's who you always be, Kunta Kinte. There gone be another day. You hear me. There gone be another day." These words were symbols to exhibit a point of enlightenment. Fiddler further understood Kunta's deep-seated aversion to be mentally, physically, and culturally transformed into Toby. Kunta is willing to die to keep and maintain his identity. This is the juxtaposition of a life born into slavery versus one knowing freedom and becoming enslaved. Even after Kunta submits to being called Toby, he still made attempts to escape. The mental plane of Kunta and those on the Reynolds's plantation never met despite all residing in the same oppressive environment.

Do black males in the twenty-first century have a dueling identity? Do these males live in a subculture within the larger culture that has ingrained beliefs and interests that vary from the other cultures of American society?¹ Inasmuch, are these beliefs and interests shaped by a keen understanding that black males are subject to institutional and systemic practices and behaviors that devalue their human existence due to the color of their skin?

Consider, as baseline examples, Kunta Kinte is a black male who projects with a sense of indelible pride, pro-black, heightened level of black consciousness, identifies with the positive and negative factions of the black male subculture, and understands the importance of physical, mental, and spiritual liberation. This black male fights against cultural hegemony to define his own sense of self. These attributes can be generated from positive mentors and influences that recognize cultural competence is needed to foster a generational effect on black males. This person comprehends that a strategic approach is needed to overcome structural and cultural forces detrimental to black male life.

Given the negative institutional roadblocks in American society, think of Toby Waller as a black male beaten into submission by structural and cultural forces. Generally, the adverse economic and social barriers faced are not met with a cultural-responsive agenda due to the lack of positive outlets. In turn, institutional and systemic racism and discrimination further highlights his struggle because he has not been resourcefully equipped. This black male is left to cross a faulty bridge to overcome his circumstances. There is limited conscious motivation and, as a result, goals and dreams are redefined to match the definition of success in his own social environment. In many cases, he finds it difficult to navigate down a path from adolescence to adulthood without proper guidance of

a traditional family structure. Thus, physical, mental, and spiritual liberation is elusive in his quest to become a productive, contributing member within the framework of American society.

Too often black males are seen as a homogenous group. However, they differ and go through developmental processes that shape their cultural identity. The competing ideologies of race construction and masculinity have worked to marginalize black males to a subculture grouped together by the beneficiaries of white empowerment. Because race is a social construct, excessively the image of the black male in American society is projected as a Toby Waller stereotype. The stereotypical depictions of members in the black male subculture are as “niggers,” “who are subhuman,” “who are angry,” “who are aggressive,” “who are hyper-sexual,” “who are thugs,” “who are criminals,” and “who are violent,” which makes it difficult to be free in their own black bodies. These stereotypes are so racially driven and intertwined that black males are constantly in a daily struggle to shed them for their own human survival and mental well-being.

Through a series of critical, interdisciplinary chapters, this book examines how the lives of many black males are spent attempting to avoid institutional and systemic forces that use modern-day slave methods as a form of social and racial control (e.g., being slaves = limited productive opportunities and quality resources; whippings = racial profiling, arrests, wrongful convictions, unarmed deaths, the devaluation of black male life; noose = life in prison and eventually death by incapacitation). An accurate depiction of most in the black male subculture shows that structural and cultural forces contribute to their being born into a single-parent household with no father, growing up and living in impoverished environments, attending rundown public schools, and exposure to drugs, gangs, and crime at an early age, which harmfully impacts their lives.

In the mid of a complex web of forces, that often, strips the black male of his identity, many in the subculture live their lives in an identity crisis. Some choose to assimilate adopting a European frame of reference in an effort to avoid the institutional and systemic whippings. Others form a pro-black and/or black pride identity challenging the status quo despite repercussions. Then there are those who master the strategic balancing act of race as a social construct. These black males understand the political meanings of “black” and “white” skin color while maintaining the ability to be responsible, progressive, and define their own blackness and masculine norms.

Race and the Black Male Subculture explores salient concerns affecting the black male, relative to the Toby Waller stereotype, by using a race and

crime intersectional analysis to understand the experiences and contexts that, correspondingly, generates reflexively to what can be regarded as the black male subculture. This book voices the need for black masculinity to be decoupled from white masculinity in order for both to have a clearer, neutral portrayal of life as a male. Hopefully, a bridge will be formed to further observe that an interdisciplinary, and many times unconventional, approach is needed to understand that there is more than one way to delve into concerns structured around race and crime—especially when it comes to the black male subculture. Such approaches are imperative to appropriately dissect and probe beneath the complex layers of black masculinity.

This book is organized into three parts. Part I introduces chapters that discuss the devaluation of black male life. Chapter 2 is an open letter to the *Beneficiaries* of white empowerment. It is written to discuss the institutional and systemic framework in white America that allows the continued shootings and fatal killings of unarmed black males by white police officers. Chapter 3 transitions to the controversial legislation in Florida, “Stand Your Ground.” It looks at the political and legislative activity of black state legislators in their efforts to repeal this self-defense law that has contributed to a legal system that fails to secure justice for black males. Using a multi-methodological approach of bill analysis and interviews of black legislators, this chapter explores whether they have introduced and passed laws that provide substantive representation or are they merely descriptive representors in the post-Trayvon Martin period. Chapter 4 explores the increasing number of black-on-black murders in the city of Chicago. While intraracial murders are not a new phenomenon, the city has consistently had the highest number of murders per year in the last decade. This chapter posits that the lack of black fathers in the home is one of the chief determinants that lead to the increasing number of black males that devalue the lives of other black males. Using an autoethnographic method, which analyzes personal experiences in an attempt to better understand cultural experiences, this chapter provides case studies of three black males from Chicago to explore how having a father shaped, molded, and helped channel their attitudes and behaviors.

Part II of this book sheds the spotlight on white privilege and social and legal inequality. Chapter 5 discusses the Michael Brown grand jury decision in Ferguson, Missouri and illustrates how, in the aftermath of his death, the St. Louis County prosecuting attorney, Robert P. McCulloch and his team, abused their prosecutorial power in favor of Officer Darren Wilson, which resulted in the non-indictment. The inbuilt systemic

discrimination and racism entrenched in the municipality of Ferguson provided McCulloch and his team the prosecutorial power to select certain jurors and sway their decision, by deciding what charges jury members would consider, who would testify, which witnesses were credible, and what evidence to present. As a result, McCulloch and his team dictated and controlled the decision of jurors to return a preferred outcome of non-indictment. Chapter 6 examines whether white police officers in the twenty-first century harbor racial feelings toward black males leading to the fatal shootings of unarmed black males. Drawing from interviews of white police officers, this chapter asks, are black males targets of long-standing racial problems with the police? Do white police officers over-police black males? Do white police officers have a “shooter’s bias”? Despite the national attention delegated to this widespread problem, there continues to be shootings. The flurry of disproportionate fatal shootings in recent years prompts the black male subculture to ask the above stated questions to white police officers as a method of addressing these concerns. Chapter 7 provides an opportunity to juxtapose white businessmen in the state of Colorado profiting from building marijuana dispensaries when they have in the past led the charge in the so-called War on Drugs, which disproportionately arrested and incarcerated black males. This chapter dissects the racial elements of this twenty-first-century form of injustice that continues to incarcerate black males, whereas now, there is a legal drug industry for white males to profit.

Part III of this book provides an ethnographic history of two black males, one who chose a life of crime, and another, who was wrongfully convicted and imprisoned. Marquis Glover served over 22 years in the US penal system for the felony offenses of drug trafficking and other crimes, whereas, Cornelius Dupree Jr. was exonerated by DNA testing after spending 30 years in prison for a crime he did not commit. Chapter 8 focuses on Marquis Glover. Mr. Glover recently spent 14 years in prison for the felony offense of trafficking cocaine. The goal of this chapter is to allow an ex-drug dealer, who accepted the conventional goals of American society, but rejected the socially legitimate means to achieve them, to speak for himself to better understand why he chose a criminal lifestyle. Mr. Glover gives an account of his life story, thinking about crime, and decision to engage in a way of life that set the stage for spending nearly half of his life in prison. Chapter 9 in the book deals with the life of Cornelius Dupree Jr. who served 30 years in prison for a 1979 alleged rape—robbery crime of a white woman and was later exonerated when DNA testing proved his

innocence. In this chapter, Mr. Dupree engages in a comprehensive interview that discusses his background, the investigation and trial, eyewitness misidentification, the importance of DNA testing, and life after exoneration. All discussed in an effort, to better understand the racial injustices within the criminal justice system.

All chapters in this book present the most recent concerns relevant to the black male subculture. Their intent is to heighten awareness, social consciousness, and help provide physical, mental, and spiritual liberation to those who have been structurally and culturally beaten into submission while attempting to break free from the image of a Toby Waller stereotype.

NOTE

1. The black male subculture is defined as a broad term to include all black males. The term does not imply that black males are a monolithic nor homogenous group.

PART I

Devaluing Black Male Life

Black Males are Human Beings: An Open Letter

Dear *Beneficiaries* of White Empowerment,

Today, I come to you as a friend in need of your understanding, consideration, and support to please stop the shootings and fatal killings of unarmed black males by white police officers. I know you are familiar with the series of senseless deaths of black males, which has gained national media attention in recent years—Walter Scott (50 years old), Samuel DuBose (43 years old), Michael Brown (18 years old), Trayvon Martin (17 years old), Jordan Davis (17 years old), Tamir Rice (12 years old), and a host of others (see Table 2.1). The majority of these fatal clashes are the result of white, overzealous police officers who use racist law enforcement practices, which ultimately, leads to unlawful use of deadly force.

The US Bureau of Justice Statistics (BJS) released a report in 2011 that found from 2003 to 2009 there were a total of 4813 “Arrest-Related Deaths” (ARD) while police officers were either attempting to make an arrest, restrain them, or shortly afterwards. Thirty-two percent (1529 total) of victims were black representing a greater proportion of ARDs (see Table 2.2). The manner in which they died shows that homicide was the leading cause in 937 cases.¹ According to the FBI’s Uniform Crime Reports (UCR) in 2011, police officers killed 404 civilians in the line of duty. In 2012, officers killed 426, and in 2013, the total of civilians killed by officers rose to 461.² The category that neither the BJS nor the UCR controls for is how many unarmed black males were fatally shot due to the color of their skin.

Table 2.1 National attention of the shooting deaths of unarmed black males, 2012–2015

<i>Name</i>	<i>Age</i>	<i>Year</i>	<i>Incident</i>	<i>Outcome</i>
Trayvon Martin	17	2012	Shot and killed by neighborhood watch, George Zimmerman.	Zimmerman was acquitted of second-degree murder and manslaughter.
Jordan Davis	17	2012	Fatally shot by Michael D. Dunn after Davis and friends refused to turn down loud rap music.	Dunn was tried twice. In the first trial, a jury found Dunn guilty of attempted second-degree murder and deadlocked on first-degree murder. In the second trial, he was found guilty of first-degree murder and sentenced to life in prison.
Michael Brown	18	2014	Shot and killed by Officer Darren Wilson.	A grand jury decided not to indict Officer Wilson.
Tamir Rice	12	2014	Officer Timothy Loehmann fatally shot Rice after police responded to a 911 call reporting an individual with a gun. The caller warned the operator that the gun may be fake. Rice's gun was fake.	Initially no charges were filed against Officer Loehmann. In 2015, a judge found probable cause to charge the officer with murder.
Samuel DuBose	43	2015	Fatally shot by University of Cincinnati Officer Ray Tensing.	A grand jury decided to indict Officer Tensing.
Walter Scott	50	2015	Shot and killed by Officer Michael Slager. A video showed Scott running away from the officer before being shot in the back eight times.	Officer Slager was charged with murder.

Beneficiaries, concerns related to these unarmed deaths show a pattern that black males are under attack from the American social construct that empowers your existence. And time and time again, certain factions of white America contend that these incidents are not about race and blacks manufacture the racial component. Those that advocate this position argue that racial disparities in these fatal shootings exist mainly because of the criminal activities black males participate in (see Geller and Scott 1992, pp. 147–152). This thinking operates under the assumption that violence in the black male subculture is pathological. But as we know, the

Table 2.2 Arrest-related deaths (ARD), 2003–2009

<i>Year</i>	<i>Black</i>	<i>White</i>	<i>Hispanic</i>	<i>Other*</i>	<i>Unknown</i>
2003	196	286	109	30	6
2004	215	274	145	23	16
2005	222	283	136	24	24
2006	212	302	164	22	21
2007	249	283	159	18	36
2008	217	258	106	14	34
2009	218	340	130	19	22
Total	1529	2026	949	150	159
N = 4813					

Source: Bureau of Justice Statistics (BJS), November 2011, NCJ 235385

Note: (*) Includes American Indians, Alaska Natives, Asians, Native Hawaiians, other Pacific Islander, and persons of two or more races

black-pathology argument is greatly exhausted to avoid addressing the root of institutional and systemic racism.

The most disconcerting question that black Americans deal with is *why* are white police officers continuing to fatally shoot unarmed black males. *Beneficiaries*, I believe it is because the black male still evokes a sense of fear in you. In my opinion, this is a fear that you will combat at all costs to maintain the structure of white empowerment. You have made it clear that the black male exists in a state of social death—a dead man walking. On any day, at any time, his life could end.

I write this letter to you, *Beneficiaries*, because I am somber. My heart is heavy. On July 17, 2014, New York Police Department (NYPD) police officers choked Eric Garner, a 43-year-old husband, father of six, and grandfather of two, to death. Officers attempted to arrest Garner outside a Staten Island, New York store for allegedly selling untaxed cigarettes. A bystander, Ramsey Orta, videoed the incident in which Garner is shown pleading with officers to leave him alone because “[He] didn’t do shit!”³ Garner, who had been arrested before for selling untaxed cigarettes, is seen in the video telling officers, “Every time you see me, you want to mess with me. I’m tired of it, it stops today!” This hard stance may have been taken because on this particular day Garner was not selling untaxed cigarettes but was being a good samaritan by breaking up a fight. There were no cigarettes found on his person. Orta, while filming, says, “This guy right here [police officer] is forcibly trying to lock somebody up [Garner] for breaking up a fight.” Garner is then heard on the video

explaining to the officer, “I did not sell nothing. Every time you see me, you want to harass me ... I’m minding my business, officer. Please, just leave me alone.”

Moments later in the video, four officers proceed to detain and take Garner down to the ground. Prior to this, there is no evidence in the video of officers neither attempting to detain him nor reading his Miranda rights. Garner does resist when officers surround him, but not in an aggressive manner. His words were, “Please, do not touch me.” Then one of the white officers, Daniel Pantaleo, comes from behind him and wraps his arm around Garner in a choking technique and wrestles him to the ground. The illegal chokehold brought the 350-pound Garner, who had chronic asthma, to the ground. In the video he can be heard gasping, “I can’t breathe! I can’t breathe!” several times. Eventually, Garner’s body goes lifeless. Neither the police officers nor the emergency medical technicians from nearby Richmond University Medical Center exercised any great effort to revive Garner.

On this day, officers failed to “Do the Right Thing.” The way this incident played out was reminiscence of Spike Lee’s 1989 film that also contained a similar scene set in New York. In the film, two black males, Radio Raheem (Bill Nunn) and Buggin’ Out (Giancarlo Esposito) staged a protest of the local pizza parlor that serviced black clientele but failed to have photo images of black people on their “Wall of Fame.” During the protest a fight erupted and police officers placed Radio Raheem in a chokehold that eventually led to his death. This scene, derived as a work of fiction, is nonfiction in the eyes of black males and eerily similar to the death of Eric Garner. Even the commentary in the background is alike. Toward the end of the Garner video, you can hear Orta saying, “All he did was break up a fight and this what happens for breaking up a fight. This shit is crazy.”

Beneficiaries, you have a long history of killing unarmed black males in New York (see Table 2.3) and worldwide. Incidents such as the dreadful killing of Garner stand as one of the most divisive issues in white police—black community relations. According to Jeffrey Reiman and Paul Leighton’s seminal book, *The Rich Get Richer and the Poor Get Prison* (2013, pp. 67–72), police officers target who they believe are the “typical offenders,” black males, ages 17–25, from poor, urban communities, which creates a distance in community trust. To make matters worse, you’re rarely (if at all) punished for your actions. You and I know that Garner’s death is the result of the institutional and systemic brutality against black males by police officers. What else could it be? In this case,

Table 2.3 The deaths of unarmed black males by NYPD, 1994–2014

<i>Name</i>	<i>Age</i>	<i>Year</i>	<i>Incident</i>	<i>Charges</i>
Nicholas Heyward Jr.	13	1994	Officer Brian George mistook the boy's toy gun for a real gun and shot him in the stomach, killing him.	Brooklyn District Attorney Charles Hynes, declined to press charges against George.
Amadou Diallo	22	1999	Four officers fired 41 shots at Diallo believing he had a gun. It turned out to be a wallet. Diallo, who was unarmed and had committed no crime, was hit by 19 bullets and died.	The four white officers were acquitted of any wrongdoing.
Malcolm Ferguson	23	2000	Undercover cop, Louis Rivera, shot and killed him at his Bronx home.	Rivera was cleared of any wrongdoing.
Patrick Moses Dorismond	26	2000	Shot in chest by an undercover officer, Anthony Vasquez, after one of the officers in a group asked Dorismond where he could buy marijuana.	A grand jury declined to indict Vasquez.
Ousmane Zongo	43	2003	Officer Bryan Conroy, disguised as a postal worker, raided a counterfeit CD/DVD operation. When the officer brandished his weapon, Zongo ran and later Conroy shot Zongo four times.	Later learned that Zongo had nothing to do with the counterfeit operation. Conroy sentenced to 5 years of probation and no jail time.
Tim Stansbury	19	2004	Accidentally killed by Officer Richard Neri on the roof of a building in Bedford-Stuyvesant, Brooklyn.	Neri admitted to pulling the trigger unintentionally. A grand jury declined to indict him.
Sean Bell	23	2006	Detective Gescard Isnora (who is black) and his three white counterparts fired 50 shots at Bell and two of his friends. Bell died on what was supposed to have been his wedding day.	Each of the officers was found not guilty.

(continued)

Table 2.3 (continued)

<i>Name</i>	<i>Age</i>	<i>Year</i>	<i>Incident</i>	<i>Charges</i>
Ramarley Graham	18	2012	Officer Richard Haste shot and killed Graham in his grandmother's bathroom over allegedly having a gun. Graham was not armed.	A grand jury decided not to indict Haste.
Tamon Robinson	27	2012	Robinson ran away from cops after he allegedly stole paving stones from a construction site. Officers intentionally mowed down Robinson causing injuries that led to his death.	No charges have ever been filed against the officers involved.
Kimani Gray	16	2013	Shot and killed by two officers for allegedly pulling a gun on them. Gray was not armed.	Neither of the two officers was charged. In fact, one of the officers, Sgt. Mourad Mourad was honored by the NYPD Muslim Officers Society for "active" police work in the community.
Eric Garner	43	2014	Officer Daniel Pantaleo used an illegal choking technique leading to Garners's death.	A grand jury decided not to indict Officer Pantaleo.

Garner did not have a weapon and had not committed a violent crime. Had the officers not known they were being videotaped, Garner may have been fatally shot instead of choked to death. Yet, there was no indictment to bring the officer responsible for his death to trial. Never mind that the officer has been sued before for allegedly violating the constitutional rights of other black males.⁴

Let me ask three substantive, yet rhetorical questions: How can American society justify a criminal justice system that treats white police officers one way and finds no justice for black males? Is there anything a white police officer in the twenty-first century can do to a black male that qualifies as a crime? Do you believe that black male lives matter?

I use the fatal choking of Garner in this letter as an example, as opposed to the national cases of unarmed black males who were shot to death, to show you the excessive, primitive, and animal-like nature of your actions. The actions of Daniel Pantaleo, who choked and forced Garner to the ground, were heinous and unnecessary. From viewing the video, there is no doubt that the actions toward Garner speak to your abuse of authoritative power.

The same abuse of power was also shown in 2013, when 16-year-old Kimani Gray was shot and killed by two plainclothes NYPD officers for allegedly pointing a handgun toward them. The young black male was adjusting his waistband in what the officers described as suspicious behavior. Officers said when they confronted Gray he pointed a .38-caliber handgun in their direction. The two officers, one white and the other Muslim, both fired and fatally killed Gray. It was later revealed that Gray was unarmed.

These types of senseless shootings reaffirm James J. Fyfe's (1978, p. 29) belief that some police officers have "two trigger fingers," one for blacks and one for whites. The past has shown us that black males are shot and killed by white police officers at a much higher rate than any other race and ethnicity. The practices of some white police officers show compelling evidence of learned behaviors. *Beneficiaries*, your great-grandfather (slavery), grandfather (systemic racism and discrimination), father (institutional racism and discrimination), and brother (individual racism and discrimination) passed this vile mentality down through the generations. In the case of Eric Garner, the video shows the white police officer's overzealous nature to exert his own power and not show any level of discretion. History teaches us in the context of white supremacy, power is a necessary precondition to be able to oppress, discriminate, and abuse authority. *Beneficiaries*, because of this gifted empowerment you are able to make the laws that define criminality and enforce them to your benefit. Even if Garner were selling untaxed individual cigarettes, or "loosies," the actions of the officers in the video exhibit deliberate behavior as if he had committed a violent crime. But I ask, *Beneficiaries*, do you even care? Or is Eric Garner just another "dead nigger" to you?

The value system you have embedded in American society supports these types of modern-day lynchings from white police officers and/or white males alike (e.g., George Zimmerman and Michael D. Dunn) who feel empowered to kill black males. They treat black males as subhuman targets. E. Ashby Plant and B. Michelle Peruche (2005), in their study of police officers' decisions to shoot black and white male suspects in a computer simulation, found that officers were more likely to accidentally shoot an unarmed black male suspect holding a harmless item than compared to an unarmed white male suspect holding the same item. Participants of the study, who were mostly white police officers, had an initial higher margin of error when the suspect was a black male. Only after the continuation of the shooting simulation did the racial disparity between officer's reactions to black and white male suspects decrease. The authors

suggest that specialized training could possibly reduce the racial disparity in such interactions between white police officers and black males; however, Jerome Skolnick (1966), in his seminal book, *Justice Without Trial*, would disagree. Skolnick argued decades ago that stereotypes of constant danger ingrained in new police recruits are born from a “culture of policing.” Police officers accept behaviors seen as unlawful by the public as a necessary norm.

Beneficiaries, it is safe to assume that the “culture of policing” has also played an important role in the continuation of white police officers’ decisions to shoot unarmed black males first, and ask questions later. This is becoming standard practice. In 2015, Amnesty International released a noteworthy study on police use of deadly force.⁵ According to the study:

Hundreds of men and women are killed by police [officers] each and every year across the United States. No one knows exactly how many because the United States does not count how many lives are lost. The limited information available however suggests that African American men are disproportionately impacted by police use of lethal force.⁶

The study suggests that in general estimates range from 400 to over 1000. The limited data available, however, did allow them to point out that from 1999 to 2013, “while blacks represent 13.2 percent of the U.S. population, they represent[ed] 27.6 percent [6338] of the total deaths at the hands of police.”

When institutions, such as police departments, take the position that the racial disparity in shootings does not equate to racial discrimination, they are either in denial or do not want to acknowledge their devaluation of the lives of black males. As noted earlier, they conform to the notion that most black males are prone to violence and are inherently dangerous to society. Thus, the extinction of black male criminal suspects in the form of police shootings is necessary, justified, and without consequence.

In your defense, *Beneficiaries*, I know it would be easy to argue that these black males were in the wrong place, at the wrong time, doing the wrong thing, and met an unfortunate death. But you and I know that this would be a false deduction to warrant death. There is a history of dead black males on public trial, while in the casket, unable to defend themselves. Most recently, there were the highly publicized cases of Trayvon Martin, Michael Brown, Walter Scott, and Samuel DuBose. The masses in white America stereotyped, debased, and then demonized them after their deaths to protect the privileges granted by white empowerment.⁷

The most mind-boggling, but expected, of it all is that white beneficiaries around the USA rallied in conservative corners, on social media, in blog comments, and even raised money for the murders.

Beneficiaries, you have created a “culture of fear” against black males. Even more irresponsible, is the mobilization of a significant portion of your peers to have skewed perceptions of black males as aggressive, violent, and subhuman. These white perceptions, most not rooted in empirical reality, are the chief drivers of the persistent institutional and systemic racism in America today. You have deliberately fed these inaccurate anti-black male perceptions. These perceptions are fueled by statistics with no accurate narrative from the BJS or UCR, but instead, make generalizations about the nature and extent of black crimes in American society.

As a result of the long, tragic list of unarmed black males fatally killed by white police officers, another question to be asked is: In general, are you afraid of black males or do you simply see us as “worthless black niggers”? I understand that this question has been a part of the American dialogue for some time. Remember in 1619 with the arrival of the first African slaves to Jamestown, Virginia. The validity of white empowerment allowed you to brand, chain, dehumanize, and labor them until their deaths. You brought slaves to America packed in large cargo ships in inhumane conditions. For centuries, there was a lack of moral and ethical concerns for the humanity of African slaves. Even after slavery, you encouraged the Jim Crow south to lynch a mass number of runaway slaves and free blacks. You had a hand in the Separate-but-Equal accommodations that were cemented with the Plessy v. Ferguson decision of 1896. This decision legalized segregation until its repudiation in the Brown v. Education 1954 ruling. I’m still saddened till this day by the 1955 brutal death of young Emmett Till in Mississippi, the 1968 killing of Rev. Dr. Martin Luther King Jr. in Memphis, Tennessee, and the 1991 videotaped beating of Rodney King, which all visually showed the world the enormity of white empowerment. Our relationship has a long and painful past. Thus, I cannot understand why you continue to extract your hatred against the black male.

Is your hatred and fear of black males that deeply rooted? I have always wanted to ask, what mental and emotional gratification did you receive out of committing those historical violent and demeaning acts? If you did not know, black males are human beings. Black males are not subhuman. To better understand what it means to be a human being, it is imperative you review the definition of what constitutes human life. At its most basic level, human life distinguishes the living from the dead. Your acts over the centuries, decades, years, and days has led to the death of millions of

black males. In the minds of many black Americans, it seems that since the beginning of time you have waged a physical and mental war against blacks. Your intent was (and still is) to brainwash us to want to integrate, and eventually assimilate, into an American society that uses Utopian-Eurocentric-Religious ideas to disarm us. Then in our pleas for help, you frame these wars synonymously as “life in America,” when we all know these wars should be labeled as “black genocide in white America.” Thus, your goal, as planned, continues to sustain white empowerment.

Beneficiaries, these continued deadly actions tell me that you are proud. But I still have to ask one last question: What will it take for you to see black males as human beings? Be honest and admit that our presence evokes fear. Answering this question will move us forward in finding a resolution for your use of white police officers to execute black males.

In closing, I graciously ask for you to subvert your own authoritative powers and correct the false inaccuracies portrayed of the black male subculture. We, as a subculture, understand that police officers have a difficult job to do and their efforts are greatly appreciated. Like every demographic, the black male subculture has respect for the dangers of the position, but its members languish in knowing at any time death could be upon us by the very officers who are trained to “protect and serve.” God forbid if that for some reasons you do not adhere to this request. It would be counter-productive in the effort to gain compromise to achieve racial harmony. Dismissing this request will eventually lead black males to rebel—starting a vengeful racial war (e.g., Ferguson, Missouri and Baltimore, Maryland).

The last thing we want is for black males to ascribe to the lyrics of rap group, Dead Prez, who suggest in their song, *Cop Shot*, “The only good cop, is a dead cop/Police brutality must come to a stop.” Case in point, in late 2014, when Ismaaiyl Brinsley, a black male, committed an execution-style murder of two NYPD police officers, one Hispanic, Rafael Ramos, and the other Asian, Wenjian Liu, in Bedford-Stuyvesant, Brooklyn to avenge the deaths of Eric Garner and Michael Brown.

Beneficiaries, it is incumbent upon you to help revive, reframe, and redress the discussion on the series of senseless deaths of unarmed black males in American society. Please view this letter as a catalyst for reform to address this catastrophic concern. The humanity of black males must be preserved.

Signed,
Black Sorrow

NOTES

1. See the report, “Arrest-Related deaths, 2003–2009—Statistical tables,” by A. M. Burch, BJS Statistician, November 2011. Available at: <http://www.bjs.gov/content/pub/pdf/ard0309st.pdf>
2. See the FBI’s Uniform Crime Report, “Expanded homicide data Table 14,” for the years 2009–2013. Available at: https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/offenses-known-to-law-enforcement/expanded-homicide/expanded_homicide_data_table_14_justifiable_homicide_by_weapon_law_enforcement_2009-2013.xls
3. To view the video, see the *New York Daily News* link, “Ramsey Orta, who recorded the infamous Eric Garner video and now says he’s harassed by cops, wishes he had ‘not put my name out there’.” Available at: <http://www.nydailynews.com/new-york/ramsey-orta-no-regrets-recording-eric-garner-video-article-1.2289979> (July 12, 2015).
4. See Chilson, M. 2014. “Daniel Pantaleo sued before—3 times—by black defendants.” *NewsMax*. Available at: <http://www.newsmax.com/TheWire/daniel-pantaleo-sued-before-3/2014/12/05/id/611399> (December 5).
5. See the 2015 Amnesty International report, “Deadly force: police use of lethal force in the United States.” Available at: https://www.amnestyusa.org/sites/default/files/aiusa_deadlyforcereportjune2015.pdf
6. *Ibid.*, Deadly force: police use of lethal force in the USA.
7. For instance, Trayvon Martin and Michael Brown were identified as marijuana users. Beneficiaries used marijuana against them as a pretext to justify their deaths.

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Stand “Our” Ground: Murder in the Sunshine State

Florida’s controversial “Stand Your Ground” self-defense law that allows Floridians to use their gun or fire a warning shot to protect themselves when they “reasonably believe it is necessary” to prevent bodily harm, has become an anti-black law to legitimize the killing of black males. On October 1, 2005, the State of Florida became the first to enact *Senate Bill 436: Protection of Persons/Use of Force* (also introduced as HB 249), a rigid anti-black self-defense law that now stands as a legislative model enacted in more than 20 states (see Table 3.1).¹ The bill passed in both legislative chambers, 39-0 in the Senate and 94-20 in the House, and thereafter, former Republican Governor Jeb Bush signed it into law. In the Senate, the bill had unanimous bipartisan support, including 14 Democrats. Only House Democrats cast roll-call dissent to the bill. Table 3.2, which shows the racial breakdown of House dissent, identifies that black legislators cast 11 of the 20 dissenting votes. Thirteen black legislators, in the Senate and House, voted in favor of the “Stand Your Ground” law.

One of the House members on the day of the vote, Representative John Seiler (D-92), who is white, provided an explanation for his dissent to the bill on the legislative floor:

I fully support the right of individuals to use self-defense, including deadly force, to protect themselves and their family from imminent danger, physical harm, and deadly force. Further, I also fully support the current legal standard that protects the right of Floridians to protect their family and themselves in their own home; in fact, the “Castle Doctrine” is such good public

Table 3.1 States enacting “Stand Your Ground” by year, 2005–2011

	Alabama				
	Alaska				
	Arizona				
	Georgia				
	Indiana				
	Kansas				
	Kentucky				
	Louisiana				
	Michigan				
	Mississippi				North Carolina
	Oklahoma				New Hampshire
	South Carolina	Tennessee			Nevada
Florida	South Dakota	Texas	West Virginia	Montana	Pennsylvania
2005	2006	2007	2008	2009	2011

Source: National Conference of State Legislatures, <http://www.ncsl.org/>

Note: No enactment in 2010

Table 3.2 House Democrats dissent to the “Stand Your Ground” law, 2005

<i>Black Democrats</i>	<i>White Democrats</i>
Dorothy Bendross-Mindingall (D-109)	Anne Gannon (D-86)#
Susan Bucher (D-88)	Dan Gelber (D-106)
Dwight M. Bullard (D-118)	Kenneth Gottlieb (D-105)
Joyce Cusack (D-27)	Timothy Ryan (D-100)
Audrey Gibson (D-15)*	Franklin Sands (D-98)^
Arthenia Joyner (D-59)+	John Seiler (D-92)
Frank Peterman Jr. (D-55)	Irving Slosberg (D-91)
Ari Porth (D-96)^	Eleanor Sobel (D-99)
Yolly Roberson (D-104)^	Shelley Vana (D-85)^
Christopher Smith (D-93)	
Priscilla Taylor (D-84)^	

Source: <http://archive.flsenate.gov>

Notes: Six House members did not vote

* = Democratic Co-Floor Leader 2004–2006

= Democratic Leader pro tempore 2004–2006

+ = Democratic Policy Chair 2004–2006

^ = Democratic Whip 2004–2006

^^ = Democratic Caucus Vice Chair 2004–2006

policy that it should be expanded to occupied vehicles. We must continue to safeguard the rights of everyday law-abiding Floridians to own a firearm, to use it responsibly, and to act in self-defense. However, I am concerned that this bill, as written, completely eliminates the duty to retreat in all public places outside of a home or occupied vehicle, and allows Floridians to engage someone with a deadly weapon in the public arena.²

This House vote was considerably different than the one a few weeks earlier when there were 85 members against this measure.³ Representatives Seiler, Dan Gelber (D-106), and Arthenia Joyner (D-59) were the only House members leading up to the day of the second vote to offer legislative amendments to address lingering concerns of the bill.⁴ Representative Joyner, the black legislator of the three, wanted to address unlawful entry into a person’s dwelling, residence, or occupied vehicle. Her point of contention was that deadly force was not needed in simple burglary. This amendment failed. In an interview shortly after the second vote, Representative Gelber, who is also white, said, “For a House that talks about the culture of life it’s ironic that we would be devaluing life in this bill.”⁵

In its current form, the bill reads:

SB 436: Protection of Persons/Use of Force; authorizes person to use force, including deadly force, against intruder or attacker in dwelling, residence, or vehicle under specified circumstances; provides that person is justified in using deadly force under certain circumstances; provides immunity from criminal prosecution or civil action for using deadly force; defines term “criminal prosecution.”⁶

Both original sponsors of the bill, Republican Senator Durell Peaden who introduced the Senate version (SB 436) and Republican Representative Dennis Baxley who provided the House version (HB 249), received overwhelming support from the majority Republican base during the 2005 regular legislative session.

The early concerns from House Democrats regarding the passage of “Stand Your Ground” proved to be valid. In 2012, the *Tampa Bay Times* reported that the law has been invoked at least 130 times since its passage. In the 18 months leading up to the death of Trayvon Martin, there was a significant spike. Nearly 70 % of those charged used “Stand Your Ground” as a defense to avoid prosecution. Their report found that acquittal is

higher for whites when the victim is black.⁷ In a separate report, the Urban Institute conducted a study that also found racial disparities in “Stand Your Ground” cases. Whites who kill blacks in “Stand Your Ground” states are 354 % more likely to be found justified in their killings.⁸ These numbers led to the debate that the legislative merit for this law has failed. It can be strongly argued that “Stand Your Ground” allows a form of lawlessness, void of due process, which has in the past several years given some white Floridians the entitlement of rights to be judge, jury, and executioner of black males.

The intent of this chapter is to explore whether black legislators in Florida have introduced and passed laws that provide substantive representation to address the undesirable effect of the “Stand Your Ground” law. Using a multi-methodological approach of bill analysis and interviews of black legislators, this chapter divulges into their political and legislative behaviors. While white House members, such as Seiler and Gelber, were the first to argue in 2005 that this law would devalue life, what have black legislators done since that time to negate the racial impact of this legislation? What has been the relevance of the Florida Legislative Black Caucus (FLBC)? Has the obtainment of leadership positions enabled black legislators to influence the legislative agenda during a contentious period? Have black legislators been merely descriptive representors?

Substantive representation entails acting “in the interest of the represented in a manner that is responsive to them” (Pitkin 1967, p. 209). Trayvon Martin’s death, which will be detailed in this chapter, sparked an outcry from black Floridians who questioned what political and legislative actions black legislators were taking to offset this anti-black self-defense law. In a 2013 town hall meeting with constituents after the George Zimmerman verdict, then-Representative Geraldine Thompson pledged the FLBC would work to repeal the law.⁹ However, to date, there has been no repeal of *Senate Bill 436: Protection of Persons/Use of Force*.

BLACK MALE DEATHS OF “STAND YOUR GROUND”

In 2012, 59-year-old Walton Henry Butler, a white male in Port St. Joe, Florida, shot 32-year-old Everett Gant in the face. Butler shot Gant, who is black, after Gant had gone to Butler’s apartment to confront him about making racial remarks to the children in the complex and calling one child a “nigger.” Butler responded to the confrontation by shooting Gant in the face with a .22-caliber rifle, called 911, and then sat down and ate dinner

while the victim laid bleeding outside the door. According to the Gulf County Sheriff's Office, when police arrived at the scene Butler was sitting at the table eating dinner. When they asked him to stand up and attempted to handcuff Butler, he nonchalantly stated, “I only shot a nigger.”¹⁰ Gant later died. While facing second-degree murder charges, Butler's defense team asked the judge to throw out the case based on justifiable use of force under the “Stand Your Ground” law.

Butler adds to the list of white males in Florida using the “Stand Your Ground” law as their defense or presenting a legal self-defense claim to justify the murders of black males. In the same year, Michael D. Dunn, a 47-year-old white male in Jacksonville, Florida, fatally shot 17-year-old Jordan Davis after an argument over loud rap music in a convenience store parking lot. On the stand during trial, Dunn told the court he feared for his life and believed Davis and his friends, Leland Brunson, Tommie Stornes and Tevin Thompson, in the SUV had a weapon and were going to kill him. Dunn fired ten shots into the SUV. Three of the shots hit Davis. It was later discovered that none of the teens in the SUV had a weapon. After the shooting, Dunn then drove 40 miles to a Bed and Breakfast, walked his dog, ordered a pizza, drank rum and coke, and fell asleep.

In the first trial, Dunn was convicted of attempted murder of the three surviving black males in the SUV. However, the jury deadlocked over whether he was guilty of first-degree murder of Jordan Davis. In a later trial, a jury found Dunn guilty of first-degree murder. After five hours of deliberation, it was clear that Dunn neither acted in self-defense nor exacted a justifiable use of force. Dunn was sentenced to life in prison without parole.

The most infamous self-defense claim in Florida came from the Trayvon Martin case. On February 26, 2012, George Zimmerman, a neighborhood watch patrol officer in Sanford, Florida, fatally shot 17-year-old Trayvon Martin while he was returning home from a local convenience store. Martin was found to have only a can of Arizona iced tea and skittles on his person, but no gun. Zimmerman reported to the 911 operator before the death of Martin that there had been “some break-ins” in the neighborhood and Martin was “black” and he looked “suspicious.” Despite the 911 operator advising Zimmerman not to approach Martin and wait for law enforcement officials to arrive, he ignored those instructions and Zimmerman's actions subsequently led to the death of Martin. Failure to adhere to the 911 operator's instructions should have clearly dismissed all rights to the self-defense claim; however, it did not in full.

While Zimmerman’s legal defense team did not use the self-defense clause of “Stand Your Ground,” Zimmerman claimed he shoot Martin in self-defense when Martin allegedly attacked him. For that reason, this law still played a significant role in the trial.

Two important points confirm this position. First, on the night of Martin’s death, Stanford’s law enforcement officials made the decision not to detain Zimmerman on the claim of self-defense. According to a *New York Times* article, former Stanford police chief, Bill Lee Jr. explained, “we were abiding by the Florida law that covers self-defense.”¹¹ This set a national and state precedent and framed how some public factions viewed this tragedy. Second, the judge in the 2013 *State of Florida v. George Zimmerman* case, Debra Nelson, introduced facets of the “Stand Your Ground” law to jurors to consider in the deliberation process. She explained to the jurors:

If George Zimmerman was not engaged in an unlawful activity and was attacked in any place where he had a right to be, he had no duty to retreat and had the right to stand his ground and meet force with force, including deadly force if he reasonably believed that it was necessary to do so to prevent death or great bodily harm to himself or another or to prevent the commission of a forcible felony.¹²

Zimmerman was later acquitted, which led to national and state uproar about racial profiling and self-defense claims. In the aftermath of the verdict, juror B-37 made it known that the “Stand Your Ground” law greatly influenced their final decision. The juror said, “[Zimmerman] had a right to defend himself. If he felt threatened that his life was going to be taken away from him.”¹³

Representative Baxley, House sponsor of the bill, indicated after the Zimmerman verdict that the law passed in 2005 was not intended to authorize neighborhood watch members with the right to take matters into their own hands. Baxley stated, “There’s nothing in this statute that authorizes you to pursue and confront people.”¹⁴ He was adamant that the bill was working in the way it was intended. Of the 133 legislators who voted in favor of the bill in 2005, only 48 still held elected political offices during the Zimmerman trial. Sixteen of the 94 House members had graduated to the Senate.

While the original sponsors have been vocal about their stance on “Stand Your Ground” and its legal influence in Florida, rumblings from the black

community and political critics have questioned the political and legislative actions of black state legislators in Florida whose children are the embodiment of those most affected by this law. Since the passage of the law, 26 teens and children were victims in “Stand Your Ground” cases.¹⁵ The recent deaths of Gant, Davis, and Martin ignited controversy surrounding the type of representation provided to black Floridians from black state legislators. Following the death of Trayvon Martin, Representative Mia L. Jones (D-14), who was the chair of the FLBC at the time, indicated that the collective body of legislators would work together to change the “Stand Your Ground” law. During an interview with *Democracy Now!* on March 20, 2012, she stated, “we have 24 members across the state, and we have a commitment to this family that we will stand with them.”¹⁶

RACE AND REPRESENTATION

The inclusion of black legislators at the state level has provided an opportunity for the systematic advancement of black political and socioeconomic interests (Clemons and Jones 2000, p. 744). State legislatures are important bodies through which blacks can attempt to achieve their policy goals. Kerry L. Haynie (2001, p. 2), in his study of African-American legislators, asserts that these legislators are becoming just as important, if not more, than blacks serving in the US Congress. He argues that these legislators do offer more than descriptive representation; they now provide substantive representation by having input in the making of important political and legislative decisions regarding the constituents in their respective district and state.

One of the core questions in black politics is, does descriptive representation lead to substantive representation? The relationship between descriptive and substantive representation has become more acute as black legislators have increased their presence in state legislatures. Jane Mansbridge (1999, p. 628) defines descriptive representatives as “individuals who in their own backgrounds mirror some of the more frequent experiences and outward manifestations of belonging to the group.” Descriptive representatives have similar characteristics as their constituents, such as race, ethnicity, gender or social class, which is expected to provide them with a better understanding of the interest of their constituents. She claims that descriptive representation “promote[s] a representative’s accurate representation of and commitment to constituents interests” (p. 629).

The extent to which black legislators best represent the interests of black constituents is debatable. Many studies of representation have found

that the race of the legislator plays a pivotal role in determining which policy areas he or she is most likely to address. Black legislators tend to focus on concerns related to social welfare, health care, housing, job programs, education, voting (Haynie 2001; Lublin 1997; Nelson 1991; Walton 1985) and civil rights (Herring 1990; Miller 1990). Other studies have found that the race of the legislator is not a singular determinant in deciding whether or not they will support race-related policies (Swain 1993).

Political scholar, Hanna F. Pitkin (1967, p. 209), in her well-known study on representation, defines substantive representation as acting “in the interest of the represented in a manner that is responsive to them.” That is, substantive representation is achieved when the political and legislative actions of the legislators are congruent with their constituents’ needs and concerns. In contrast, Pitkin defines descriptive representation as “the representative’s characteristics, on what he is or is like, on being something rather than doing something. The representative does not act for others; he ‘stands for’ them, by virtue of a correspondence or connection between them, a resemblance or reflection” (p. 61). Pitkin concludes that descriptive representation is limited and does not guarantee that the representative will provide substantive representation for their constituency.

POLITICAL INCORPORATION

During the 2015 legislative session, black legislators only occupied 15% of the total legislative body. Twenty-four members made up the body of 160. In comparison to other southern legislatures during this time, Florida ranked among the states with the lowest number of black legislators. In the 2013 regular legislative session, following the Zimmerman verdict, there were also 24 blacks in the legislative body, 23 Democrats and one Republican (see Table 3.3). In general, after black legislators are elected to the state legislature, it is important for them to become incorporated into the legislative body in order to have a substantial influence in the policy-making process. However, the low number of black legislators in the Florida state legislature has made it difficult for them as a group over time to establish a higher level of political incorporation; that is, to achieve a position from which strong and sustained influence can be exercised (Browning et al. 1984, p. 241).

Political incorporation as a caucus, a group of members with similar political interests and legislative objectives, empowers them to introduce “black interest” bills. This is a reflection of the type of representation

Table 3.3 Black state legislators in Florida, 2012–2014

Senator Arthenia L. Joyner (D-19); Tampa
Senator Oscar Braynon II (D-36); Miami
Senator Audrey Gibson (D-9); Jacksonville
Senator Christopher L. “Chris” Smith (D-31); Ft. Lauderdale
Senator Dwight M. Bullard (D-39); Miami
Senator Geraldine F. Thompson (D-12); Orlando
Representative Edward Narain (D-61); Tampa*
Representative Perry E. Thurston Jr. (D-94); Ft. Lauderdale#
Representative Joseph A. “Joe” Gibbons (D-100); Hallandale Beach
Representative Mia L. Jones (D-14); Jacksonville
Representative Hazelle P. “Hazel” Rogers (D-95); Ft. Lauderdale
Representative Alan B. Williams (D-8); Tallahassee
Representative Darryl Ervin Rouson (D-70); St. Petersburg
Representative Dwayne L. Taylor (D-26); Volusia County
Representative Gwyndolen “Gwyn” Clarke-Reed (D-92); Deerfield Beach
Representative Daphne Campbell (D-108); Miami
Representative Reginald “Reggie” Fullwood (D-13); Jacksonville
Representative Cynthia A. Stafford (D-109); Miami
Representative Barbara Watson (D-107); Miami
Representative Bobby Powell Jr. (D-88); West Palm Beach
Representative Shevrin D. “Shev” Jones (D-101); Ft Lauderdale
Representative Bruce Antone (D-46); Orlando
Representative Randolph Bracy (D-45); Apopka
Representative Larry Lee Jr. (D-84); Port St. Lucie
Representative Sharon Pritchett (D-102); Miami Gardens
Representative Clovis Watson Jr. (D-20); Gainesville
Representative Kionne L. McGhee (D-117); Miami
Representative Walter Bryan “Mike” Hill (R-2); Pensacola

Source: <http://www.leg.state.fl.us>

Notes: In 2012, the Florida state legislature approved new plans for redistricting for Senate and House elections in the 2012 general and 2014 general and special elections. The above names reflect the 2012–2014 election cycles

*Replaced Betty Ford

#Bobby B. Dubose replaced Perry E. Thurston Jr.

they can provide to constituents. The cohesive unit of black legislators as a whole, rather than individuals, provides a greater solidarity and voting bloc.

The dimensions of political incorporation are multi-faceted. Incorporation does not only focus on electoral growth and acting as a formidable group but also the ability of black legislators to obtain leadership positions in the legislature. Previous studies have found that black legislators

need to hold positions of leadership (i.e., party leader, committee chairperson, or vice-chairperson) to influence the legislative agenda and the passage of bills (Hamm et al. 1983; Miller 1990; Thielemann 1992; Haynie 2001). For example, Miller (1990) in her study of state legislative black caucuses, found that black legislators in the North Carolina Legislative Black Caucus relied on their leadership positions on committees to improve the likelihood that legislation important to black interests would be passed.

In Florida, black legislators have been able to occupy such leadership positions (see Table 3.4). Table 3.4 shows that in the 2012–2014 legislative term, black legislators held some key positions. One important position is minority Democratic leader held by black legislators in both the Senate and House. In the Senate, Arthenia L. Joyner (D-19) held the position, becoming the first black woman to lead the Senate Democratic caucus. Senator Christopher L. “Chris” Smith (D-31) held the position

Table 3.4 Black leadership positions in the Florida House, 2014

<i>Legislator(s)</i>	<i>Leadership positions/Committee assignments</i>
Arthenia L. Joyner	Minority Democratic Leader (Senate)
Perry E. Thurston Jr.	Minority Democratic Leader (HOR)
<i>Minority Democratic Leader Pro Tempore</i>	
Oscar Braynon II	Ex-officio member of all standing committees (Senate)
Mia L. Jones	Ex-officio member of all standing committees (HOR)
<i>Whips:</i>	
Clovis Watson Jr.	Democratic Whip (HOR)
<i>Caucuses:</i>	
Alan B. Williams	Florida Legislative Black Caucus
<i>Committee Chairpersons:</i>	
N/A	
<i>Vice-chairpersons:</i>	
Arthenia L. Joyner	Appropriations Subcommittee on Criminal and Civil Justice
Oscar Braynon II	Appropriations Subcommittee on General Government
Audrey Gibson	Criminal Justice Military and Veteran Affairs, Space, and Domestic Security
Christopher L. “Chris” Smith	Appropriations Subcommittee on Health and Human Services
Geraldine F. Thompson	Commerce and Tourism
Walter Bryan “Mike” Hill	Civil Justice Subcommittee

Source: <http://www.leg.state.fl.us>

Notes: (a) Arthenia L. Joyner is the first black woman to lead the Senate Democratic caucus. (b) For the 2012–2014 legislative term, Christopher L. “Chris” Smith served as the Senate Democratic leader

prior. Senator Oscar Braynon II (D-36) and Representative Mia L. Jones (D-14) held the positions of minority Democratic leader pro tempore in both houses. During this legislative period, black legislators were not selected as committee chairpersons, a position that has enormous influence over the outcome of legislation. Black legislators did serve as vice-chairpersons on several committees: all having less consequential policy effect on “Stand Your Ground.” While political incorporation is not a precondition for the degree of representation a black legislator is capable of providing, it does serve a vital role in allowing the ability for black legislators to provide substantive representation, rather than, providing mere descriptive and/or symbolic representation.

POST-TRAYVON MARTIN PERIOD

In the post-Trayvon Martin period, the Governor and black legislators each formed a task force in an effort to increase the public safety of the “Stand Your Ground” law. Equally important, black legislators introduced bills in the 2013 and 2014 regular legislative sessions to repeal the law. As noted, to date, there has been no repeal of “Stand Your Ground”; however, that has not discouraged their political and legislative efforts. Several black legislators in Florida were interviewed for this chapter to assess their attempt to repeal the law, ability to influence the legislative agenda after the Zimmerman verdict, and whether or not black legislators believed they were successful in their efforts to introduce and pass legislation dealing with the “Stand Your Ground” law (see Appendix). According to a senior black legislator in the Senate:

Our goal was to repeal “Stand Your Ground.” In 2013 we [black state legislators] bonded together to address the injustices of this law. The governor [Rick Scott] and Senator [Chris] Smith both organized a task force in 2012. The governor’s task force was a rubber stamp to find his own recommendations to the law. On the other hand, Senator Smith’s task force was true to finding solutions.¹⁷

Task Force Reports

In the days after the Zimmerman verdict in July 2013, political groups and protestors such as the *Dream Defenders* asked Florida Republican Governor Rick Scott to call a special session to address the “Stand Your

Ground” law. Since the 2013 regular legislative session had ended on May 2, convening a special session of the legislature was the only way to assemble the legislative body to attend to this matter. Protestors wanted the Governor and legislators to repeal this law. In the 2013 regular legislative session, attempts to address this controversial law were blocked by Republicans. The ongoing national attention and Zimmerman trial during the time of the session led Republicans to kill proposed bills in committee muting the minority Democratic voices in both chambers of the legislature.

Nearly a month after the death of Trayvon Martin, on March 22, 2012, the Governor appointed a task force to review the state’s “Stand Your Ground” law. On February 21, 2013, the 19-member Citizen Safety and Protection Task Force composed of a diverse body of law enforcement officials, legal experts, civil rights organizations, neighborhood watch, and legislators returned a detailed report back to the Governor, President of the Senate, and the Speaker of the House of Representatives.¹⁸ One of the original sponsors and current legislator, Representative Baxley, was on the task force; however, no current black legislators were on the panel. Former black state senator, Gary Siplin, was on the panel.

The report recommended minor changes to “Stand Your Ground,” which was reverberated in the legislative disposition of Republicans in the 2013 legislative session. The central changes were: (1) Neighborhood watch volunteers were expressly limited to “observing, watching, and reporting potential criminal activity”; and (2) The Florida state legislature was to change the language in the bill that grants immunity from “criminal prosecution” to any individual who claims the self-defense clause under the “Stand Your Ground” law, which the judge mistakenly provided to jurors in the Zimmerman trial.¹⁹

On April 5, 2012 Senator Smith (D-31), also convened a task force, composed of similar experts to review the “Stand Your Ground” law and make recommendations.²⁰ This panel included former Representative and now Senator Dan Gelber, who in 2005, made strong statements against the bill and current black legislator, Perry E. Thurston Jr. (D-93), the minority Democratic leader in the Florida House. In their final report, the panel unanimously agreed that it was important for: (1) Potential “Stand Your Ground” cases to be presented to a grand jury; (2) Further educate the public and law enforcement officials; (3) Create a system to track self-defense claims in Florida; (4) Amend the “imminent” danger component of the bill; and (5) change the title of the bill. The consensus

recommendations were: (1) Remove the presumptions of the law, especially, eliminate the presumption of reasonable fear; and (2) Define unlawful activity in section 776.0134 (see Appendix). The conclusion of the report indicated that “Stand Your Ground” was a departure from the traditional law of self-defense.²¹

Legislative Activity

In response to the report by Senator Smith (D-31), and in conjunction with the tremendous public outcry by black Floridians and citizens worldwide, black legislators introduced a number of important bills in the 2013 and 2014 regular legislative sessions to repeal the “Stand Your Ground” law (see Appendix). In the 2013 regular legislative session, black legislators introduced six bills to repeal “Stand Your Ground.” The bills ranged from repealing provisions relating to home protection and the use of deadly force, allowing a person to stand his or her ground and meet force with force, defining the term “unlawful activity” for specified purposes, to deleting the provisions that make justifiable use of force available to an aggressor who initially provokes the use of force (see Appendix). Despite the intentional overlap in some of the bills, each were crafted to repeal “Stand Your Ground” and address the ambiguity of the language contained in the law.

On May 3, 2013, the Republican-led Florida Senate and House Criminal Justice committees killed all of the introduced bills. After hearing hours of testimony, Republicans along with some Democrats joined forces in their decision to uphold the current “Stand Your Ground” law. Black legislators did not hold any leadership positions on either committee. Lopsided vote tallies showed that the bills never had a chance to emerge from committee.

Despite their inability to pass legislation to repeal the “Stand Your Ground” law in 2013, black legislators introduced vital bills and were committed to representing the interests of concerned black constituents. One junior legislator in the House expressed after bills died in committee:

We were unsuccessful in repealing “Stand Your Ground” in 2013 because the deck was stacked against us. Republicans used their legislative control and influence to subdue all of our efforts. We had a sense that the bills we introduced were going to die in committee but it was important to argue our points as to why the bill [Stand Your Ground] needs to be repealed.²²

Another junior legislator stated, “We have to keep trying. The black constituents of Florida need to feel protected.”²³

In the 2014 regular legislative session, black legislators were met with similar Republican resistance. Several legislators introduced identical measures from the 2013 session (e.g., the use of deadly force, use of force in self-defense, self-defense). Still their legislative efforts continued to be met with stern opposition. The first significant compromise came when Senator Smith (D-31) was able to negotiate across party lines with Republican Senator David Simmons (D-10). Senator Smith introduced SB 122: Self-Defense, which was tabled, and both legislators introduced SB 130: Use of Deadly Force. The two joined together in sorting through the legislation and attempting to ensure it met the approval of fellow legislators. Senator Simmons, a member of the Rules committee and later became the Chairperson, was instrumental in working with Republican leaders to do a re-referral of the bill (see Appendix, CS/S130 & S122).

This bill would make a number of changes recommended in 2012 by Governor Scott’s Task Force on Citizen Safety and Protection. In particular, the bill would: (1) Clarify that a law enforcement agency must fully investigate whether a person claiming self-defense has lawfully used force; (2) Require the Department of Law Enforcement to develop a training curriculum for participants in neighborhood crime watch programs and require local law enforcement agencies to apply the curriculum when training program participants; and (3) Provide clarity of the roles of law enforcement officers and neighborhood watch volunteers. More importantly, in the bill it stated that “Stand Your Ground” was “not intended to encourage vigilantism or acts of revenge, authorize the initiation of a confrontation as a pretext to respond with deadly force, or negate a duty to retreat for persons engaged in unlawful mutual combat.”²⁴ The bulk of the bill was framed to deal with the public outcry over the Zimmerman verdict.

Despite the bill passing in two of the committees, it was later referred back to the Judiciary committee and died. According to one senior black legislator in the House, “at that point, our success was very limited. We thought the bill would pass. However, it didn’t. Even while the bill was going through the process, as a caucus, it was not the bill we wanted. We wanted and still want to repeal “Stand Your Ground.”²⁵ At the end of the legislative session, none of the bills introduced by black legislators reached the floor for a vote in either chamber.

The bill that did pass in the 2014 regular legislative session was CS/CS/HB 89: *Threatened Use of Force* (also CS/CS/SB 448) introduced by white Republican House member, Neil Combee (D-39).²⁶ This “warning shot” bill, which passed in the Criminal Justice and Judiciary committees where black legislator’s “Stand Your Ground” bills died, is intended to tackle the current “Stand Your Ground” law by addressing each of Florida’s self-defense statutes and replacing the language “use of force” with the phrase “use or threatened use of force.” The passage of this bill addresses the case of Marissa Alexander, the black Florida woman whose estranged husband, Rico Gray, had physically abused and threatened to kill her, in which she fired a warning shot to protect herself. Angela Corey, the same prosecuting attorney over the Zimmerman trial, prosecuted Alexander. Although substantive, this law does not address the case of Trayvon Martin nor actually makes an attempt to repeal the “Stand Your Ground” law.

The senior black legislator in the House went on to express, “The Republican bill [HB 89] was a smoke screen. Most of the black House legislators voted against it, but a few voted for it. I voted against it. It is a travesty that Republicans can not see the significance of repealing this bill [Stand Your Ground].”²⁷ HB 89 passed in the House, 93-24. Fifteen black House members voted against it. Representatives Mia L. Jones (D-14), Alan B. Williams (D-8), and Darryl Ervin Rouson (D-70) voted in favor of the bill. It received similar success in the Senate, 32-7. Four of the six black Senate members voted against it. Senators Audrey Gibson (D-9) and Geraldine F. Thompson (D-12), as well, voted in favor of the bill.²⁸ As explained by a junior legislator in the House, “We were split on whether to vote for HB 89. Some saw it as a way to compromise and others thought it was Republicans saying ‘this is all we will do.’ To answer your question, we were not successful in passing legislation to repeal “Stand Your Ground” but continue to be steadfast in our efforts to make change.”²⁹

CONCLUSION

In the post-Trayvon Martin period, the Republican-led Florida state legislature has shown great resistance to repealing the “Stand Your Ground” law. The number of substantial bills introduced by black legislators, subsequently died in committee, never making their way to the floor for a vote. Despite the fact that black legislators held leadership positions

in the legislature and served on committees, their absence as committee chairpersons on critical committees such as the Criminal Justice and Judiciary committees impeded their efforts to move these bills forward. The legislative element of bill introduction was their only sign of providing adequate representation to concerned black Floridians. There is no doubt that black legislators introduced bills that focused on “black interests,” however, were unsuccessful in passing such legislation. The question remains, have black legislators in Florida provided substantive representation to offset the dehumanizing effect of the “Stand Your Ground” law against black males? By definition, they did introduce key bills that were responsive to black concerns. However, black legislators in Florida were marginalized to descriptive representors, unable to provide substantive representation due to a Republican political culture and demographic makeup, which suppresses their electoral growth, level of incorporation, and caucus solidarity leading to little or insignificant influence in the legislature.

Black legislators in Florida are thus left to bear the burden of not being able to advance crucial legislation, which would protect the welfare of black male life. “Stand Your Ground” is a lawless bill that has allowed whites to kill black males and the black community is somehow expected to absolve the behaviors of the offenders with no future of a legislative repeal and disproportionate criminal action. Compromise from white Republicans and some white Democrats could possibly offset such actions and provide retribution; however, many continue to believe that “Stand Your Ground” is working in the way it was intended and the Zimmerman case was an isolated incident. Despite advocates of this law arguing that the majority who invoke this defense are arrested, prosecuted, and face jail time, the studies noted in this chapter counter their position and show that a greater percentage avoid prosecution when the victim is black.

Hopefully, the resistance from white Republicans and some white Democrats to help black legislators repeal the “Stand Your Ground” law does not lead to black normative behavior in Florida, where black legislators and black Floridians accept this law as a structural norm. The fight against “Stand Your Ground” must continue. In the post-Trayvon Martin period, black Floridians should not be expected to forgive and forget with no legislative compromise from Republicans contributing to the abysmal failure to preserve black male life.

NOTES

1. The following is a list of the enacted laws by state: Alabama: 2006 (SB 283, ALS 283); Alaska: 2006 (SB 200, HB 24); Arizona: 2006 (SB 1145, HB 2629, SB 1469); Florida: 2005 (SB 436); Georgia: 2006 (SB 396); Indiana: 2006 (HEA 1028, SEA 1); Kansas: 2006 (SB 366, SB 381, HB 2339); Kentucky: 2006 (SB 38); Louisiana: 2006 (HB 89); Michigan: 2006 (HB 5143); Mississippi: 2006 (SB 2426); Montana: 2009 (HB 228); Nevada: 2011 (AB 321); New Hampshire: 2011 (SB 88—Veto, then overridden by legislature); North Carolina: 2011 (HB 650); Oklahoma: 2011 (HB 2615, HB 1439); Pennsylvania: 2011 (HB 40); South Carolina: 2006 (HB 4301); South Dakota: 2006 (HB 1134); Tennessee: 2007 (HB 1907, HB 3509, HB 70, HB 2326); Texas: 2007 (SB 378); West Virginia: 2008 (SB 145).
2. See the transcript of Representative John Seiler’s explanation of the vote on April 5, 2005. Available at: <http://www.myfloridahouse.gov/Sections/Bills/floorvote.aspx?VoteId=4984&BillId=15498&&>
3. A full description of Senate Bill 436: Protection of Persons/Use of Force (also HB 249: Protection of Persons and Property), including bill history, can be found at: <http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=15498>
4. *Ibid.*, Senate Bill 436.
5. See Legum, J. 2012. “Opponents of Florida’s 2005 ‘Stand Your Ground’ law predicted ‘Racially Motivated Killings,’” *Think Progress*. Available at: <http://thinkprogress.org/justice/2012/03/21/449667/opponents-of-floridas-2005-stand-your-ground-law-predicted-racially-motivated-killings> (March 21).
6. *Ibid.*, Senate Bill 436.
7. See the *Tampa Bay Times* report, “Florida’s Stand Your Ground law,” June 3, 2012. Available at: <http://www.tampabay.com/stand-your-ground-law/>
8. See the report by Roman, J.K., 2013. “Race, justifiable homicide, and Stand Your Ground laws: Analysis of FBI supplementary homicide report data.” *The Urban Institute* (July). Available at: <http://www.urban.org/uploadedpdf/412873-stand-your-ground.pdf>
9. See Dahl, J. 2013. “Author of ‘Stand Your Ground’ law: George Zimmerman should probably be arrested for killing Trayvon Martin,” *CBS News*. Available at: <http://www.cbsnews.com/news/author-of-stand-your-ground-law-george-zimmerman-should-probably-be-arrested-for-killing-trayvon-martin> (July 12).
10. See Ballhaus, R. 2012. “Walton Henry Butler allegedly shoots Everett Gant, told police after arrest he ‘only shot a nDOUBLEHYPHEN-r.’” *Huffington*

- Post*. Available at: http://www.huffingtonpost.com/2012/08/01/walton-henry-buttler-shooting-hate-crime_n_1730256.html (August 1).
11. See Kovaleski, S. F. 2012. "Trayvon Martin case shadowed by series of police missteps," *New York Times*. Available at: <http://www.nytimes.com/2012/05/17/us/trayvon-martin-case-shadowed-by-police-missteps.html> (May 16).
 12. *State of Florida v. George Zimmerman* (2013-CF-003316-A). Available at: http://www.flcourts18.org/PDF/Press_Releases/Zimmerman_Final_Jury_Instructions.pdf
 13. See transcript of Anderson Cooper with Juror, B-37. 2013. "Defense team reacts to juror interview." *CNN*. Available at: <http://transcripts.cnn.com/TRANSCRIPTS/1307/15/acd.01.html> (July 15).
 14. *Ibid.*, Author of "Stand Your Ground" law.
 15. *Ibid.*, Tampa Bay Times report.
 16. See Goodman, A. 2012. "Florida Legislative Black Caucus urges full federal probe of police handling of Trayvon Martin death," *Democracy Now!* Available at: <http://m.democracynow.org/stories/12650> (March 20).
 17. Personal Interview, March 19, 2015.
 18. See the report, "Governor's task force on citizen safety and protection," authored by Honorable Jennifer Carroll, Lieutenant Governor, February 21, 2013. Available at: <http://www.flgov.com/wp-content/uploads/2013/02/Citizen-Safety-and-Protection-Task-Force-Report-FINAL.pdf>
 19. *Ibid.*, Governor's task force on citizen safety and protection.
 20. Original website linked has been removed (<http://floridastandyourground.org>). Please see report details at *Tampa Bay Times*, "Sen. Chris Smith's task force releases Stand Your Ground recommendations," April 30, 2012. Available at: <http://www.tampabay.com/blogs/the-buzz-florida-politics/content/sen-chris-smiths-task-force-releases-stand-your-ground-recommendations>.
 21. *Ibid.*, Sen. Chris Smith's task force.
 22. Personal Interview, March 26, 2015.
 23. Personal Interview, April 7, 2015.
 24. The full description of the bill is available at: http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=_s0130__.DOCX&DocumentType=Bill&BillNumber=0130&Session=2014
 25. Personal Interview, March 27, 2015.
 26. The full description of the bill is available at: http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=_h0089__.docx&DocumentType=Bill&BillNumber=0089&Session=2014
 27. *Ibid.*, interview.
 28. *Ibid.*, House Bill 89.
 29. *Ibid.*, interview.

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We Miss You, James Evans Sr.

In 1974, the American sitcom, *Good Times*, introduced the fictional character of James Evans Sr. played by actor John A. Amos Jr. as the golden standard of black fatherhood. While featured on the sitcom for only three seasons, the magnitude of his character and the show's overall influence on the black community are both forever sacred. Long before the black male fathers featured on sitcoms such as *The Cosby Show* (Dr. Heathcliff "Cliff" Huxtable), *The Fresh Prince of Bel-Air* (Uncle Philip Banks), and *Family Matters* (Carl Winslow), James Evans Sr. stood as the black community's flagship male role model. He is characteristically described as a strong, black family man who took honorable measures to protect his family from the pervasive structural and cultural forces that often destroy black families.

Good Times features lead characters James Sr. and his television wife, Florida Evans (Esther Rolle), along with their three children, James Jr. "J.J." (James Walker), Thelma (Bern Nadette Stanis), and Michael (Ralph Carter). Each was a star on the show. They lived in apartment 17C in the Cabrini-Green housing projects in Chicago, Illinois. The show was created to feature the family attempting to overcome the structural and cultural burdens of poverty, lack of employment opportunities, family matters, and gangs, which were all importantly addressed in many episodes.

In the early years, the show was a huge success largely in part to the character of James Sr. However, disagreements over the direction of the show coupled with the writers making J.J. a buffoonery type character that fit the typical stereotypes of black males, did not sit well with the

lead actors, Amos and Rolle. Esther Rolle's ire at the show and writers dated back to when they initially wanted to cast her as a single mother of three. She insisted on having a strong, black male character to provide the show with that needed presence. On the other hand, John Amos's friction came when writers began to marginalize his character and would not allow him to continue to be a strong parental figure. This rift led to his departure, and after three seasons on the show the CBS network decided not to renew Amos's contract.

Before leaving the show, the fictional character of James Sr. had made his mark as a pillar of strength for black males and the family structure. His visibility provided a nuclear family structure in contrast to single-parent households often seen in the black community. Earlier episodes of *Good Times* did an excellent job of exhibiting how the family, as a social group, was able to overcome serious economic and cultural issues. James Sr. was the stabilizing force that guided the family through those struggles. For example, James Sr. works numerous jobs to provide for the family. On the show, he shields J.J. from the influence of Sweet Daddy Williams, the neighborhood loan shark and numbers runner, and from joining the Satan's Knights street gang. He is a symbol of parental security for Thelma and pushes her to be selective in her choice of men. His guidance shows, Michael, how to channel his pro-black and rebellious nature.

James Sr. is also paramount in building the self-esteem and confidence of his children. He encourages them to venture beyond a life that confines them to the Cabrini-Green housing projects. Despite not being a great student in school, J.J. was an excellent artist who painted his way out of the ghetto. Thelma is encouraged to continue her education beyond high school, attend medical school, and become a surgeon one day. Toward the end of the show she marries an NFL player. James Sr. supports the elevated consciousness of Michael who has aspirations of becoming an attorney, and ultimately, a Supreme Court Judge.

James Sr.'s life comes full circle in season three when he is reunited with his own father. He did not have a relationship with his father who walked out on the family when James Sr. was a child. In the episode, *The Family Tree*, Thelma brings the two men together. She finds while doing a family tree project for school that her allegedly deceased grandfather, Grandpa Henry, is alive. James Sr. had previously told the family that his father was died. Their reunion is met with a painful exchange between father and son who had not seen each other for over 35 years. James Sr. emotionally tells his father, "There is one thought that never crossed my mind and that was

walking out [on my family] because I knew how my family was going to feel. So I stayed, man! I stayed!” He continues to tell his father that walking out on the family thrust James Sr. to become the man of the house, and he has upheld that role with his own family to ensure that his children have a strong, positive father in their lives.

PURPOSE AND SIGNIFICANCE

The positive role of black fathers in the social science literature has largely been ignored. Limited is the academic space that explains how strong, positive black fathers inject positivity in the lives of their son in an effort to avoid the pervasive structural and cultural forces in the black community (see Bowman and Forman 1997; Grief et al. 1998; Reynolds 2001; Ransaw 2014). The purpose of this chapter is to highlight the influence that a black father can have on shaping, molding, and helping to channel the attitudes and behaviors of black males from adolescents to adulthood. Using the city of Chicago, Illinois as the social environment, this is a valid attempt to explain how the presence of strong, positive black fathers in the home has the ability to offset deviant, criminal behaviors and subsequent arrests and imprisonment of young black males in the city. More importantly, this chapter argues that a black father’s presence can help his son better understand the social structures which evokes a Darwinistic, survival of the fittest, culture leading to the high number of black males in Chicago who devalue the lives of other black males (i.e., black-on-black murders).

Determinants behind the cultural epidemic of black-on-black murders have ranged from the social disorganization of the environment, lack of education, high black unemployment, generational poverty, territorial battles between gangs, drug wars, to absentee fathers. This chapter posits that the absence of strong, positive black fathers in the home is one of the chief determinants that lead to black-on-black murders. Using an auto-ethnographic method, which analyzes personal experiences in an attempt to better understand cultural experiences, this chapter provides case studies of three black males from Chicago (see Appendix). The goal of each case study is to show that black fathers, such as the prototype of James Evans Sr. bestow value to the lives of their sons. Their guidance counteracts the detrimental effects of negative structural and cultural factors. Furthermore, it leads the majority of young black males to learn to subvert attached stereotypes, become more personally responsible, culturally

progressive, and inspires them to enormous heights of black male achievement. In short, this chapter extends our depth of understanding of how a black father's presence propels black male achievement, and counterbalances the perceived cultural pathology in the black male subculture that potentially leads to the devaluation of black male life.

THE SOCIAL ENVIRONMENT

Chicago, Illinois, or so inhumanely named in the twenty-first century, Chiraq, Killinois, is much like a war zone. Given this description by local rap artists such as King Louie and the news media, the number of murders in the city over the last decade has been comparable to *Operation Iraqi Freedom* (OIF). OIF started on March 20, 2003, and ended December 15, 2011, recording a total of 4422 casualties. In that same timeframe, Chicago recorded just fewer than 4200 murders. What underscores the comparison of Chicago murders with wars overseas is the fact that some of those being killed are innocent adult bystanders and children, the collateral damage of the dehumanization of black human life in the city.

In the city, on average at least one black male is murdered every day. The Chicago Police Department (CPD) has recorded an estimated total of 4992 murders in the past decade, 2004–2014 (see Table 4.1). In prior years from 2001 to 2003, the total number of murders each year was above 600. There were 667 in 2001, 656 in 2002, and 601 in 2003. Despite decreasing patterns after 2003, it again climbed to over 500 murders in 2008 (513) and 2012 (506). In 2012, the city had 506 murders,

Table 4.1 Total murders in Chicago 2004–2014

2004	453
2005	451
2006	471
2007	448
2008	513
2009	459
2010	436
2011	433
2012	506
2013	415
2014	407

Source: Chicago Police Department, 2004–2014 Murder Analysis Report

increasing the murder rate to more than 19 % (433) higher than that reported in 2011. The city reclaimed the title “Murder Capital of the World.” While other major metropolitan cities have had higher murder rates based on total population, Chicago has consistently averaged the highest number of murders per year. In 2013 and 2014, the total number of murders declined with the city recording the fewest murders since 1965. However, the total remains high at 415 and 407, respectively.

The prominent dilemma is that black males are murdering other black males. While intraracial murders are not a new phenomenon, the vast majority of murders in the city result from black-on-black gun violence. Large proportions of the murders occur in black communities on the South and West sides of the city where gang violence is a key contributing factor in the total deaths of black males. According to the CPD Murder Analysis report, blacks have been the offender and victim in over 76 % of total murders in the last decade (see Tables 4.2 and 4.3). The bulk of these individuals are young black males between the ages 17 and 25, which aligns with the central assertion that more James Evans Sr.’s are needed in a social environment that fosters such violence between black males.

Table 4.2 Percentage of murder victims in Chicago, 2007–2011

<i>Year</i>	<i>All male victims</i>	<i>Black victims only</i>	<i>All age group (17–25) victims</i>
2007	87	75	40
2008	88	72	42
2009	88	76	43
2010	88	76	40
2011	90	75	45

Source: Chicago Police Department, 2007–2011 Murder Analysis Report

Table 4.3 Percentage of murder offenders in Chicago, 2007–2011

<i>Year</i>	<i>All male offenders</i>	<i>Black offenders only</i>	<i>All age group (17–25) offenders</i>
2007	90	72	44
2008	91	80	52
2009	93	74	53
2010	93	76	49
2011	88	71	53

Source: Chicago Police Department, 2007–2011 Murder Analysis Report

ABSENTEE BLACK FATHERS IN CHICAGO

The presence of the black father is the most promising crime-fighting strategy in the black community. A plethora of studies have conceded that the probability of criminal activity increases when the father is absent from the home (see Harper and McLanahan 2004; Anderson et al. 1999; Beaty 1995; Biller and Baum 1971). According to Popenoe (1996), in his book, *Life Without Father*, he states, “Father absence is a major force lying behind many of the attention grabbing issues that dominate the news: crime and delinquency, premature sexuality, out-of-wedlock teen births, deteriorating educational achievement, depression, substance abuse, and alienation among teenagers, in addition to the growing number of women in poverty” (p. 3). The consensus among these scholars is that the father’s parental authority and guidance is important in the maturation process of children. Unfortunately, the black community has the highest proportion of children living in households without their biological father.¹

David Blankenhorn (1996), in his book, *Fatherless America*, states that “the decline of fatherhood is the most harmful demographic trend of this generation” (p. 1). It is the impetus behind social problems such as crime. Horn and Sylvester (2002) derives at a similar conclusion, finding that children whose biological fathers are absent, tend to be two to three times more likely to participate in criminal behavior than those living in a structured, two-parent household. In contrast, children with involved biological fathers are significantly more likely to “exhibit empathy and pro-social behavior, and avoid high-risk behaviors such as drug use, truancy, and criminal activity” (p. 15).

According to a 2015 *New York Times* article titled, *1.5 Million Missing Black Men*, it was estimated that 625,000 black men between the ages 25 and 54 were missing from everyday life because they were either imprisoned or dead. The disappearance of fathers in the household is mainly due to the high incarceration rate of black men. The city of New York led the study with 120,000 missing black men, Chicago ranked second at 45,000, and Philadelphia rounded out the top three at 36,000.² One of the main premises of the article is that missing black men disrupt the family formation and the molding process of individual children. The report indicates that for every 100 black women, there are only 83 black men.³ This outcome has fractured the nucleus of the black family, and subsequently, more black women are left to raise these young black males alone.

Focusing on the city of Chicago, Table 4.4 shows that 68.5 % of black teens aged 15–19 in Chicago live in single-parent households headed by

Table 4.4 Type of household percentage of Chicago teenagers, 15–19 years old, by race/ethnicity, 2007–2011

<i>Type of household</i>	<i>Black</i>	<i>White</i>	<i>Hispanic</i>
In married-couple family household	22.3	64.5	60.3
In male householder, no wife present, family household	7.6	6.1	11.2
In female householder, no husband present, family household	68.5	21.4	27.0
In non-family household	1.6	8	1.5
Total	100	100	100

Source: US Census Bureau, 2007–2011 American Community Survey (ACS)

females compared to only 27 % for Hispanic and 21 % for whites. Assessing the cultural conditions in which some young black males are born and raised, the social environment of the city is a case study itself to illustrate the school-to-prison pipeline, inferior educational system, unequal job opportunities, and an uncontrollable gang problem, which are all antecedents to the black-on-black murder crisis.

The quality of public education in Chicago has long been under question and subject to intense scrutiny. The city has the third largest school district in the USA, serving nearly half a million students, 90 % of whom are students of color and 84 % are from low-income families (Lipman 2002, p. 380). In the past decade, Chicago has closed more than 80 underperforming and underutilized schools.⁴ The Chicago Public School (CPS) system has indicated that the closures were a way of improving the quality of low-performing schools. In May 2013, the Chicago Board of Education approved the closure of 50 public schools. CPS explained that the closures were an effort to restructure and reallocate funding needed to improve current schools and open charter schools. One implication of the school closures is the worsening of the academic performance of black male students who, in general, already show remarkably higher dropout rates and lower graduation rates compared with their white counterparts. Black male high school students in CPS have lagged behind whites and Hispanics (see Table 4.5). Data gathered from CPS for 2007 to 2012 show that black males fell behind considerably in their pace to graduate high school in four years. In conjunction, the dropout rate among black male high school students was significantly higher than whites and Hispanics. Table 4.6 shows that more than half of black males in CPS have dropped out of high school from 2007 to 2012.

Table 4.5 Percentage of male freshman students' on-track rate in Chicago Public Schools (CPS), by race/ethnicity, 2007–2012

<i>Race/Ethnicity</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>
Black	43.6	47.2	52.8	58	61.4	63
White	65.4	67.6	71.3	76.5	78.9	81
Hispanic	52.6	52.5	57	62.5	69	69.9

Source: Chicago Public Schools (CPS), Research Evaluation Accountability (REA) 2007–2012

Note: On-track rate represents rating of first-time CPS freshman students. Per CPS measure, students are on-track if at the end of their freshman year, they earned at least five course credits and failed no more than one semester course in a core subject (English, Math, Social Science, or Science)

Table 4.6 Dropout percentage among male high school students in Chicago Public Schools (CPS), by race/ethnicity, 2007–2012

<i>Race/Ethnicity</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>
Black	55	53.8	54.5	54.1	51.3	50.9
White	41.1	41.3	40.2	38.6	34.3	32.4
Hispanic	47	47.9	46.9	43.8	39.7	35.5

Source: Chicago Public Schools (CPS), Research Evaluation Accountability (REA) 2007–2012

Note: Rates are based on 5-year cohort dropout rates. For example, 2007 rate tracks ninth grade students who started in CPS in 2002–2003 school year and dropped out of CPS by August 2006–2007 school year (CPS, REA 2008)

In 2011, the city of Chicago had one of the highest black unemployment rates in the nation at 19.1 %. Chicago ranked third among major metropolitan cities.⁵ Due to the scarcity of available employment opportunities for black males, this emerges as a contributing factor that influences black-on-black murders. As William J. Wilson describes in his 1996 book, *When Work Disappears*, the impact of joblessness is significant in the black community. The majority of uneducated black males are limited to low-skilled, manual work. When these job opportunities are not available, levels of poverty increase and the rate of crime goes up. According to the US Census Bureau's 2011 American Community Survey (ACS), Chicago also had the third highest rate of those living below half of the poverty line among major cities. Twenty-one percent of Chicagoans lived in poverty compared to 13.1 % for the state.

The majority of black-on-black murders in Chicago are in neighborhoods on the South and West side of the city where street gangs fight over turf, sell drugs, and there are a large number of stolen and unregistered guns.

Table 4.7 Gang arrests in Chicago, 2007–2012

<i>Year</i>	<i>Arrests made where offender was identified as a gang member</i>
2007	41,293
2008	37,433
2009	36,958
2010	35,588
2011	33,090
2012	40,831
Total	225,193

Source: Chicago Police Department, 2007–2012 Murder Analysis Report

A 2012 CPD gang audit found that there are more than 600 gang factions in the city of Chicago. As a result, the CPD makes an absorbent number of arrests each year of gang members. In 2012, over 40,000 identified gang members were arrested. According to Table 4.7, more than 225,000 were arrested from 2007 to 2012. Despite arrest and incarceration, new members surface and become a part of the numerous gangs. This continues the cycle of black-on-black violence.

In the next section, personal narratives are provided in the first person from three black male Chicagoans. The autoethnography method allows these participants to provide a self-narrative to describe the impact of having a strong, positive black father, and how influential their father was in shaping, molding, and helping to channel their attitudes and behaviors from adolescents to adulthood in the social environment of Chicago. The guiding questions provided to the three participants to formulate their narratives were: (1) Explain the influence of growing up with a father. (2) How did his presence affect your personal development? (3) Identify specific attributes you learned from your father. (4) Describe how your father taught you to deal with neighborhood violence and gang pressures. (5) How instrumental was your father in helping you to understand the importance of respecting and valuing the lives of other black males?

CASE STUDY #1: POPPA KNOWS BEST

It was the Rev. Dr. Martin Luther King Jr. that most notably stated, “The function of education is to teach one to think intensively and to think critically. Intelligence plus character—that is the goal of true education.” My father first uttered this quote during my adolescent years. During that

time, he continuously filled my mind and spirit with positive rhetoric. He was a third grade math teacher. In our home, he kept a chalkboard in the den. My father would use half of the board to teach my siblings and me, the educational lessons. On the other half, he would write motivational quotes and place the name of the author at the end. Sometimes he would write a phrase or personal quote and sign it with, "Poppa Knows Best." His rhetoric became the moral guide of my life.

I am fortunate to have grown up with a father. I do not take that for granted. My father played a vital role in my personal and career success. Today, I am a Bishop and community leader in the city of Chicago. My goal is to blaze a spiritual trail for young black males in my community. It is important to become and forever remain a presence in the community. Amazingly, as I reflect, it was my father who imparted another one of Dr. King's quote after I graduated from college that led to my decision to become a community leader. The day after graduation, I was lying in the bed sleeping in late. He walked into the room to wake me. We had a brief conversation about life after graduation and before exiting he said to me, "Life's most persistent and urgent question is, 'What are you doing for others?'" As much as I wanted to dismiss the quote as another motivational method, the words penetrated. I had graduated from [Midwestern University] with a Bachelor of Science in Education degree. I wanted nothing more than to walk in my father's footsteps and become a teacher. But it was at that moment that I now believe my father was telling me to do more with my life.

When I think back to identify all the life lessons and specific attributes learned from my father, the more important attributes are ambition, courage, goal-setting, responsibility, and last but certainly not least, the ability to be observant. It was the ability to observe the environment around me, along with the direction from my father, which made me want to dedicate my life to helping others, particularly young black males in need of leadership and love. I, like many other black males who went on to prosper and avoid the systemic traps of the inner city, recognize through observation that the city of Chicago is in turmoil. From the major structural challenges of the CPS closings to the death toll of young black males by other black males, we know that solutions need to be proposed and implemented to bring righteousness back to the city. Personally, I am tired of turning on the evening news and the lead story features black-on-black gang violence. The schools fail these young black males and the alternative is to fend for themselves "by any means necessary." In my one-on-one encounters with young

black males, I preach to them that violence is not the way to rise above the depths of our circumstances as black people, but with many not having a father and some with no mother in the home, the message is not reinforced. Many times it eerily feels as if I am talking to a dead man walking.

All in all, I applaud my father for protecting me from the violence that happened in our neighborhood. I give him more credit for using the violence as teachable moments to understand that actions have consequences and it is important to value the lives of other black males. To avoid gang solicitation and violence, he employed two methods. First, he would always tell me to communicate with him about whether gangs were attempting to pressure me to join. For instance, when I was 12 years old, an older member of the Gangster Disciples tried to pressure my friend, Tony, and myself to join the gang. On the way home after school, members of the gang would attempt to intimidate us and threatened to beat us up if we did not join. As scared as I was, I told my father. After I told him, he picked me up from school for the rest of the school term. Tony refused to ride home with us because he did not want anyone to think he was afraid. Eventually, he succumbed to the pressure and joined the gang. Second, my father had tight rules for playing with friends and outside in the neighborhood. It was a rule that my father and mother had to meet each and every one of my friends. The other rule was that I had to be home by 7 p.m. every night. I was never allowed to stay over at a friend's home. However, he did allow friends to stay over at our home.

My father passed away several years ago. Before passing, he raised me from a boy to a man. There is an old adage, "It's not what you leave for your children, but it's what you leave in them." He reared me to love and respect people and appreciate the blessings of life. Poppa knew best.

CASE STUDY #2: WHEN HE TALKED, I LISTENED

I have the greatest father in the world. He has taught me so many life lessons. As a child, wherever he went, I went. When he talked, I listened. He was and continues to be my hero, role model, and best friend. He truly is the best father any person can have.

What I have appreciated the most is that he has made a conscious decision to allow me to choose the path that most exhibits my masculinity. My father was a two-sport athlete in college. He went to college on a football and track scholarship. I have never played football nor run track. In fact, I have never had a desire to play sports. During my childhood, my father

was an avid book reader. While I observed him doing athletic activities such as lifting weights in the garage, I took to reading because I observed him reading book after book. I developed a love for reading that grew to an overall passion to learn. When other black boys in the neighborhood were asking for a new bike, a football or basketball for Christmas, all I wanted was a new book. Reread that sentence again. Now, read it one more time. From reading it, you should derive that my interests as a young black male did not, and still does not, fit in the traditional mold of black masculinity. I was different. I knew it. And more importantly, my father did not try to change me.

My father's hobbies included working out, reading, visiting art museums, and collecting music. He actually used each of these hobbies to teach me valuable lessons about life. In his many talks with me, he would say that working out teaches discipline, reading expands the mind, visiting the museum allows the mind to develop creativity and learn artistic expression, and music is a universal language spoken by all. My father is deep like Furious Styles in the movie, *Boyz n the Hood*. He believes there is always a lesson to be learned.

Due to his approach for living life, combined with my own self-interests, it was easy back then for me to avoid the pitfalls of participating in deviant and violent behaviors or joining a gang. For example, in middle school and high school, I participated in the band. During the peak times of the day, 3–6 p.m., when most adolescents get into trouble or commit crimes, I was at band practice. Afterwards, either my father or mother would pick me up from school. The “after-school” gap was never really present. On days there was no band practice, I'd participate in another type of after-school program. After-school programs are powerful antidotes to provoke positive social involvement among youth and offset potential deviant and criminal behaviors. My father was a stickler for programs that fostered positivity for youth such as after-school programs, YMCA, band camp, summer camp, and so on. The many activities were consuming, but they helped to keep me on the right track.

The closest I have ever come to gang violence was around 14 years old. A childhood friend died from a stray bullet. When my father heard the news, it was our first talk about gangs, violence, and respecting black life. His message was for me to always respect black life. He wears his black skin with great pride and wants me to do the same. My father strongly believes that black pride helps to protect black life. His belief is that we are all in the same struggle and need to be a conscious group of people.

My father is the single most important person in my development as a human being. I would be remiss not to mention that my mother, as well, had an unforgettable hand in my upbringing, but my father guided me. He gave me the roadmap to success and led me down a path to explore and discover all of my talents. In 2010, I received my Ph.D. and became a college professor. His words guided me down this path. During my senior year in high school, he told me to write down three career goals. At the top of the list was “Become a high school teacher.” My father reinforced the idea and said he could see me teaching at [major university in the city]. When I replied that my list said, “Become a high school teacher and not a college professor,” his response was, “Why are you setting your goals so low? You can become a college professor.” I then asked my father, “What is a college professor?” He advised me to do some research. My father knew exactly how to push my buttons. From that conversation, he knew I would research “what is a college professor?” and the criteria to become one. He is a master motivator. His tactics worked and challenged me to be my best. For him, I am forever grateful.

CASE STUDY #3: WHIPPINGS SAVED MY LIFE

My father is a disciplinarian. Growing up, I received a ton of whippings. I received whippings in public, at school, but the majority at home. This form of physical punishment saved my life. I understand we now live in a society that believes such punishment is unjust and inhumane. However, without the many whippings I may have ended up in jail or in the grave. I was bad, very bad. I can confidently say now, whippings saved my life.

I love my father. He is a no-nonsense type of guy. My father spent 24 years in the Army. He fought in the Gulf war and retired as a Master Sergeant (MSG). After retiring, he worked a number of odd end jobs before eventually opening his own place of business. It was in this setting that I observed my father’s attention to detail, work ethic, and discipline. Discipline is his core. He learned that in the military. At an early age he attempted to instill in me those same attributes, but I rebelled. Rebellion was part of my DNA. Because of that, we clashed.

I am 39 years old, married with two children, and he still believes he can discipline me. But I will say, if more fathers acted like him, I believe there would not be as many young black males on the streets of Chicago killing each other. Although I hated his approach, my father used discipline to keep me in line. Besides being a disciplinarian, he was also a great

communicator. He is old school—beat first, talk later. Each whipping came with a talk to address my behavior and reassurance of his love for me.

When I was about 7 years old, I began stealing from local convenience stores. I rotated between three stores. One day, the clerk behind the counter approached me. I ran out of the store. Little did I know, she had already alerted the police. They arrived on the scene and arrested me for theft. I was released into the custody of my parents. My father was so upset that I did not receive a whipping that night. He talked to me for three hours about the importance of making good decisions. That talk went into one ear and out the other.

The next major incident came when I was 10 years old. A group of friends and I began stealing bikes. We would either break the parts down and sell them or ride the bikes around for a couple of days and ditch them. One of my friend's parents reported us to the police. We were cited for possession of stolen property and sent home. I received the whipping from hell after that incident. My father became even more of a disciplinarian. I had curfew at 6 p.m. and could not watch television after that time. Unfortunately, the more he attempted to ensure that I stay on the straight and narrow, I strayed even more.

Soon, many of my friends were joining gangs. Over time the pressure mounted for me to follow their lead. At the age of 14, I had made up my mind that I was going to join a gang. However, I did not know how to keep this a secret from my father. Before getting “jumped into” the gang, they asked me to break into a house in my neighborhood and steal as much stuff as possible. When I was told which house, I could not oblige their request. It was one of my parent's friends house. After I told them “No,” several members of the gang beat me up. They broke my jaw. I then had to go home and explain this to my parents. Needless to say, my father was not happy. He was quiet on the way to the emergency room. After I was released from the hospital, he talked, yelled, cursed, and grounded me (even more). No whipping was needed. The thing I remembered most about that day was that my father could not stop crying. Even after I went to my room, I could hear him crying while talking to my mother. I could hear the pain in his voice. I had disappointed him before; however, this time was different.

That day changed my life. I realized that my father was attempting to create an atmosphere of love and respect. The next day he explained to me that he too contemplated joining a gang as a youth but decided against it after one of his friends went into sudden cardiac arrest and died while

being “jumped into” the gang. After that incident, my father decided he would join the Army as a way out of the hood.

In our discussion, he was most disappointed because he understood that a lot of black males who do not have fathers join gangs. It pained him to think that possibly I thought he did not love me and that was the reason why I contemplated joining. It was not the reason. I was a follower. I was following the example of my friends when I should have been following the example of my father.

For the first quarter of my life, I was a trouble kid. I have now gone on to become a medical doctor. I owe much of my success to my father. He never gave up on me. Even after the gang incident, I continued to get into minor trouble. My father was steadfast in his discipline and dedication to make sure I stayed on the right path. When I graduated from medical school, he gave me a card that read at the end, “After the storm, there is a rainbow. I knew you would make me proud.”

CONCLUSION

The self-narratives from the three black male Chicagoans reinforce the premise that black fathers must be a fixture in the lives of their sons, to help them overcome the pervasive structural and cultural forces that lead many down the wrong path. The presence and influence of the black father plays an integral role in educating, fortifying morals and values, making them more personally responsible, culturally progressive, shaping their masculine identities, teaching them how to value the plight and triumph of other black males, and breaking the generational cycle of absentee fathers. Derived from the narratives, we extract the sentiments that most young black males need a normative family structure and support system to maximize their full potential.

In contrast, too often young black males grow up without fathers. Black mothers and family members by default become central to shaping the masculinity of young black males. This contributes to the dysfunctional cycle that continues to permeate in the black family. Some of these black males view the single-parent household as a place of survival, and consequently, they must be able to provide food, clothing, and shelter for their mother and siblings at all costs. Beyond that, in their search for masculine norms and a sense of family, many of them in the city of Chicago join gangs to establish external family bonds, and the deviant and criminal acts associated with it are a part of the gang culture. Subsequently, this

leads to the high volume of black-on-black violence and murders among black males in the city of Chicago.

The year 2014 marked the 40th anniversary of *Good Times*. The mythical Evans family headed by James Sr. exhibited the importance of a strong black masculine presence in the lives of young black males. The fictional character of James Sr. showed the world that the growth and development of a young black male is enhanced through present, active fathering. He was a television father figure for a generation of young black males who grew up without one, especially in the city of Chicago. Decades later, reruns of the show on television allow the world to see the important paternal role he played in the home while attempting to dismantle the negative stereotype of absentee black fathers. The question that black Americans deal with in the real world is, what has happened to the prototype of James Evans Sr. in the black community? He is *missing*.

NOTES

1. See Kreider, R. M., and R. Ellis. 2011. "Living arrangements of children: 2009," *Current Population Reports*, pp. 70–126, U.S. Census Bureau, Washington, DC, Available at: <http://www.census.gov/prod/2011pubs/p70-126.pdf>
2. See Wolfers, J., Leonhardt, D., and K. Quealy. 2015. "1.5 million missing black men." *New York Times*. Available at: <http://www.nytimes.com/interactive/2015/04/20/upshot/missing-black-men.html> (April 20).
3. Ibid., 1.5 million missing black men.
4. See Zubrzycki, J. 2012. "Phaseout plan pains Chicago neighborhood." *Education Week*. Available at: http://ew.edweek.org/nxtbooks/epe/ew_10172012/index.php?startid=12 (October 17).
5. See the Illinois Department of Employment Security, Economic Information, and Analysis: <http://www.ides.illinois.gov/page.aspx?item=2509>; Also see, "Black metropolitan unemployment in 2011," by Algernon Austin, July 2, 2012, *Economic Policy Institute*, Available at: <http://www.epi.org/files/2013/ib337-black-metropolitan-unemployment.pdf>

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PART II

It's Good to Be White in America

No Indictment on Canfield Drive

On March 4, 2015, the US Department of Justice (DOJ) ruled that Ferguson, Missouri had a race problem. In the aftermath of Michael Brown's death, the DOJ released two incriminating reports, one substantiating this claim.¹ The city of Ferguson had for years exhibited systemic racial bias in the municipal sector. The police department, which at the time of Brown's death had 50 white officers and only 3 black officers, displayed a pattern of harassing, bullying, and arresting black citizens. Then once in the system, the court further exacerbated frivolous charges against them in order to issue fines and generate city revenue. In addition, the investigators of the DOJ report found evidence of racist jokes sent by email between police officers and court officials. The subsequent release of the report led the Municipal Judge, Ronald Brockmeyer, City Manager, John Shaw, and Police Chief, Thomas Jackson, to resign.²

In a city where the population was 67.4 % black and unemployment exceeded 13 % according to the 2010 US Census Bureau, the DOJ found that blacks were involved in 93 % of all arrests, including 85 % of traffic stops, and were the recipients of 90 % of tickets issued between 2012 and 2014. In 2013 alone, blacks made up 93 % of arrests after car stops, and separately, the court issued over 9000 (92 %) warrants for charges of traffic violations, parking infractions, and housing code violations. Blacks, as well, absorbed the brunt of the use of force from police officers (88 %) and 95 % were jailed after arrest for more than two days.³ The majority of the charges and arrests against blacks occurred with no probable cause,

which violated their Fourth Amendment rights, and created a culture of civil unrest and distrust among members of the black community.

Ferguson, Missouri had truly become a disorderly environment hiding in the shadows of systemic racism until August 9, 2014, when Michael Brown died on Canfield Drive. Ex-Ferguson police officer Darren Wilson, who is white, shot and killed Brown, who was unarmed and black. Public reaction to the incident was both speedy and mixed. Initial reports painted Brown as a college bound, saint, who had a bright future ahead of him. However, he never made it to his first day of school at Vatterott College because a hateful, white police officer shamefully took his life for a senseless reason. The public sentiment, then and continues to be, that another unarmed black male was fatally killed by another white police officer. His mother, Lesley McSpadden, broke down in tears during early media interviews, which tugged at the heartstrings of millions after the similar national death of Trayvon Martin. Civil rights leaders rushed to Ferguson to support Mrs. McSpadden and protest for justice.

Days after the incident gained national attention, a video surfaced of Michael Brown and his friend, Dorian Johnson, robbing a convenience store of two handfuls of cigarillos minutes before the fatal shooting, which lead to questions regarding Brown's character. Was Michael Brown really a college bound, saint? Or was Michael Brown a thug? Was Officer Darren Wilson really a hateful, white police officer? Or was Officer Darren Wilson a hero?

Michael Brown had no prior criminal record. According to Dorian Johnson, the two were talking about the Bible and God before entering the store. However, the media's portrayal of Brown spun swiftly after the video showed him not only stealing the cigarillos but also intimidating and shoving the store employee before exiting. Brown's moral failings were on a national stage as the country was split between whether he provoked the incident leading to his death or if Officer Wilson could have preserved Brown's life. Because Brown was unarmed in the encounter, many believed Wilson's actions were reprehensible whether Brown was guilty of stealing the cigarillos, confronting Officer Wilson, or not.

This case provoked anger and protest in Ferguson and beyond. The impetus behind the anger from those on the side of Brown was the facts leading up to his death. The only evidence available for debate in the beginning was Dorian Johnson's story, the video from the convenience store, and eyewitness accounts of the shooting. From such evidence, the video showed Brown acting in a thuggish manner, whereas eyewitness

accounts said once Officer Wilson stopped Brown on Canfield Drive, Brown surrendered the cigarillos, had his hands in the air, and was fatally shot. This led to the Ferguson slogan: “Hands up, don’t shoot.”

Officer Wilson’s own account after the fatal incident and during the grand jury proceedings was that he did not stop Brown on suspicion of robbery, but in the process of instructing Brown and Johnson to “Get the F[uck] on the sidewalk” and not walk in the middle of the street, he noticed Brown carrying a handful of cigarillos. He then identified the pair as potential suspects calling to mind an earlier relay on his police radio. The encounter escalated when Officer Wilson stated Johnson and then Brown each replied with a vulgar response, which led to a further exchange of words between the parties, an altercation inside the police cruiser, and according to the testimony of Officer Wilson, he had to fire his service weapon 10 times at Brown in self-defense.

The perplexity of these details led to local officials soliciting the help of a county grand jury to review the evidence and testimony of the case provided by St. Louis County prosecuting attorney Robert P. McCulloch and his team, and ultimately, decide whether there was sufficient legal evidence to justify an indictment against Officer Wilson. The grand jury was responsible for deciding whether or not Officer Wilson should be charged with one of the four stated crimes: first-degree murder, second-degree murder, voluntary manslaughter, or involuntary manslaughter. After reviewing voluminous amounts of evidence, the grand jury ruled to not return an indictment against Officer Wilson. Ahead of the decision, due to previous protests and violence, Missouri Governor, Jay Nixon declared a state of emergency, calling in National Guard troops, and asking the citizens of Ferguson for “respect and restraint.” On the night of November 24, 2014, McCulloch stated in front of a divided American audience that Officer Wilson would not be indicted and vowed to release public documents to justify the decision. Yet, the tone of the news conference was disturbing. He placed dual blame on the media and Michael Brown. After the release of the documents that contained witness accounts and testimony, it was clear that McCulloch and his team of prosecutors gave the grand jury members faulty instructions. Jury members, as stated, were also presented with voluminous amounts of evidence, the proceedings did not operate in secrecy, and Officer Wilson was handled with “kid gloves.” All of which, begs sensible minds to question whether McCulloch and his team misled the jury, abused their prosecutorial power, and lessened the probability of returning an indictment.

This chapter argues that McCulloch and his team abused their prosecutorial power in the Michael Brown grand jury case, and concludes that they dictated and controlled the decision of jurors to return a preferred outcome of non-indictment. In general, the grand jury's decision not to indict Darren Wilson was against the norm. Notwithstanding his position as a police officer, it is typically rare for a grand jury not to return an indictment verdict. However, controlling for his race, position as a police officer, and the level of systemic racism rooted in the community, the latter was chosen. It is difficult to argue that the grand jury was not faced with enormous pressures. The 12-member jury, which contained nine whites and only three blacks, was well aware of the civil unrest looming because of the numerous protests.⁴ However, the coercive tone of the grand jury proceedings insulated them from feeling that it was imperative to indict Officer Wilson.

In the most recent data available, the 2010 Bureau of Justice Statistics showed that US attorneys prosecuted more than 162,000 federal cases. Grand juries voted not to return an indictment in only 11 cases.⁵ While the numbers are not accurately comparable due to the different tiers of government, the gist is that indictments are not difficult to attain. However, the inbuilt systemic racism and discrimination entrenched in the municipality of Ferguson and maybe other small municipalities of St. Louis County provided McCulloch and his team the prosecutorial power to select certain jurors and sway their decision, by deciding what charges jury members would consider, who would testify, which witnesses were credible, and what evidence to present.

THE GRAND JURY PROCESS

The grand jury serves multiple purposes from investigating criminal matters, bringing criminal charges forward, to protecting those accused of crimes in an attempt to guarantee due process. Twelve citizens make up the jury whose duty is to determine whether or not there is legally sufficient evidence presented by the prosecutor for the accused to be indicted. If nine or more members of the jury vote that the case should proceed to trial for the charges presented by the prosecutor, they will return an indictment (also known as a "true bill"). In contrast, if the grand jury finds that the accused was justified in their actions and/or did not commit a crime, a non-indictment will be returned.

Throughout history the grand jury process has been hailed as an indelible instrument of justice. Conserved in the Fifth Amendment of the

US Constitution, which reads, “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury,” the process is safeguarded by legislative and judicial bodies. Yet, the function of federal and state grand juries are often misunderstood, which inevitably makes their decisions controversial to the American people and has led to a popular legal opinion to abolish the grand jury in total (Campbell 1973).

Neither federal nor state grand juries determine whether an individual accused of a criminal act is guilty or innocent, but rather, decides “probable cause,” a reasonable basis in establishing whether or not a crime has been committed. In general, “probable cause” is rather easy to establish. Thus, a fundamental criticism of most grand juries is that they are a “rubber stamp” for prosecutors seeking to charge an individual. As a result, grand juries often allow prosecutors to abuse their prosecutorial power to indict (Vaira 1984). They fail as a means of checks and balances in limiting the power of the prosecutor. Thus, there is limited judicial oversight in the prosecutor’s charging decision and influence over the grand jury.

At the federal level, the grand jury mainly hears evidence and testimony presented by the prosecuting attorney. Usually, the only parties privileged to proceedings are the jurors, prosecuting attorney, actual witness under examination, and court reporter. Alternatively, the state level handles the grand jury process somewhat differently. Some states have preliminary examinations where judges can preside over probable cause hearings. In these hearings, the prosecutor and defense attorney conduct the proceedings in a conventional manner and abide by the rules of evidence. Few states exercise this option. Normally, the judge’s role is limited to administering the oath and overseeing the general instructions prosecutors give to jurors (Anonymous 1951). Such was the case in the Michael Brown grand jury, which allowed McCulloch and his team to take full advantage of the absence of judicial oversight.

THE MICHAEL BROWN GRAND JURY

At the start of the grand jury proceedings, on the St. Louis County prosecuting attorney website, a statement from Robert P. McCulloch read:

I appreciate and understand the concerns of those who honestly believe that I cannot or will not be fair to all in the gathering and presentation of the evidence pertaining to the tragic death of Michael Brown. Although

I understand the concerns, and do not take lightly the demands that I recuse myself from this case, I also recognize that I have a responsibility to the family of Michael Brown, the people of Ferguson and the entire community.⁶

McCulloch, who has served as the prosecuting attorney since 1991, had become a focal point of dissent from Michael Brown's attorneys and protesters in the community who questioned his family's deep ties to law enforcement and his ability to be impartial in the grand jury proceedings. Many of McCulloch's family members, brother, nephew, and cousin had been police officers, including his father, who in 1964 was killed in the line of duty by a black man when McCulloch was only 12 years old. Even McCulloch wanted to become a police officer, however, lost his leg at an early age due to cancer. To this end, McCulloch did not recuse himself from the proceedings. Instead, he assigned it to two of his subordinates, Kathi Alizadeh and Sheila Whirley. In the face of his non-recusal and assignment of the case to two assistant prosecutors to serve in his place, for the sake of absolute clarity, this chapter vehemently contends that McCulloch was still in charge and oversaw how the case was ultimately handled. Therefore, when we look at the grand jury proceedings, there are several points of emphasis below, which are addressed that question the prosecutorial conduct of McCulloch and his team (see Table 5.1).

Prosecutorial Miscue

The most egregious grand jury events to occur during the proceedings was that one of the assistant prosecutors, Kathi Alizadeh, provided misleading instructions to the jury. Alizadeh provided to the grand jury two statutes: (1) MO §563.046: Law enforcement officer's use of force in making an arrest and (2) MO §563.031: Use of force in defense of persons, which is the state's self-defense statute. The former, MO §563.046, is a 1979 Missouri statute allowing the use of deadly force by police officers when making an arrest. According to the statute, officers are "justified in the use of such physical force as he or she reasonably believes is immediately necessary to effect the arrest or prevent the escape from custody."⁷ However, in 1985, the US Supreme Court ruled that his statute was unconstitutional in *Tennessee v. Garner*, 471 US 1, 11 (1985).⁸ Such a statute provided to the jury would lower the standard of proof to indict, and consequently, favor Officer Wilson. Even after acknowledging the mistake, Alizadeh failed to explain to the jurors how the current law

Table 5.1 Grand jury differences

	<i>Traditional grand jury proceeding</i>	<i>Michael Brown grand jury</i>
Prosecutorial miscue	The prosecutor will only provide statutes to the grand jury that apply to the case.	St. Louis County prosecutor, Robert P. McCulloch and his team presented a 1979 Missouri statute that was deemed unconstitutional.
Presentation of charges	The prosecutor normally will recommend a specific charge or charges.	McCulloch and his team did not recommend a specific charge or charges against Officer Darren Wilson, however, presented to the grand jury the full range of charges, from first-degree murder to involuntary manslaughter.
Volume of evidence	Only necessary evidence is given to jurors to establish probable cause.	McCulloch and his team chose to present countless hours of testimony from witnesses, and scores of documents including reports and interview transcripts; More than 60 witnesses submitted testimony. Grand jury also heard testimony from investigators.
Secrecy	Missouri law typically holds grand jury evidence confidential; press and public are barred from proceedings.	Prior to the non-indictment, there were leaks that supported Darren Wilson's version of the incident. McCulloch and his team released all the evidence and testimony after the grand jury decided not to indict Darren Wilson.
Defendant testimony	The grand jury seldom hears testimony from the individual who may be charged in the case; individual and counsel are barred from proceedings.	Darren Wilson testified for four hours.

Source: Table adapted from a 2014 *New York Times* article, "What Happened in Ferguson?" Article available at: http://www.nytimes.com/interactive/2014/08/13/us/ferguson-missouri-town-under-siege-after-police-shooting.html?_r=0

differed from the pre-1985 version. Left unanswered after this prosecutorial miscue was whether McCulloch instructed Alizadeh to provide this instruction.

As a result of Alizadeh's error, the grand jury heard Officer Wilson's testimony under the false impression that the statute was one of the guiding principles to judge his actions. It was after his testimony that jurors were given a correction to the statute. Still the error of the prosecutor

lowered the standard for reasonable force. While I will discuss the competing facts of the case, which center heavily on Officer Wilson's testimony and witness accounts, it is without question that using this statute misled jurors to believe that Michael Brown did not have to pose a threat for Officer Wilson to use deadly force.

Presentation of Charges

In the grand jury proceedings, the prosecutors took an unusual step in presenting the charges against Officer Wilson. Instead of recommending a specific charge or charges, McCulloch and his team, presented to the grand jury the full range of charges: first-degree murder, second-degree murder, voluntary manslaughter, or involuntary manslaughter. Failing to identify a specific charge, left much of the burden on the jurors to decide exactly which criminal charge(s) should Officer Wilson be charged with, if indicted.

In general, prosecutors tend not to present charges that will be rejected by the grand jury, however, in this case, the presentation of all the charges combined with the overwhelming evidence placed an enormous burden on them to find facts of the case and apply to a specific charge. The failure to and/or intent to not present a specific charge, suggested to the jurors in this case that Officer Wilson might not be guilty of any of the proposed charges.

Volume of Evidence

In the majority of grand jury proceedings, a prosecutor will typically only give the jurors the evidence necessary to establish probable cause (Vaira 1984). McCulloch and his team chose to present countless hours of testimony from witnesses, and scores of documents including reports and interview transcripts.⁹ In total, 4799 pages were assembled from this case. Their decision to present all the available evidence, as opposed to culling important pieces and narrowing the focus on the case, was a derelict of their duties and too much in asking jurors, who are ordinary citizens with no legal background, to decide which facts were legally sufficient to indict Officer Wilson.

The most disturbing of this process was allowing jurors to hear testimony that was later discredited. Even at one point allowing Sandra McElroy, a woman whom prosecutors knew was not present at the scene of the crime, to testify for several hours intentionally presenting false testimony to the grand jury. McElroy testified that Michael Brown charged Officer Wilson

“like a football player, head down,” which supported his claim of self-defense.¹⁰ This was a strong indication that McCulloch and his team was trying to avoid prosecution of Officer Wilson. In general, jurors are often influenced by the prosecutor’s presentation of the evidence, and thus, if the prosecutor has a bias agenda, it tends to be projected in the ruling of the grand jury.

DIFFERING ACCOUNTS IN OFFICER WILSON’S TESTIMONY

The grand jury seldom hears testimony from the accused. As noted, in the majority of cases, the accused and their defense attorney are barred from grand jury proceedings. However, in this case, Officer Wilson was called to testify before the grand jury for four hours. This is a privilege that the accused are rarely allowed. During his testimony, he presented a strong case for self-defense under MO §563.031: Use of force in defense of persons, which is the state’s self-defense statute.

Officer Wilson’s version of the story was that Michael Brown was the aggressor. However, Dorian Johnson, who was with Brown, testified before the grand jury that Officer Wilson initiated physical contact, which agitated the altercation. After instructing Brown and Johnson to “Get the F[uck] on the sidewalk,” Officer Wilson while driving away noticed the cigarillos in Brown’s hands. Officer Wilson then proceeded to angle his police cruiser to block them in which led to the exchange between Michael Brown and himself. According to Dorian Johnson’s grand jury testimony, he indicated Officer Wilson almost hit them with the police cruiser “aggressive[ly]” parking just inches away. Johnson stated that Officer Wilson, “thrust his door open real hard,” which bumped them.¹¹

In contrast, Officer Wilson’s grand jury testimony paints a different picture.¹² In his words he politely asked them to move from walking down the center of Canfield Drive and when he noticed the cigarillos in Brown’s hands, he directed Brown to come over to him and began to open the door to the police cruiser. At which time, Brown said, “What the fuck are you gonna do?”¹³ Brown then pushed the door shut on Officer Wilson. When Officer Wilson attempted to exit again, Brown again pushed the door closed. Brown then leaned into the driver’s window of the police cruiser and punched Officer Wilson on the side of his face. After being punched again, and deciding not to use his mace spray for fear of blinding himself, Officer Wilson drew his Sig Sauer .40 pistol and told Brown, “Get back or I am going to shoot you.”¹⁴

In his testimony, Officer Wilson described Brown's size, as, "When I grabbed him, the only way I can describe it is I felt like a five-year-old holding onto Hulk Hogan."¹⁵ Brown was six feet, five inches tall, and weighed about 290 pounds. Officer Wilson was six feet, four inches tall, and weighed about 210 pounds. There was a major difference in the body weight and mass. Officer Wilson keenly pointed this out during the proceedings. According to Officer Wilson, Brown then tried to grab his gun, and with both of their hands on the weapon, he tells Wilson, "You are too much of a pussy to shoot me."¹⁶

Officer Wilson testified that he managed to gain control of the gun and twice attempted to fire, but to no avail. The third time, the gun went off and "startled him [Brown] and me at the same time."¹⁷ After the shot, Brown stepped back and put his hands up, however Officer Wilson did not observe this as a sign of surrender. Yet, in the interview with the detective after the shooting on August 10, 2014, Officer Wilson stated, "He [Brown] was shocked initially but, and he paused for a second and then he came back into my vehicle and attempted to hit me multiple times."¹⁸

In the grand jury testimony, Officer Wilson said Brown then "had the most intense aggressive face. The only way I can describe it, it looks like a demon, that's how angry he looked."¹⁹ In contrast, in the interview with the detective, Officer Wilson does not make this statement until after Brown has fled from the police cruiser. According to Officer Wilson, Brown had already begun running away from him, he yelled for Brown "to stop and get on the ground." Brown kept running and then stopped. Officer Wilson stated in the interview:

When he stopped, he turned, looked at me, made like a grunting noise and had the most intense aggressive face I've ever seen on a person. When he looked at me, he then did like the hop ... you know like people do to start running. And he started running at me. During his first stride, he took his right hand put it under this shirt and into his waistband. And I ordered him to stop and get on the ground again. He didn't; I fired multiple shots.²⁰

Witness accounts indicate that Brown did have contact with Officer Wilson's police cruiser (see Table 5.2). However, after Officer Wilson fired a second shot from within his police cruiser, is when details were mixed among witnesses. Table 5.2 shows that the majority of witnesses observed Brown reach into or otherwise directly interact with the police cruiser. The DNA analysis report shows that Brown did come into contact with the police cruiser; his blood was found inside and on Officer Wilson's

Table 5.2 Witness account of the Michael Brown (MB) shooting

<i>Witnesses</i>	<i>Did MB reach into or otherwise directly interacted with police car?</i>	<i>Did MB face DW when fired upon?</i>	<i>Did MB put his hands at his waist?</i>	<i>Did MB charge at police car or DW?</i>	<i>Did MB put hands up when fired upon?</i>
W—10	Yes	N/A	Yes	Yes	No
W—12, No.1	Yes	Yes	N/A	N/A	N/A
W—12, No.2	N/A	Yes	N/A	N/A	N/A
W—12, No.3	Yes	Yes	N/A	N/A	N/A
W—14, No.1	Yes	Yes	No	No	Yes
W—14, No.2	Yes	Yes	No	No	Yes
W—16, No.1	Yes	N/A	N/A	N/A	Yes
W—16, No.2	N/A	Yes	N/A	No	Yes
W—22	N/A	N/A	Yes	N/A	Yes
W—25	N/A	Yes	N/A	N/A	N/A
W—30	N/A	N/A	Yes	Yes	No
W—32	Yes	Yes	N/A	N/A	N/A
W—34	Yes	N/A	N/A	Yes	N/A
W—35	N/A	N/A	N/A	Yes	Yes
W—37	Yes	No	N/A	N/A	Yes
W—38	N/A	N/A	N/A	N/A	N/A
W—41, No.1	N/A	Yes	N/A	N/A	Yes
W—41, No.2	N/A	Yes	N/A	N/A	Yes
W—42	N/A	Yes	N/A	N/A	Yes
W—43	Yes	N/A	N/A	N/A	N/A
W—44, No.1	N/A	Yes	N/A	Yes	Yes
W—44, No.2	Yes	Yes	N/A	Yes	Yes
W—45	No	Yes	N/A	No	Yes
W—46	No	No	N/A	No	Yes
W—48, No.1	N/A	Yes	N/A	N/A	Yes
W—48, No.2	N/A	N/A	N/A	N/A	N/A
W—57, No. 2	No	N/A	N/A	N/A	N/A
W—64, No. 2	N/A	Yes	N/A	N/A	Yes
Dorian Johnson	Yes	Yes	No	No	Yes
Officer Darren Wilson	Yes	Yes	Yes	Yes	Yes

Source: St. Louis County, Missouri, Prosecutor’s Office; made available by prosecuting attorney, Robert P. McCulloch. Full transcripts of documents can be found at: http://www.nytimes.com/interactive/2014/11/25/us/evidence-released-in-michael-brown-case.html?_r=0

Notes: (a) Yes—affirmative, No—negative, N/A—witness did not know or no answer to the question.

(b) Table adopted from the Public Broadcast Station (PBS); <http://www.pbs.org/newshour/updates/newly-released-witness-testimony-tell-us-michael-brown-shooting>.

(c) Table precedes witness testimony from the March 4, 2015, Department of Justice (DOJ) report, “Department of Justice Report Regarding the Criminal Investigation Into the Shooting Death of Michael Brown By Ferguson, Missouri Officer Darren Wilson.”

weapon. Surprisingly, in the description of the DNA analysis report, Officer Wilson is listed as the victim, whereas Brown is listed as the suspect (even after his death).²¹

While DNA evidence proves there was an altercation inside of the police cruiser, it is difficult to substantiate all the other claims of Officer Wilson's testimony with no body camera or police cruiser video available. More than half of the witnesses said Brown did have his hands in the air when fatally shot by Officer Wilson. The majority of witnesses could not attest to whether or not Brown put his hands in his waistband, which prompted Officer Wilson to again fire his service weapon. Officer Wilson testified that he did not think about whether or not Brown was armed during their confrontation at the police cruiser. Yet, later, his focus shifted to Brown's hand in his waistband before fatally shooting him. Officer Wilson's grand jury testimony and interview with the detective both fall under the Missouri self-defense doctrine.

McCulloch and his team did little to refute any of the testimony provided by Officer Wilson. Ms. Alizadeh, who earlier misled jurors, was responsible for the examination. From reading his grand jury testimony, it noticeably appears that Officer Wilson received lenient treatment, whereas, witnesses whose accounts contradicted his version of the story were questioned thoroughly. The final question asked to Officer Wilson by Sheila Whirley, the other assistant prosecutor, was, "[I]s there something that we have not asked you that you want us to know or you think it is important for the jurors to consider regarding this incident?" He responded:

One of the things you guys haven't asked that has been asked of me in other interviews is, was he a threat, was Michael Brown a threat when he was running away. People asked why would you chase him if he was running away now.

I had already called for assistance. If someone arrives and sees him running, another officer and goes around the back half of the apartment complexes and tries to stop him, what would stop him from doing what he just did to me to him or worse, knowing he has already done it to one cop. And that was, he still posed a threat, not only to me, to anybody else that confronted him.²²

The absence of a defense attorney to question the nature of Officer Wilson's formed response permitted a climate for the prosecutor to ask leading questions to serve their interests.

DEPARTMENT OF JUSTICE (DOJ) REPORT

A separate DOJ report, also released on March 4, 2015, investigating the shooting death of Michael Brown by Officer Wilson, found there was “no evidence” to combat Wilson’s grand jury testimony that he feared for his safety.²³ As the accompanying DOJ report found that the city of Ferguson suffered from a race problem, this particular report attempted to dispel that the fatal death of Michael Brown was a result of targeted racism by a white police officer and there was no evidence that Officer Wilson did not act in self-defense. The DOJ conducted exhaustive interviews with witnesses, reinterviewed previous witnesses from the grand jury, checked ballistic analysis, and reexamined the results from the three autopsies of Michael Brown. The release of both of the reports on the same day in some ways exhibit that Officer Wilson was guilty by association; however, he was not guilty in the fatal shooting of Michael Brown.

The overarching conclusions were that: (1) Michael Brown did not have his hands up when shot by Officer Wilson. Witness 101 from the report, who is Dorian Johnson, fabricated that earlier story. Many of the other witnesses recanted their original accounts; (2) Officer Wilson knew about the theft of the cigarillos from the convenience store. He had a description of the suspects; (3) Michael Brown did fight with Officer Wilson inside of the police cruiser. Although the blood of Brown was found on the weapon, it is inconclusive how it got there. His fingerprints were not found on the weapon; (4) Michael Brown did move toward Officer Wilson in some capacity prior to being fatally shot. Witness testimony is mixed as to whether Brown had his hand in his waistband. The report states:

While credible witnesses gave varying accounts of exactly what Brown was doing with his hands as he moved toward Wilson—*i.e.*, balling them, holding them out, or pulling up his pants up—and varying accounts of how he was moving—*i.e.*, “charging,” moving in “slow motion,” or “running”—they all establish that Brown was moving toward Wilson when Wilson shot him.²⁴

(5) Officer Wilson was justified in the shooting of Michael Brown; and
(6) The DOJ conducted a more credible investigation than McCulloch and his team.

CONCLUSION

On the night of November 24, 2014, after three months of deliberation, prosecuting attorney Robert P. McCulloch told the nation and the citizens of Ferguson, Missouri during a press conference that the 12 members of the grand jury had reached a decision: No indictment.

In delivering his 45-minute speech to the American people, McCulloch explained how grand juror members were given all the evidence and rendered a decision based on the facts of the case. During the press conference, he blamed Michael Brown, the news cycle, social media, and protestors; however, did not place any of the onuses on Officer Wilson who fatally shot an unarmed man. McCulloch never alluded to the fact that safety measures could have been taken to prevent the death of Michael Brown. Toward the end, he vowed to make all of the evidence available for public consumption.

Once the evidence was released, the public identified the prosecutorial miscues of McCullough and his team. Observers of this case understood that the jurors relied on McCullough and his team to disseminate pertinent information and evidence. Rather than culling important details, they inundated jurors with mountains of information to sort through in rendering a decision. These jury members were not impartial arbiters, but rather, an assembled body highly influenced by McCulloch and his team who used their prosecutorial power to dictate and control the effectiveness of the jurors to return a preferred outcome. The volumes of evidence coupled with prosecutorial miscues, baseless presentation of charges, grand jury leaks that supported Officer Wilson's version of the incident, and granting the liberty for Officer Wilson to testify, made it difficult to tell whether McCullough and his team were the prosecutors, and not, the defense attorneys for Officer Wilson.

At the end of the day, the grand jury did not indict Officer Wilson and the DOJ report concluded that his actions “[did] not constitute prosecutable violations under the applicable federal criminal rights statute.”²⁵ He was twice exonerated. But despite Officer Wilson not being guilty of this specific offense, the attorney general's office is guilty of creating a judicial atmosphere that would not have indicted him regardless of his actions on Canfield Drive. The verity of innocence for Officer Wilson from the grand jury and DOJ report does not change the fact that the judicial and political actors in Ferguson, Missouri operated within the privileged framework of white empowerment.

This national calamity highlighted the pain and suffering that the citizens of Ferguson faced on a daily basis, and unfortunately, the death of Michael Brown is now a putative symbol of martyrism, sacrificed for the greater justice of the community and black America. His death, while sad, tragic, and disappointing, cast light on a city busting at the seams to address the lack of criminal and judicial oversight, which worked to the benefit of those in positions of power and left the city's black majority powerless. The outrage of that powerless majority coalesced to a unified movement to further legitimize the value of black lives in American society.

#BlackLivesMatter

NOTES

1. A full description of the US Department of Justice report, "Investigation of the Ferguson Police Department," March 4, 2015, can be found at: http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf
2. On July 22, 2015, the city of Ferguson named Andre Anderson, a black male, the interim police chief. Chief Anderson indicated he would use a federal task force on twenty-first-century policing and the Justice Department's recommendations to improve the conditions of the city.
3. Ibid., Investigation of the Ferguson Police Department.
4. The demographics of the jury are similar to the racial makeup of St. Louis County where the trial was held, which is 68 % white and 24 % black. However, it is not representative of Ferguson, which is 67 % black (14,297) and 29 % white (6206), according to the 2010 US Census Bureau.
5. See the report, "Federal Justice Statistics 2010—Statistical Tables," authored by Mark Motivans, Ph.D., December 2013. Available at: <http://www.bjs.gov/content/pub/pdf/fjs10st.pdf>
6. For more information, visit the St. Louis County Prosecuting Attorney website. Available at: <http://www.stlouiscopa.com/>
7. A full description of the amended version can be found at the Missouri General Assembly website: <http://www.moga.mo.gov/mostatutes/stath-tml/56300000462.html>
8. For more information on *Tennessee v. Garner*, 471 US 1, 11 (1985), read the full text of the decision. Available at: laws.findlaw.com/us/471/1.html
9. The assembled documents from the grand jury proceedings can be found at the *New York Times* website titled, "Documents released in the Ferguson case." Available at: http://www.nytimes.com/interactive/2014/11/25/us/evidence-released-in-michael-brown-case.html?_r=0
10. Ibid., Documents released in the Ferguson case.

11. Ibid., Dorian Johnson's grand jury testimony, September 10, 2014. Available at: <http://int.nyt.com/newsgraphics/2014/11/24/ferguson-evidence/assets/gj-testimony/grand-jury-volume-04.pdf>
12. Ibid., Darren Wilson's grand jury testimony, September 16, 2014. Available at: <http://int.nyt.com/newsgraphics/2014/11/24/ferguson-evidence/assets/gj-testimony/grand-jury-volume-05.pdf>
13. According to the US Department of Justice report, "Department of Justice report regarding the criminal investigation into the shooting death of Michael Brown by Ferguson, Missouri Police Officer Darren Wilson," March 4, 2015, the Ferguson Market store clerk's daughter stated that Brown used a similar statement when her father tried to stop Brown from stealing cigarillos, that is, "What you gonna do?" The report can be found at: http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/doj_report_on_shooting_of_michael_brown_1.pdf
14. Ibid., Darren Wilson's grand jury testimony.
15. Ibid., Darren Wilson's grand jury testimony.
16. Ibid., Darren Wilson's grand jury testimony.
17. Ibid., Darren Wilson's grand jury testimony.
18. The interview of Darren Wilson by the St. Louis County Police Department on August 10, 2014 is available at: <http://int.nyt.com/newsgraphics/2014/11/24/ferguson-evidence/assets/interviews/interview-po-darren-wilson.pdf>
19. Ibid., Darren Wilson's grand jury testimony.
20. Ibid., Darren Wilson's interview by the St. Louis County Police Department.
21. Ibid., DNA analysis report, August 14, 2014. Available at: <http://int.nyt.com/newsgraphics/2014/11/24/ferguson-evidence/assets/reports/dna-analysis-report.pdf>
22. Ibid., Darren Wilson's grand jury testimony.
23. Ibid., Department of Justice report regarding the criminal investigation into the shooting death of Michael Brown by Ferguson, Missouri Police Officer Darren Wilson.
24. Ibid., Department of Justice report regarding the criminal investigation into the shooting death of Michael Brown by Ferguson, Missouri Police Officer Darren Wilson.
25. Ibid., Department of Justice report regarding the criminal investigation into the shooting death of Michael Brown by Ferguson, Missouri Police Officer Darren Wilson.

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Target Practice: The Killing of the Black Male Continues

After slavery and into the early 1900s, a game called “Hit the Nigger Baby” was popular for entertaining white families in the South. The purpose of the game was to use a ball to target and hit the bodies of living and breathing black babies (Stegner 1957).¹ There was still a source of elation in the brutality of young black bodies, even after the brutal whippings, lynchings, and killings during slavery when physical and deadly violence against blacks was normal and legitimate.

More than a century later, white Americans are still playing racial games that target and project the imagery of killing black people, in particular, black males. News stories are emerging where white gun show vendors, owners of gun ranges, and police officers are using racist posters and mugshots of black males for target practice. For instance, in 2015, one gun show vendor in South Dakota was selling racist targets that displayed a grotesque caricature of a black male. At the top it read, “Runnin’ Nigger Target.” When asked by a local news reporter why the targets were being sold, the vendor replied, “Why aren’t they? They’re just targets.”² In a more disturbing story, sniper team members of the North Miami Beach police department were caught using mugshots of actual black males for practice. This story became known when Army National Guard Sergeant Valerie Deant, who was with her Guard unit at the facility for weapons qualification, saw a bullet-riddled target sheet that contained a picture of her brother, Woody Deant.³

North Miami Beach Police Chief, J. Scott Dennis, who admitted his officers “could have used better judgement,” was in many ways dismissive

of the magnitude of their actions.⁴ He denied his officers engaged in racial profiling, but stressed that the targets were “vital for facial recognition drills.”⁵ Chief Dennis told news reporters, “There is no discipline forthcoming from the individuals regarding this ... We utilize an array of pictures ... We have an array for black males. We have an array for white and Hispanic males.”⁶ In a later interview, Chief Dennis said facial recognition drills were important to police training “so the sniper can practice exactly picking out the right target and avoid killing the wrong person in a real-life situation.”⁷

The deeper correlation of these racist law enforcement practices and real-life situations gives rise to questions regarding the priming of white police officers to see black males as subhumans who are targets, typical offenders, and symbolic assailants. During a period in American society, when the relationship between white police officers and unarmed black males are already strained, why would officers continue to engage in haphazard, irresponsible practices that further exhibit a deeper, systemic problem? As discussed in previous chapters, recent high profile cases of unarmed black males are of grave concern. In the bureaucratic structure, the deaths of unarmed black males provoke the demand for changes in law enforcement procedures and more accountability. Yet, at the institutional level, questions must be answered in response to white police officers responsible for these deaths.

The aim of this chapter is to explore whether white police officers in the twenty-first century harbor racial feelings toward black males leading to the fatal shootings of unarmed black males. Are black males targets of long-standing racial problems with the police? Do white police officers overpolice black males? Do white police officers have a “shooter’s bias”? Despite the national attention delegated to this widespread problem, there continues to be shootings. Are the deaths of unarmed black males, according to Sorenson et al. (1993, p. 417), a form of white supremacy to maintain social order against “persons who live outside the American mainstream, particularly members of minorities”? Without question, it can be argued that the torrent pace of these fatal, unarmed deaths is a practice of social and racial control to maintain white empowerment. The authoritative power of police officers, by exercising power that is believed to be legitimate, allows certain types of control. Michelle Alexander (2010) clearly shows in her acclaimed book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, tough approaches to crime mirror that of slavery and are used as a form of social and racial control on black males.

The flurry of disproportionate fatal shootings in recent years prompts the black male subculture to ask the above stated questions to white police officers as a method of addressing these concerns.

RACE AND STEREOTYPES

Nearly four decades ago, Bayley and Mendelsohn (1969, p. 109) found in their research, “the police seem to play a role in the life of minority people out of all proportion to the role they play in the lives of the dominant white majority.” The definition of their roles are ever more present today as past studies on the effects of racial biases and stereotypes on policing have found long-standing racial problems among white police officers who patrol black, impoverished communities (see Skolnick 1966; Smith and Gray 1985; Graef 1989; Reiner 2010). Some of these officers harbor racial feelings, which lead to biases and stereotypes that compromise the duties and responsibilities of their position (Graef 1989; Reiner 1991). And despite tremendous efforts to recruit black police officers to offset these standing racial biases and stereotypes (Skogan and Frydl 2004), the “white, masculine, heterosexual” prototype of law enforcement officials continues to occupy the majority of police departments around the country (Myers et al. 2004).

The racial imbalance of white police officers leads them to patrol areas with a high concentration of black residents. Subsequently, this has generated a substantial body of research during recent decades that examines the disproportionate effects of harboring racial attitudes and feelings, police harassment, racial profiling, discrimination in arrests, and in some cases, deadly force against black males, which all collectively are observed as overpolicing. These patterns of systemic racial discrimination, according to Skolnick (1994, pp. 51–63), are a part of the police culture. He indicates that police officers develop a habit of stereotyping young black males as “symbolic assailants,” who are individuals that have a high propensity to commit crimes (Skolnick 2007). Stuart Hall et al. (2013), in their book, *Policing the Crisis*, also found that preexisting beliefs regarding the criminality of blacks lead to overpolicing.

Jerome Skolnick (1966) was the first to argue that the “culture of policing” and its variations shape the norms and values of officers exiting the police academy. Police officers accept behaviors seen as unlawful by the public as a necessary norm. After exiting the police academy, their attention is directed toward the symbolic assailant. The problem herein lies when the

social norms of the police culture frames those who are black and male as the most dangerous offenders. The perpetual stereotyping of black males increasingly makes them targets of systemic practices by white police officers.

DECISION TO SHOOT

Much research has focused on police officer's use of deadly force. A number of these studies have shown that blacks are more likely than other races and ethnicities to be shot by the police (see Fyfe 1978, 1982; Sorenson et al. 1993; Jacobs and O'Brien 1998; MacDonald et al. 2001; Plant and Peruche 2005; Correll et al. 2007). The recent shooting deaths of unarmed black males have reintroduced the racial perception of "shooter bias." E. Ashby Plant and B. Michelle Peruche (2005), in their study of police officers' decisions to shoot black and white criminal suspects in a computer simulation, found that officers of all races and genders were more likely to accidentally shoot unarmed black male suspects than white male suspects. Similarly, Correll et al. (2007), in their study of racial bias in the decision to shoot, found that officers who worked in areas with a large minority population were more likely to show racial biases against unarmed black suspects. In general, officers were no more likely to shoot either an unarmed white or black suspect; however, such shootings were more likely to occur in the minority areas that contained a black populace.

In a later study of shooter bias, Miller et al. (2012) found that white police officers in computer-simulated tasks mistakenly shoot unarmed black male suspects more than white male suspects. Their findings pinpoint cultural stereotypes as the determinant of shooter bias. White officers who perceived black male suspects as interpersonal threats were more likely to mistakenly shoot. James et al. (2014), in their study of racial and ethnic bias in decisions to shoot, also found that participants of the study perceived unarmed black suspects to be a greater threat than unarmed white or Hispanic suspects. Those in the study held subconscious biases that associated blacks with being a threat. Despite holding such biases, when compared to whites and Hispanics, participants initially delayed their decision to shoot blacks before proceeding. This behavioral counter-bias could be attributed to the national attention aligned with the shooting death of Michael Brown during the time of the study. Because their study only included non-police participants, results are not generalizable to sworn police officers.

Coupled with the study of shooter bias, contextual and situational factors are also used as determinants to justify police use of deadly force

(White 2001; Sun et al. 2008; Lee et al. 2010). Michael D. White (2001), in his study of controlling police decisions to use deadly force, concludes that neighborhood contextual factors play a significant role in the calculation of deadly force. Depending on the rate of violent crimes in the neighborhood, such factors make officers more likely to exert a greater level of force. Because black neighborhoods are typically perceived as the most violent, the majority of unarmed black shootings occur in these contexts, further supporting the findings of Correll et al. (2007).

Perhaps, the most significant determinant is police–citizen interaction. Certain police officers will stereotype potential dangers based on situational interactions with members of the neighborhood (White 2001). These interactions can have life-altering consequences. For example, in the cases of Michael Brown, Tamir Rice, Walter Scott, and Sam DuBose, the way the officers perceived each situation was vital in determining the appropriate level of force. Context, along with situational factors, commands professional competence on the part of the officer. If not, cases will persist where there is the potential for an inevitable clash of the police culture and the black male subculture when racially biased, unprofessional, incompetent white police officers are assigned to black neighborhoods.

The above literature provides evidence that some white police officers who have ascribed to the police culture have a proclivity to racially stereotype and overpolice black males. The extent to which these behaviors and practices continue to be determinants to the fatal shootings of unarmed black males queries whether such officers are an extension of the racial biases embedded in the criminal justice system. In the aftermath of these shootings, the conflict between the police and the black community has grown more intense. Law enforcement practices have been called into question, which actually leads to more questions regarding the deeper, systemic problems that empower white police officers and allows them to abuse their authoritative powers creating the bigger concern at this present moment in black American history: “Why” do such shootings continue?

THE SETTING

The setting for exploring the continued fatal shootings of unarmed black males is Houston, Texas. The city is the fourth most populous in the USA, with a census-estimate of over 2 million people. Houston contains a diverse population. According to the 2010 US Census Bureau, whites account for 50.5 % of the population. However, 25.6 % of the total population was

non-Hispanic white. The largest percentage of the city's racial and ethnic minority population was Hispanic, 43.8 %. Blacks accounted for 23.7 % of the population, and Asians, 6%.

The composition of the Houston Police Department (HPD) is majority white (52 %). Black officers are 23 % of the police force and Hispanics are 22%.⁸ In proportion to the demographics of the greater Houston area, there is less of a racial imbalance (+27 %) of white police officers. In translation, there are 27 % more white officers than the general population. Suburban areas around Houston have a greater racial imbalance. For instance, suburbs such as South Houston (+62 %), Pasadena (+52 %), and Humble (+50 %) have a greater percentage of white police officers than their general population.⁹

Based on its diverse population, racial imbalance of white police officers patrolling minority communities, and sheer volume of excessive force police complaints, the city of Houston is a suitable research site. The city has a history of citizens filing complaints for excessive force. From 2000 to 2010, citizens filed 2135 complaints. Only 33 were given any credence.¹⁰ In the most recent available data, from 2007 to 2012, blacks were disproportionately involved in a greater numbers of routine police stop, racial profiling cases, wrongful imprisonments, and were victims of excessive force. In response, black citizens overwhelmingly filed complaints against HPD officers. During this period, in general, HPD received an average of 1200 complaints per year.¹¹ In 2010, out of 239 complaints against HPD officers for excessive force, only five were sustained, and not a single complaint rendered punishment.¹²

In this same five-year span, HPD officers were involved in 550 shootings in which either a citizen or animal was injured or killed. Officers fatally shot 109 citizens. Another 112 were wounded. Forty-nine of these citizens were unarmed. In the 550 total shootings, no HPD officer was disciplined for their actions.¹³ All HPD officers involved in unarmed shooting cases were able to operate with impunity.

To help address excessive force complaints against police officers in Houston, Mayor Annise Parker created the Independent Police Oversight Board to review these complaints and recommended more diversity within the HPD. In 2010, she expressed in an interview following the Houston Police Academy's Cadet class, "the department has made a sustained effort to broaden diversity. There are gender barriers, and cultural barriers that have to be overcome."¹⁴ The mayor agreed with law enforcement experts that more diversity encourages cooperation in racial and ethnic communities.

In the Texas state legislature, lawmakers are introducing substantive bills to deal with these complaints, police shootings, and citizens' rights. In 2015, for example, Representative Eric Johnson (D-100), a black legislator, introduced three important bills: (1) HB 455, which would allow state lawmakers to request grant monies for body cameras. It would help institute a body worn camera program for certain law enforcement agencies in this state. This bill died in committee. (2) HB 1035, which would allow individuals the right to film, record, photograph, document, and observe their interactions with police officers in public places. This bill died in committee. (3) HB 1036, which would require police departments in Texas to report all officer shootings to the Attorney General, either when the officer shoots an individual or is shot on duty. The bill unanimously passed both houses of the legislature and was signed into law.¹⁵ According to Representative Johnson:

These bills will bring much greater transparency to police interactions with the public in Texas ... Required reporting of all officer shootings means we will, for the first time, know just how often they occur. And hopefully there will be video—either from police body-cams or civilian footage—so that we know exactly what happened in every such encounter.¹⁶

As noted, the city of Houston is a suitable research site. Drawing from interviews of nine white HPD officers, this chapter analyzes their responses to further understand the disproportionate fatal shootings of unarmed black males (see Table 6.1; also see Appendix for *Methodology*). To guide

Table 6.1 Demographic profile of white police officers

<i>Pseudonym Name</i>	<i>Age</i>	<i>Education</i>	<i>Years On the Force</i>	<i>Rank</i>	<i>Shifts</i>
Officer A	22	Bachelors	1	Patrol	Day shift
Officer B	23	Some college	2	Patrol	Night shift
Officer C	27	High school	4	Patrol	Night shift
Officer D	27	Masters	2	Patrol	Evening shift
Officer E	37	Some college	12	Officer	Night shift
Officer F	39	High school	12	Officer	Evening shift
Officer G	41	Bachelors	13	Sergeant	Mid shift
Officer H	44	Bachelors	21	Detective	Day shift
Officer I	52	Bachelors	28	Lieutenant	Day shift

Notes: (1) Officers C, F, and H were prior military personnel. (2) Officers E and F were senior officers.

this research, the following interview questions were asked: (1) In general, do you believe that some white police officers harbor racial feelings toward black males? (2) Among some white police officers, are black males perceived as a threat? (3) Is there a “shooter’s bias” among some white police officers? (4) In your opinion, why do you believe some white police officers are fatally shooting unarmed black males?

DISCUSSION

The responses from white police officers suggest that these participants believed their role in the department was to ensure the safety and well-being of the communities each officer services. Those roles ranged from patrolling, responding to complaints, investigating, to crime prevention. Officers stood behind the integrity of the police shield insisting that professionalism was important in carrying out their duties. First and foremost, they were police officers and the color of their skin was not, and should not be, a factor in their duties and responsibilities. Respondents admitted that when carrying out their varied duties on patrol there is at times a contentious relationship with members of the black community, particularly black males. Despite the fact that some of the officers seemed apprehensive openly discussing issues related to race, most were forthcoming about the nature of their interactions with black males. Officers indicated it was “part of the job,” “that is to be expected,” and “we have to enforce the law” when in general explaining their approach to dealing with black males and their fervent distrust of white police officers.

Harbor Racial Feelings

The first question posed to the officers was, “In general, do you believe that some white police officers harbor racial feelings toward black males?” Six of the nine respondents replied, “No.” While this question is supported by past literature stated above, the majority of respondents rejected this claim.

Officer I, a Lieutenant and the oldest of the respondents, explained, “Yes, there are racial feelings whether we’d like to admit it or not. I’ve been a police officer for a long time. While on the beat, black men have said some pretty nasty things to me.” When asked as a follow-up question, “Have you ever used bias-based policing to arrest a black male?” he expressed, “I’ve never dishonored my badge by participating in that type of behavior.” According to Officer B, a patrol officer who has only been

with the department for two years, “It is difficult not to harbor some racial feelings. The deadly stares, smart remarks, derogatory names, etc. make it nearly impossible not to develop some ill feelings. When I put on my uniform everyday to protect a group of people who despise what it stands for, it makes me feel less helping to that group.”

Officer D, also a patrol officer, who admitted some officers do harbor such feelings but not him, provided an explanation to avoid such law enforcement methods. In his response, the officer explained:

While in the academy, daily talks were taking place among some [white] officers of who is the biggest threat on the street and who are not. It was obvious the threat they were talking about was black men. But in order for me to do my job, I cannot perceive anyone to be a threat. The job, itself, presents a risk everyday. If anyone or anything were perceived to be a threat, it would have to be all people and all things. I cannot perform my job in that state of mind.

The remaining respondents were compelled to point to the fact that police officers are held to a higher standard and harboring such feelings violates their sworn oath. There is an ethical base that officers must adhere to when performing their duties and responsibilities. Officer H, a detective, articulated, “I became a police officer to serve the people, plain and simple. In all my years with the department, I have tried my best to be an officer of integrity.”

Despite the majority of respondents rejecting this claim, much of the research indicates otherwise. It is important to state that harboring such feelings does not correlate into a direct type of behavior. However, their feelings about race and ethnicity should also not be viewed as a non-factor in their daily involvement with black males. Officer B sums the potential to stereotype and act on that racial bias. He ended this question with, “It appears that some black men are looking to challenge the police, and we have to be ready with force.”

Perceived As a Threat

When asked, “Among some white police officers, are black males perceived as a threat?” eight of the nine respondents either reframed the question or provided an alternate term to replace “threat.” For example, Officer A, a patrol officer and the youngest of respondents, indicated, “I would not use the word ‘threat,’ but during a traffic stop, complaint, or in an area with a lot of black guys present, my antennas go up. I can’t

lie.” As a follow-up question, I asked, “Why do your antennas go up? Is it because they are black, male, a combination of both, or the risk of them acting out?” Officer A expressed, “It is all of the above. I am aware that black guys are bigger and stronger than most. You see me; I don’t have a large frame. So my antennas go up. But that doesn’t mean I see them as a ‘threat.’ I just take precautionary measures.”

Officer C, a patrol officer, was most vocal about black males being perceived as a threat. In his response, the officer pointed out:

Like the first question, I do not believe most white officers harbor feelings. That would require too most emotional effort on my part. When I take off my uniform at night, my job is over. On the other hand, when my uniform is on, I need to know who is the most dangerous and who presents the biggest threat. For me personally, I don’t perceive black men as a threat. I do make sure there are no lapses in judgment in my interactions with some black men, especially those who have a history with HPD.

Officer G, a Sergeant, also agreed, “I’ve been on the force for thirteen years. You see a lot of things while doing this job. Your law enforcement experiences shape who you believe is a threat. I have had the most negative experiences with black men.”

The consensus among respondents was that black males should not be labeled as a “threat,” but according to Officer E, a senior officer, they have the ability to “cause trouble.” He described several scenarios to support the claim that “young black men” give him the most trouble. Instead of using the word, “threat” the officers preferred to say, “my antennas go up,” “the most dangerous,” “negative experiences,” “cause trouble,” and give me the “most problems.” Observing respondents, it appeared as if the term “threat” somehow inwardly challenged the masculine bravado of their position. Regardless of which term or phrases the officers preferred, their responses were contextually synonymous with the term “threat.”

Shooter’s Bias

When asked, “Is there a ‘shooter’s bias’ among some white police officers?” all nine respondents disagreed. According to Officer F, a senior officer, “I don’t think there is a ‘shooter’s bias,’ officers should only fire their weapon when it is necessary. We are faced with making split-second decisions when on patrol. But in my twelve years, I have never had to fire my weapon. However, I would like to think I would never see a person’s

race when making that decision.” In a similar response, Officer D said, “I’m a trained professional. If I were put in that type of situation where I would have to use my weapon, there would be no bias.”

Some of the respondents seemed uncomfortable answering the question. For instance, Officer I stated, as he cringed hearing the question, “I don’t want to answer that question. When I took the oath, color and gender no longer was a part of my decision making process while on patrol. I treat everyone fair.” Similarly, Officer H had an identical response. He indicated, “Bias is a strong word. It is every citizen’s right to have some sort of police protection. We can’t protect some and have a bias for others. I have had to exchange fire with whites, Hispanics, and blacks. There was no bias on my part.”

As a follow-up, I referred back to the previous question. Officers A and C pointed out they were conscious of their interactions with black males. I asked Officer A, “In the last response, you indicated ‘your antennas go up’ when dealing with black males. And, you specifically referred to your smaller frame. If you had a physical confrontation with a black male, would you be more likely to draw your service weapon?” His response was, “That is a good question. I would be more likely to go through the series of options available. The first would be to reach for my baton. Then possibly use my Taser gun. Firing my service weapon would be the last resort. But I would use necessary force to protect myself.”

When asked a related question, Officer C was the only officer to admit that there is the potential for a “shooter’s bias.” He stated:

I could see the possibility of a “shooter’s bias” for some. I patrol certain areas at night that have more black people. The constant badgering and intimidation tactics gets old. I hear, “Fuck you white boy, get out of here” or now I hear more, “Don’t kill anyone today, officer.” After a while, I can see how someone would develop a bias. But still, a “shooter’s bias” is a stretch.”

Fatal Shootings

When asked, “Why do you believe some white police officers are fatally shooting unarmed black males?,” there was a diverse body of responses. Officer C expressed:

Like I said, the constant badgering and intimidation gets old. The officer in South Carolina [Michael Slager] shot after they got into a physical fight.

The black man [Walter Scott] exited the vehicle and ran. Why did he exit the vehicle and run? Was there a need to get into a physical fight with the officer? That whole situation could have been avoided in my opinion.

According to Officer F, who also referenced the Walter Scott shooting, “I am not sure why it is happening. It makes us all look bad. The one officer who killed the black man in South Carolina was wrong. We all know that. However, I do not believe the video [that captured the shooting] tells the whole story.” As a follow-up question, I asked, “What do you think is the whole story?” He replied, “It’s not all that we saw on the video.”

Officer B placed all the blame on black males. He replied, “Well, if you look at Trayvon Martin and Michael Brown, they are both responsible for what happened. [George] Zimmerman should have never shot Trayvon Martin. He is not a police officer. However, Trayvon should have listened to his authority. Also, there is no question in my mind that Michael Brown instigated that situation.” When asked as a follow-up question, “Do you believe their actions should have led to their deaths?” Officer B further explained, “I’m not saying that, I am saying Michael Brown woke up that day ready to cause trouble. Even you have to admit he acted like a ‘thug.’ He robbed a store and tried to intimidate a police officer.” In another follow-up question, I asked did he believe the officer [Darren Wilson] feared for his life. He replied, “I don’t know. But I am sure the size difference made him somewhat fearful.”

According to Officer I:

The shootings are a black eye for law enforcement. The fact that they continue is troubling. The practice of shooting unarmed citizens is not trained at the academy. I am certain younger officers are more likely to shoot. These officers need more diversity training. But to be fair, some of the suspects must take part of the blame. If an individual is not committing a crime nor participating in an act we view to be suspicious, our attention would not be needed. Violent crime rates are higher in black areas. Those areas need to be policed more.

When asked as a follow-up question, “How do you explain the number of unarmed citizens either fatally wounded or shot in past years in Houston?” Officer I suggested, the HPD is a better department now and “more thorough screening criteria are in place to hire officers who will make better decisions on the street.”

All respondents were asked some variation of a question to address past excessive force complaints of HPD officers and unarmed shootings. The majority of respondents, eight out of nine, claimed to be unfamiliar with the unarmed shootings. However, officers did lend an explanation for the number of excessive force complaints. Officer C indicated, "Many of the complaints are frivolous. People have a vendetta against us and it makes our job difficult to do." On the other hand, Officer G provided a different perspective. He said, "There are bad apples everywhere. Some apples are spoiled. Those are the officers who receive the excessive force complaints. Some apples are rotten. Those are the officers who are itching to fire their weapon while on duty. The rotten apples have to go."

The majority of respondents, intentionally or unintentionally, "blamed the victim" for the recent fatal shooting deaths of unarmed black males nationwide. As stated by Officer E, "Some officers are assigned to patrol the areas with the most crime. In those areas, officers have to respond appropriately. I am not saying the answer is to fire your service weapon, but some do not have a choice." Because blaming the victim was the constant theme in responding to this question, in many respects, it postulates the idea that blacks need to better police their own communities to avoid the potential of subsequent overpolicing and unarmed deaths.

CONCLUSION

In conclusion, biased judgments based on race are central to the continued deaths of unarmed black males. Inferences from interviews with white police officers showed that some respondents do, in fact, harbor racial feelings in their interactions with black males, while identifying that these males contribute through forms of "badgering and intimidation." Respondents do not perceive black males as "threats," but rather, individuals who cause the "most trouble" in the communities they patrol. All respondents denied a "shooter's bias" and stood behind the integrity of the police shield. When asked, "Why do the fatal shootings of unarmed black males continue in American society?," intentionally or unintentionally, the majority of respondents blamed the victim rather than indicating the officers needed to be held accountable and face discipline for their actions. Only Officer I, the elder of the respondents, provided any context for the reason such incidents continue to happen, but even his response ultimately blamed the victim. Overall, their level of blame shifting supported the cause-and-effect outcome used to defend deadly force.

Why do white police officers continue to kill unarmed black males? What is the excuse? Fear? As Chap. 1 asks, what causes this fear? Fair or unfair, I ask how can a white police officer with a gun be fearful of a black man without a gun? Take, for example, ex-Ferguson police officer, Darren Wilson, from the previous chapter, who shot and killed unarmed Michael Brown because he said he feared for his life. His stereotypical depictions of Brown were believable because they implicitly exist among other white citizens in American society.

In a 2015 *New Yorker* article, Wilson stated, “I only knew him for those forty-five seconds in which he was trying to kill me.”¹⁷ This officer-friendly article allowed Wilson to turn the tables and now project himself as a “target” that has had a very difficult time readjusting to everyday life. Wilson admitted in the interview that he has not thought much about who Brown was as a person, “because it doesn’t matter at this point.”¹⁸ In the end, Wilson’s admitted fear and self-defense claim, like those of other white police officers, granted him the liberty to kill without punishment.

Conservative American writer David S. Whitley, on the controversial online blog, *American Thinker*, hailed Wilson as a “Hero.”¹⁹ Whitley indicated he is concerned “whenever the police clash with evil individuals or the rampaging hordes.”²⁰ In this conservative charged piece, Whitley described the interaction between Wilson and Brown as Brown’s fault. He cold-heartedly stated:

This huge man ... A thug who obviously thought the police were on to him and his criminality. It ended the way Michael Brown wrote the script of his life. There lies the blame for it all—in a pool of his own blood. Thank goodness it wasn’t the other way around ... There are hundreds of Michael Browns [sic] in neighborhoods in every large metropolitan inner city across America ... God bless Darren Wilson.²¹

Even police groups, such as the Facebook group, *Police Officers*, have posted offensive online materials after the death of Michael Brown. The group’s administrator responded to criticism by expressing:

Mike Brown chose his path, one that has lead [sic] this country into complete divisiveness. He’s not a martyr, he was a thug, who robbed a clerk then made the adult choice to fight a cop, of which he intended to murder ... At the end of the day ... the person truly responsible for the killing of Mike Brown is Mike Brown himself.²²

Translation: The historical dehumanization of black males will continue. The negative societal image of black males as violent criminals continues to prompt some white police officers to use their black bodies as racial targets. Kill the male nigger baby. Kill the young black male. Kill the black man.

The racial biases and stereotypes are enormously clear, however, the actors of the criminal justice system have failed to recognize a pattern of deadly forced carried out by some white police officers against unarmed black males. Bureaucratic oversight within the criminal justice system is needed to hold these officers who engage in such actions and behaviors accountable. The systemic nature of the criminal justice system operates with little accountability when the victims are black males. These officers cannot operate with impunity. Beyond a shadow of a doubt, officers must know that there is a possibility of facing punishment. This is the only way to ensure the public safety of black male life.

NOTES

1. For more information on the game, “Hit the Nigger Baby,” see the 1996 *Dictionary of American Regional English, Volume III, I-O*. Available at: <http://projects.iq.harvard.edu/files/cb45/files/20101119151543252.pdf>
2. See Hastings, D. 2015. “South Dakota gun show seller defends using racist posters for target practice.” *Daily News*. Available at: <http://www.nydaily-news.com/news/national/s-gun-show-vendor-booted-racist-target-sheets-article-1.2152926> (March 17).
3. See Izadi, E. 2015. “Florida police used mugshots of black men for target practice. Clergy responded: #UseMeInstead.” *The Washington Post*. Available at: <http://www.washingtonpost.com/news/morning-mix/wp/2015/01/25/florida-police-used-mugshots-of-black-men-for-target-practice-clergy-responded-useinstead> (January 25).
4. See Barbash, F. 2015. “Florida police department caught using African American mug shots for target practice.” *The Washington Post*. Available at: <http://www.washingtonpost.com/news/morning-mix/wp/2015/01/16/florida-police-department-caught-using-african-american-mug-shots-for-target-practice> (January 16).
5. *Ibid.*, Florida police department caught using African American mug shots for target practice.
6. *Ibid.*, Florida police department caught using African American mug shots for target practice.
7. See *CNN News* article, “Woman sees images of black males as sniper targets; one is her brother.” Available at: <http://www.cnn.com/2015/01/16/us/florida-black-male-sniper-targets> (January 19, 2015).

8. For more information on the demographics of the HPD, see the January 2014 “Houston Police Department: 2014 Command Overview,” authored by Larry J. Yium. Available at: http://www.houstontx.gov/police/departments_reports/command_overview/Command_Overview_Manual_2014.pdf
9. See Ashkenas, J., and H. Park. 2015. “The race gap in America’s police departments.” *New York Times*. Available at: http://www.nytimes.com/interactive/2014/09/03/us/the-race-gap-in-americas-police-departments.html?_r=1 (April 8).
10. See Dolcefino, W. 2011. “13 Undercover looks at HPD brutality complaints.” *ABC 13*. Available at: <http://abc13.com/archive/8017021> (March 17).
11. See DePrang, E. 2013. “Crimes unpunished.” *The Texas Observer*. Available at: <http://www.texasobserver.org/crimes-unpunished> (July 10).
12. Ibid., 13 Undercover looks at HPD brutality complaints.
13. See DePrang, E. 2013. “The horror every day: Police brutality in Houston goes unpunished.” *The Texas Observer*. Available at: <http://www.texasobserver.org/horror-every-day-police-brutality-houston-goes-unpunished> (September 4).
14. See Pinkerton, J. 2010. “Diversity efforts at HPD pay off—somewhat.” *Houston Chronicle*. Available at: <http://m.chron.com/news/houston-texas/article/Diversity-efforts-at-HPD-pay-off-somewhat-1711172.php> (March 14).
15. See Hallman, T. 2015. “Gov. Greg Abbott signs Dallas-crafted bill for state notifications of police shootings.” *The Dallas Morning News*. Available at: <http://crimeblog.dallasnews.com/2015/06/gov-greg-abbott-signs-dallas-crafted-bill-for-state-notifications-of-police-shootings.html> (June 17).
16. See Waller, M. 2015. “Police mull body camera use amid Texas bill proposal.” *Corpus Christi Caller-Times*. Available at: http://www.caller.com/news/state/state-bureau/police-mull-body-camera-use-amid-texas-bill-proposal_07095778 (January 30).
17. See Halpern, J. 2015. “The cop.” *The New Yorker*. Available at: <http://www.newyorker.com/magazine/2015/08/10/the-cop> (August 10).
18. Ibid., The cop.
19. See Whitley, D.S. 2014. “Darren Wilson is a hero.” *American Thinker*. Available at: http://www.americanthinker.com/articles/2014/08/darren_wilson_is_a_hero.html (August 23).
20. Ibid., Darren Wilson is a hero.
21. Ibid., Darren Wilson is a hero.
22. See Ferguson, D. 2015. “Cops make disgusting online ‘memorial’ mocking death of Ferguson’s Michael Brown.” *Raw Story*. Available at: <http://www.rawstory.com/2015/08/cops-make-disgusting-online-memorial-mocking-death-of-fergusons-michael-brown> (August 7).

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The Racial Politics of Marijuana

The so-called War on Drugs is synonymous with the “War on Black Males.” The moral panic of this fictitious war began when white Americans feared that crack-cocaine, a cheaper and alleged more addictive form of cocaine, mainly used among members of the black community would infiltrate white communities, and ultimately trickle down.¹ In the 1980s, the media, along with politicians, framed how white America should view the crack-cocaine epidemic. Implicit racial messages relayed to the mass public portrayed crack-cocaine users as “crack fiends,” “crack addicts,” and “crack mothers,” who had “crack babies.” Conversely, there was (and still is) a societal myth that powder-cocaine was somewhat different—glamorous, sexy, upper class—and less potent, which resonated with white Americans, especially young, rich whites. Both the media and politicians told this false truth by framing crack-cocaine as a drug most often used in poor, black communities.

The death of Len Bias also helped to thrust the crack scare. The “War on Drugs” hit its full stride in the late 1980s when University of Maryland basketball star, Len Bias, died of a powder-cocaine overdose while celebrating after being drafted by the Boston Celtics. His death prompted then-US congressional House Speaker Thomas “Tip” O’Neill, a Boston Democrat, along with his colleagues to craft an anti-crime law. In the aftermath of Bias’s death, the US Congress introduced and President Reagan signed into law the Anti-Drug Abuse Act of 1986.² This led to

mandatory minimum prison sentences for crimes involving crack versus powder-cocaine, the infamous 100-to-1 ratio.

Under the Anti-Drug Abuse Act of 1986, five grams (about one-sixth of an ounce) of crack-cocaine was equivalent to 500 grams (about a pound) of powder-cocaine, both warranting the same mandatory minimum sentence of five years behind bars.³ Coupled with aggressive law enforcement policies, these sentencing laws had a disproportionately negative effect on the black community, in particular black males. According to the US Sentencing Commission, in 2009, 79 % of the 5669 sentenced crack-cocaine offenders were black in comparison to only 10 % for whites and 10 % for Hispanics.⁴ From 1986 to 2010, almost 82 % of those convicted for federal crack-cocaine offenses were blacks compared to only 8 % of whites.

A direct consequence of the drug war was mass incarceration. In 1989, the final year of the Reagan Administration, there were more than 1,150,000 drug arrests (Bandow 1991). Those numbers continued to balloon during the Clinton Administration. In 1994, President Clinton signed into law the Violent Crime Control and Law Enforcement Act, which included the federal “three strikes” provision.⁵ In 1997, following Clinton’s reelection to a second president term, there were 1.6 million drug arrests in the USA.⁶ Hailed by black elitists, members of the Congressional Black Caucus, and the black community as the “nation’s first black president,” Clinton’s signature single-handedly orchestrated a massive system of social and racial control. According to Alexander (2010, p. 197):

Today mass incarceration defines the meaning of blackness in America: black people, especially black men, are criminals ... The temptation is to insist that black men “choose” to be criminals; the system does not make them criminals ... African-Americans are not significantly more likely to use or sell prohibited drugs than whites, but they are *made* criminals at drastically higher rates for precisely the same conduct.

Since 1980, the prison population has more than quadrupled to nearly 2.2 million inmates. Black Americans make up only 13 % of the US population, however, account for nearly 40 % of all individuals in prison or jail.⁷ According to the BJS, the total prison population grew almost 60 % during the Clinton Administration.⁸ Prison overcrowding quickly became a national issue, while at the same time straining state budgets to build new prisons. Subsequently, this led to the age of private prisons to house inmates.

Much of the “War on Drugs” focused on the crack-cocaine epidemic, however, marijuana-related arrests and incarcerations as well helped to funnel black males through the criminal justice system. It was in the 1970s that prohibition measures on marijuana led to increased arrests. During this period, states advocated to decriminalize marijuana possession and usage. Eleven states decriminalized the possession of small amounts of marijuana.⁹ Conservatives on drugs opposed decriminalization citing the societal risks. On the other hand, several studies during this period countered their fears and found no change in the rate of marijuana usage (see Maloff 1981; Johnston et al. 1981). The strongest opposition came from the Nixon Administration. President Nixon appointed the National Commission on Marijuana and Drug Abuse, headed by Governor Raymond P. Shafer of Pennsylvania, to research the effects of marijuana and provide a recommendation. In their final report, the Commission favored the decriminalization of marijuana for personal use.¹⁰ President Nixon rejected the Commission’s recommendation and launched a war on marijuana. He first worked with the Drug Enforcement Administration (DEA) to classify marijuana as a Schedule I substance, which ranks as a drug for potential to abuse with no medical value.¹¹ Marijuana arrests increased by nearly 24 % a calendar year after President Nixon pledged this fight against decriminalization.¹²

Marijuana-related arrests have soared since the Nixon Administration. More than 750,000 people were arrested in 2012 for such offenses according to the UCR.¹³ Blacks constituted a disproportionate share of those arrested. For instance, a 2013 report from the American Civil Liberties Union (ACLU) found that between 2001 and 2010, there were 8.2 million marijuana-related arrests in the USA. During this time, blacks were 3.7 times more likely to be arrested for marijuana possession than whites, despite the fact that blacks and whites used marijuana at similar rates.¹⁴ This statistic reveals the extreme racial disparity in marijuana possession arrests resulting in a highly disproportionate number of blacks being criminalized.

After years of aggressive drug arrests targeting black males, and subsequent, mandatory minimum sentencing, states such as Colorado, Washington, Alaska, and Oregon have passed legislation to legalize the use of recreational marijuana. Prior to this, marijuana usage was only governed under medical marijuana laws (see Table 7.1). The existing medical marijuana industry in these states has expanded to include the sale of marijuana for recreational usage. Consequently, both the recent

Table 7.1 Legalization of marijuana

<i>Medical</i>	<i>Medical and recreational</i>
Alaska	Colorado
Arizona	Washington
California	Alaska
Colorado	Oregon
Connecticut	
Delaware	
Hawaii	
Illinois	
Maine	
Maryland	
Massachusetts	
Michigan	
Minnesota	
Montana	
Nevada	
New Hampshire	
New Jersey	
New Mexico	
New York	
Oregon	
Rhode Island	
Vermont	
Washington	

Source: National Conference of State Legislatures. <http://www.ncsl.org>

Note: The District of Columbia has legalized medical and recreational marijuana usage

legalization of recreational marijuana and past prohibition has led to economic benefits for white businessmen (and businesswomen), while leaving black communities to cope with damaging community-level outcomes stemming from a prejudiced application of law enforcement practices and drug sentencing laws.

Opponents of this transition in policy have criticized the ramifications of the passage of recreational marijuana. The most outspoken regarding the racial outcome of such legislation has been Michelle Alexander. She emphatically stated in 2014 to the Drug Policy Alliance:

Here are white men poised to run big marijuana businesses, dreaming of cashing in big—big money, big businesses selling weed—after 40 years of impoverished black kids getting prison time for selling weed, and their

families and futures destroyed. Now, white men are planning to get rich doing precisely the same thing?¹⁵

We arrest these kids at young ages, saddle them with criminal records, throw them in cages, and then release them into a parallel social universe in which the very civil and human rights supposedly won in the Civil Rights movement no longer apply to them for the rest of their lives.¹⁶

This multilayered debate has powered a wave of academics, policy-makers, and politicians to lend a reformative voice to the societal outcome of marijuana-related arrests aimed at black males, which was set in motion by President Nixon, and subsequently, how recreational marijuana passage will (or should) right the wrongs of the past. For instance, in 2014 the state of Colorado, the leader of the recreational marijuana movement, witnessed a 95 % overall drop in marijuana-related arrests for possession, growth, and distribution. Still the rate of marijuana possession arrests for blacks in the state remained 2.4 times higher than for whites.¹⁷ This discriminatory behavior continues while white businessmen make millions from the drug trade.

This chapter provides an opportunity to juxtapose white businessmen in the state of Colorado profiting from building marijuana dispensaries when they have in the past led the charge in the so-called War on Drugs, which disproportionately arrested and incarcerated black males. I dissect the racial elements of this twenty-first-century form of injustice that continues to incarcerate black males, whereas now, there is a legal drug industry for white males to profit. Using the state of Colorado as a case study, I aim to bring to light this miscarriage of justice. The arguments used to frame the dialogue surrounding marijuana policy in the USA is a powerful example of how policy responses can be shaped by public discourse and result in the unfair and disproportionate criminalization of one group while economically benefitting another.

BRIEF HISTORICAL OVERVIEW OF MARIJUANA PROHIBITION

The framing of marijuana usage influenced societal perception and the policy options that were considered to address marijuana prohibition. The 1930s was a period in which the narrative related to the usage of marijuana was framed as one negatively associated with Mexican immigrants and blacks. By 1931, at least 29 states had banned marijuana due to the supposed potential effects of this drug. This eventually contributed to the passage of the 1937 Marihuana Tax Act (Sharp 1994).¹⁸

The Marihuana Tax Act of 1937 levied stiff fines and enforcement provisions on marijuana nationwide. Not long after the Act went into effect, the Federal Bureau of Narcotics (FBN) and Denver City police arrested Samuel Caldwell, a white 58-year-old Denver, Colorado resident, for possessing and selling marijuana. Caldwell was arrested on Monday, October 5. Days later, he was indicted by a federal grand jury on Thursday, October 8, and the following day sentenced to four years in the Leavenworth Federal Penitentiary.¹⁹ Despite Caldwell being a sacrificial lamb for the prohibition of marijuana, the real targets were Mexican and black faces to propel racial fears.²⁰

For decades, Harry J. Anslinger, head of the FBN from 1930 to 1962, played a large role in spearheading the prohibition of marijuana (Sharp 1994; Ferraiolo 2007). He was instrumental in framing race with marijuana. According to Anslinger:

There are 100,000 total marijuana smokers in the U.S., and most are Negroes, Hispanics, Filipinos and entertainers. Their Satanic music, jazz and swing result from marijuana use. This marijuana causes white women to seek sexual relations with Negroes, entertainers and any others.²¹

More explicitly, Anslinger indicated that one of the main reasons to prohibit the usage of marijuana was that “Reefer makes darkies think they’re as good as white men.”²² His anti-marijuana campaign, which included false stories of sexual promiscuity, murder, and addiction, was effective.

Another culprit behind the prohibition was newspaper mogul, William Randolph Hearst, who launched a national campaign in late 1936 known as “Reefer Madness,” which incited the public by suggesting “marihuana” led Mexican and blacks to rape white women and murder white people (Dhywood 2011). His campaign relied on racial and sexual fears. By far one of the greatest myths borne out of slavery was that black males had a desire and willingness to rape white women. Scott J. South and Richard B. Felson (1990, p. 87), in their study of racial patterns of rape, helped to dispel this historical myth by stating that, “black rapists are no more likely to choose a white woman than white rapists are to choose a black [woman].” During this period, white men aggressively led the “War on Marijuana” because of their fear that it was a “date rape” drug used against white women, evoked sexual prowess in black males, and made black males desirable to white women that also smoked marijuana.

This racial portrayal of marijuana users would persist until the 1960s, during which time “white America discovered pot and marijuana became a household word” (Lee 2013, p. 94). The 1960s witnessed the American “Counterculture” movement, a time of rebellion against previous values and social norms. This period helped to change the political and cultural perception of marijuana. It was partly responsible for the political climate that led the 11 states to decriminalize the possession of marijuana. According to Ferraiolo (2007, p. 157), “marijuana took on a politically charged meaning” during this period. First, it was a form of protest against the war in Vietnam. Second, its usage harbored anti-authority sentiments against institutions of power that condemned marijuana. Martin A. Lee (2013), in his analysis of the social history of marijuana, explains that the use of marijuana became commonplace in certain factions of white America, especially among younger whites. However, the American “Counterculture” movement slowly died down over time as the priorities of members began to shift (i.e., young, irresponsible white Americans grew older and realized the image of the “Counterculture” compromised elements of their white privilege).

The political roots of the American “Counterculture” movement extended into the 1970s and 1980s. As noted, the 1970s saw states advocating to decriminalize marijuana possession. In 1978, nearly 13.2 % of the general population reported using marijuana. Simultaneously, 37 % of high school seniors reported marijuana usage.²³ To a large extent, this as well fueled President Nixon’s fierce fight against decriminalization. To further this fight, the 1980s observed the Comprehensive Crime Control Act of 1984, which increased federal criminal sanctions for marijuana possession and distribution. This Act determined sentences based on the quantity of marijuana involved. Eric Schlosser in the article, *Reefer Madness*, said of the Act that “conspiracies” and “attempts” (to possess, cultivate, and traffick) were to be punished as severely as completed acts; and possession of a hundred marijuana plants now carried the same sentence as possession of a hundred grams of heroin.”²⁴ The Comprehensive Crime Control Act of 1984, Anti-Drug Abuse Act of 1986, and Anti-Drug Abuse Amendment Act of 1988, all introduced and passed during the Reagan Administration, was a conservative push to ensure that Schedule I drugs would not have a trickle down effect into the lives of young, white Americans. Doug Bandow (1991), in his article that asks whether there is a “War on Drugs” or a “War on America,” indicates that President Regan’s expansion of drug policies led to a 700 % increase of non-violent,

drug-related imprisonments. The policies implemented under President Clinton exacerbated the problem of drug-related arrests and imprisonment. Lee (2013) point out during the Clinton administration that 4 million Americans were arrested for marijuana-related offenses, the majority of them for simple possession. The 1994 Violent Crime Control and Law Enforcement Act increased jail sentences for marijuana offenders by more than 800 % during Clinton's two presidential terms in office (p. 235). According to Clinton in a 2014 interview addressing mass incarceration, he stated, "We basically took a shotgun to a problem that needed a .22—a very significant percentage of serious crimes in this country are committed by a very small number [of criminals]." ²⁵ He goes on to say, "We took a shotgun to it and just sent everybody to jail for too long." ²⁶

THE FOCUS ON COLORADO

Time has shown that marijuana prohibition has been a failed public policy despite the dubious reasons put forth to outlaw certain drugs. Case in point, now almost 80 years after the arrest of Samuel Caldwell, the state of Colorado is again at the center of the marijuana controversy. This time, the controversy surrounds the passage of Amendment 64: Use and Regulation of Marijuana, which legalized the production, sale, and use of recreational marijuana for Coloradans 21 years of age or older. Also known for its history of medical marijuana laws, on November 6, 2012, the electorate in the state approved Amendment 64 with 55 % of the vote making Colorado the first state in the USA to pass legislation for recreational marijuana use.

After the vote, in December of 2012, Governor John Hickenlooper, an opponent of this measure, assigned a taskforce to provide recommendations concerning the regulatory and taxing environment for this legislative paradigm shift. Unlike the Marihuana Tax Act of 1937, which adopted the "prohibition through taxation" system leading to de facto prohibition, upon the task force's recommendations to the Governor, he asked the electorate to vote on Proposition AA: Taxes on the Sale of Marijuana (2013). The proposition asked the electorate to answer a ballot question to enact a 15 % excise tax and a 10 % sales tax on recreational marijuana sales in the state. The electorate approved the measure allowing for the sale of marijuana, but also, agreeing that a significant portion of revenue, 40 million, would fund public school construction. ²⁷

The direct vote from Coloradans on both Amendment 64 and Proposition AA alone deserves much open substantive debate. This direct form of democracy given to the electorate by the Colorado General Assembly took the onus off of a legislative body that was afraid to make a controversial decision. The popular vote by Coloradans spoke to serving their own interest. The passage of Colorado Amendment 64 moved the state into unchartered economic, social, criminal, and political waters that on one hand made millionaires, stimulated the economy, provided jobs, and assisted the educational system, but on the other hand, raised questions regarding the so-called War on Drugs, which arrested and incarcerated thousands of black males for marijuana-related offenses.²⁸

Given that the economic underclass is made up disproportionately of blacks, it is safe to assume that most blacks are not in a financial position to “buy-in” to this new market.²⁹ Adversely, the community that has suffered the most collateral damage as a direct result of marijuana prohibition policies will likely benefit the least (economically) from the passage of recreational marijuana. Colorado Amendment 64 has now created a legal recreational marijuana industry for both the state government and white businessmen to be more likely to profit from. By the end of 2014, not including earnings from medical marijuana, the state of Colorado had earned \$44 million in tax revenue from the sale of recreational marijuana. While this figure was lower than the \$60 million anticipated, the fact that a state, which made 210,000 marijuana-related arrests between 1986 and 2010, is now profiting from its legal sale is, at a minimum, unethical and unjust.³⁰

Pre- and Post-Marijuana Arrests

In the pre-Colorado recreational marijuana period, black and Hispanic Coloradans constituted a disproportionate share of marijuana-related arrests. While blacks made up 3.8 % of the Colorado population, they accounted for 10.5 % of marijuana possession arrests from 2001 to 2010.³¹ During this period, Colorado had a total of 108,000 marijuana possession arrests where blacks were 3.1 times more likely to be arrested than whites.³²

Since the passage of Colorado Amendment 64, the racial disparity in marijuana possession arrests has not substantially changed. Marijuana court charges in 2013 and 2014 have decreased, 77 % and 95 % respectively.³³ Yet, according to a 2015 report from the Drug Policy Alliance, blacks still face higher marijuana possession arrests than whites. In 2014, marijuana

possession arrests for blacks in the state remained 2.4 times higher than for whites. Blacks accounted for 9.2 % of such arrests.³⁴ In comparison, marijuana distribution arrests for blacks did see a reduction from 22 % in 2010 to 18 % in 2014.³⁵ Art Way, the director for the Colorado Drug Policy Alliance, said of the report, “Legalization is no panacea for the longtime issues that law enforcement had with the black and brown community.”³⁶

The racial disparity in marijuana possession arrests is severely highlighted after Colorado Amendment 64. Clearly blacks are arrested at a disproportionately higher rate. Therefore, law enforcement practices that produce such disparities in arrests have not been solved by the passage of this measure. The regional head of the NAACP, Rosemary Harris Lytle, offered this statement regarding the continued disparity in marijuana possession arrests, “[W]e are concerned with the rise in disparity for the charge of public consumption and challenge law enforcement to ensure this reality is not discriminatory in any manner.”³⁷

Moving Forward: Social and Economic Justice Implications

The search for social and economic justice has implications for policy change. Since Colorado and Washington legalized recreational marijuana in 2012, Alaska, Oregon and the District of Columbia have implemented similar laws. Such legalization should prompt policy accountability. However, there are two concerns to be addressed with legalizing recreational marijuana: (1) The first concern is reducing the impact of criminalizing a drug that is less harmful than alcohol;³⁸ and (2) The second concern is addressing unequal law enforcement practices. The above statistics highlight that while the recently passed recreational marijuana laws have significantly reduce marijuana-related arrests, there is compelling evidence that the disparate affect on blacks remain the same. From the available data, police officers continue to apply inequitable law enforcement practices. They should be retrained to acclimate to their new legal and cultural climates.

As a matter of social and economic justice, there are two essential ways in which states that legalize recreational marijuana may consider retribution to black communities that have, no doubt, suffered economically and politically due to having a criminal record related to non-violent marijuana arrests. First, states that earn tax revenue from recreational marijuana sales should develop a funding mechanism to create at-risk programs in the black community. The challenge will be *what* governing body would

assume the role in appropriating funds and *which* programs would be most beneficial.

Second, as Mike Riggs of the *Families Against Mandatory Minimums* argues, sweeping drug policy reform is needed, and those in prison should be granted some form of sentencing relief. In his opinion, “Clemency feels particularly appropriate for marijuana prisoners, who sit in cells for trafficking and dealing while state legislators argue over how to spend the revenues generated from pot taxes.”³⁹ Expunging marijuana-related criminal records would provide black males with the opportunity to reenter American society with a clean criminal slate. In 2015, the Obama Administration began the early release of low-level, non-violent drug offenders reducing the length of their mandatory minimum sentence.⁴⁰ Advocates believe this is a step in the right direction for dealing with the ramifications of this momentous societal shift that does not comprehensively address those criminalized in the past.

CONCLUSION

The passage of Colorado Amendment 64 has changed the economic, social, criminal, and political landscape of the state. Colorado, like the other states who have passed recreational marijuana legislation, has evoked a “capitalism versus crime” argument. German social theorist, Karl Marx, in his analysis of a capitalist system observed capitalism as a progressive tool. A tool that provides an advantage to the “haves” and disadvantages the “have-nots.” The mere cost to enter the trade of opening a marijuana dispensary ranges from the hundreds of thousands to millions—presenting an economic and racial filter for blacks.⁴¹ As a result, not only do white men stand to gain economically from the legalization of recreational marijuana, but as stated, they are the chief drivers of a system that propels aggressive law enforcement practices to arrest black males for possession of marijuana even in states where marijuana is legal to carry.

Each side of the marijuana debate can agree that both parties have and/or had a profit motive (past or present). Some reading this chapter will argue that when black males in Colorado (and other states) were arrested for possessing and selling marijuana it was illegal. In comparison, a white businessman investing in a recreational marijuana dispensary is completely legal under Colorado law. And while the social and political framing of marijuana possession and distribution influences how we, negatively and positively, perceive black males and white businessmen, drawing

a dichotomy centered on what was once illegal versus which is no longer illegal, turns a blind eye on how the two can be viewed as one in the same.

In this racially pitted addition-by-subtraction injustice from the beneficiaries of white empowerment, let us compare the two. White businessmen pay a cost to enter the drug trade, like black street-level drug dealers. White businessmen hire employees to help distribute, like black street-level drug dealers. White businessmen handle all transactions in cash, like black street-level drug dealers. White businessmen pay their employees in cash, like black street-level drug dealers. White businessmen put their money in safes and hire a muscle man (e.g., security officer) to protect it, like black street-level drug dealers. White businessmen fear the federal government will shut down their operations (because the sale of marijuana is still against federal law), like black street-level drug dealers (e.g., the police). In conclusion, when considering all the similarities, white businessmen in Colorado are high-class drug dealers who function within the corridors of their white privilege. The bottom line is that the social construction of America makes white businessmen millionaires and black males prisoners.

NOTES

1. See Hiltz, P. J. 1994. "Is nicotine addictive? It depends on whose criteria you use." *The New York Times*. Available at: <http://www.nytimes.com/1994/08/02/science/is-nicotine-addictive-it-depends-on-whose-criteria-you-use.html> (August 2).
2. For more information, see the U.S. Sentencing Commission's "Report on cocaine and federal sentencing policy." Available at: <http://www.ussc.gov/report-cocaine-and-federal-sentencing-policy-2> (Chap. 6: The National Legislative and Law Enforcement Response to Cocaine).
3. *Ibid.*, Report on cocaine and federal sentencing policy.
4. US Sentencing Commission. 2009. Annual Report. Washington, DC: US Sentencing Commission. Available at: <http://www.ussc.gov/research-and-publications/annual-reports-sourcebooks/2009/annual-report-2009>
5. See Hunt, K. 2014. "Bill Clinton: Prison sentences to take center stage in 2016." *MSNBC*. Available at: <http://www.msnbc.com/msnbc/bill-clinton-prison-sentences-take-center-stage-2016> (October 8).
6. See the report, "Substance abuse and treatment, state and federal prisoners, 1997," by C. J. Mumola, BJS Statistics, Special Report (NCJ 172871), January 1999. Available at: <http://cscp.org/research/satsfp97.pdf>
7. For more information, see the Sentencing Project's 2013 report, "Regarding racial disparities in the United States criminal justice system." Available

- at: http://sentencingproject.org/doc/publications/rd_ICCPR%20Race%20and%20Justice%20Shadow%20Report.pdf (August).
8. See the US Department of Justice's 1999 report, "The Clinton Administration's law enforcement strategy: Breaking the cycle of drugs and crime." Available at: http://www.justice.gov/archive/dag/pubdoc/Drug_Final.pdf (May).
 9. The 11 states were Alaska, California, Colorado, Maine, Minnesota, Mississippi, Nebraska, New York, North Carolina, Ohio, and Oregon.
 10. National Commission on Marihuana and Drug Abuse, "Marihuana: A signal of misunderstanding; First Report, Washington, DC, U.S. Govt. Print. Office. Available at: http://files.iowamedicalmarijuana.org/science/misc/shafer_1972.pdf
 11. For more information on drug schedules, see the Drug Enforcement Administration's schedule ranking. Available at: <http://www.dea.gov/druginfo/ds.shtml>
 12. *Ibid.*, Marihuana: A signal of misunderstanding.
 13. See the 2011 FBI's Uniform Crime Report. Available at: <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/persons-arrested/persons-arrested>
 14. See the 2013 American Civil Liberties Union report, "The war on marijuana in black and white." Available at: <https://www.aclu.org/files/assets/aclu-thewaronmarijuana-rel2.pdf> (June).
 15. See Short, A.M. 2014. "Michelle Alexander: White men get rich from legal pot, black men stay in prison." *AlterNet*. Available at: <http://www.alternet.org/drugs/michelle-alexander-white-men-get-rich-legal-pot-black-men-stay-prison> (March 16).
 16. *Ibid.*, Michelle Alexander: White men get rich from legal pot, black men stay in prison.
 17. See the report, "Marijuana arrests in Colorado after the passage of Amendment 64," by J.B. Gettman, PhD, Drug Policy Alliance, 2015. Available at: http://www.drugpolicy.org/sites/default/files/Colorado_Marijuana_Arrests_After_Amendment_64.pdf
 18. The Act uses this spelling. The Marihuana Tax Act was introduced on August 2, 1937 as Public 238 in the 75th Congress. It went into effect on October 1, 1937.
 19. See Ferner, M. 2014. "Marijuana prohibition began with an arrest in Denver, ends here with long lines and high hopes." *Huff Post Politics*. Available at: http://www.huffingtonpost.com/2014/01/06/marijuana-prohibition-ends_n_4549403.html (January 6).
 20. See Schlosser, E. 1994. "Reefer madness." *The Atlantic*. Available at: <http://www.theatlantic.com/magazine/archive/1994/08/reefer-madness/303476> (August).

21. See Wing, N. 2014. "Marijuana prohibition was racist from the start. Not much has changed." *The Huffington Post*. Available at: http://www.huffingtonpost.com/2014/01/14/marijuana-prohibition-racist_n_4590190.html (January 14).
22. Ibid., Marijuana prohibition was racist from the start. Not much has changed.
23. See the BJS report, "Drugs and crime facts." Available at: <http://www.bjs.gov/content/DCF/du.cfm>
24. Ibid., Reefer madness.
25. Ibid., Bill Clinton: Prison sentences to take center stage in 2016.
26. Ibid., Bill Clinton: Prison sentences to take center stage in 2016.
27. See Hughes, T. 2015. "Colorado pot users helping build schools with tax dollars." *USA Today*. Available at: <http://www.usatoday.com/story/news/nation/2015/02/17/colorado-marijuana-revenues/23565543> (February 17).
28. In 2013, legal marijuana sales total \$700 million according to the state's Department of Revenue.
29. As of March 2015, Wanda James was the only black legal marijuana dispensary owner in the state of Colorado. There are over 300 marijuana dispensaries in the state.
30. See the report, "210,000 marijuana possession arrests in Colorado, 1986–2010," by H.G. Levine, PhD, J.B. Gettman, PhD., and L. Seigel, JD. October 2012. Available at: <http://marijuana-arrests.com/docs/210,000-Marijuana-Arrests-In-Colorado.pdf>
31. Ibid., 210,000 marijuana possession arrests in Colorado, 1986–2010.
32. Ibid., 210,000 marijuana possession arrests in Colorado, 1986–2010.
33. Ibid., Marijuana arrests in Colorado after the passage of Amendment 64.
34. Ibid., Marijuana arrests in Colorado after the passage of Amendment 64.
35. Ibid., Marijuana arrests in Colorado after the passage of Amendment 64.
36. See the 2015, *The Guardian*, article, "Colorado's pot legalization does little to solve racial disparity in drug arrests." Available at: <http://www.theguardian.com/us-news/2015/mar/25/colorado-marijuana-legalization-racial-disparity-drug-arrests> (March 25).
37. Ibid., Colorado's pot legalization does little to solve racial disparity in drug arrests.
38. Ibid., Is nicotine addictive? It depends on whose criteria you use.
39. See Riggs, M. 2015. "Do marijuana prisoners deserve amnesty?" *CNN*. Available at: <http://www.cnn.com/2015/04/30/opinions/riggs-marijuana-amnesty/index.html> (April 30).
40. See Berman, M. 2015. "President Obama just commuted 46 sentences. How do presidential commutations and pardons work?" *The Washington Post*. Available at: <http://www.washingtonpost.com/news/post-nation/wp/2015/07/13/president-obama-just-commuted-46-sentences-how-do-presidential-commutations-and-pardons-work> (July 13).

41. See Ingold, J. 2013. "A Colorado marijuana guide: 64 answers to commonly asked questions." *The Denver Post*. Available at: http://www.denverpost.com/marijuana/ci_24823785/colorado-marijuana-guide-64-answers-commonly-asked-questions (December 31).

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PART III

Brothers of the Moment

Innovationist Negro: Reflections of an Ex-Drug Dealer

Marquis Glover claims to have been one of the biggest drug dealers in Atlanta, Georgia during the late 1990s. Drawn to the drug trade at 17 years old, he dropped out of high school and passed up a promising future of playing college basketball. For Marquis, selling drugs was a socially illegitimate means to achieve the elusive American dream.¹ Consequently, his criminal actions led to serving time in the US penal system. He was first arrested in 1989 at the age of 16 for snatching purses. Shortly after, he graduated from snatching purses to becoming a drug runner. The guilt and shame of snatching purses from old ladies “weighed on [his] conscience.” The drift between delinquent and conventional behavior ultimately gave way to being a drug runner, and then, eventually selling drugs. According to Marquis in a one-on-one interview, “It was quick, easy money.” The reward was greater than the risk. Thus, a “trap star” was born. “I’m a t-r-a-p-s-t-a-r/Got the city on lock/Big shoes on the car ... I’m so materialistic/So well connected/Just ask about me/So well respected,” he rapped to me in describing his metamorphosis to “trap star” status.²

Marquis Glover became a full-fledged drug dealer during the height of the “War on Drugs,” motivated to build an economic empire and pursue a better life. Self-described as a “trap star,” he was solely focused on making money and living the “ghetto American dream.” But it will not surprise many to read that one day the foundation of the empire came crashing down when a business associate set him up. In 1999, Marquis

was sentenced to 20 years in federal prison for the drug charges of possession of marijuana and cocaine with intent to distribute and trafficking drugs within 1000 feet of a housing project. Marquis only served 14 years. Describing the day of his sentence, he explained, “When I heard the judge give me the sentence, my whole life flashed before me. It was at that moment I knew life would never be the same. I waved goodbye to my T-Lady [mother] and prepared for my destiny. I was ready to do my two days.”³

Marquis can be labeled a career criminal, an individual who has made a living of committing crimes. Yet, some abolitionists of labeling would make a case that he responded to the social disorganization of his environment. Social and economic circumstances thrust him to engage in criminal endeavors. Rational (or irrational) decisions were made to improve his quality of life. And despite understanding the risks associated with his criminal actions, he still chose to continue to commit crimes. The goal of this chapter is to allow an ex-drug dealer, who accepted the conventional goals of American society, but rejected the socially legitimate means to achieve them, to speak for himself to better understand why he chose a criminal lifestyle. Marquis gives an account of his life story, thinking about crime, and decision to engage in a way of life that set the stage for spending nearly half of his life in prison.

Today, Marquis Glover is a free man. He is 42 years old, a tall, African-American, brown skin man with a husky build, deep voice, jovial personality, and born with the gift of gab. “Hood conservatives” on crime would describe him as a professional bullshit artist that chose selling drugs over getting an education, endangered his own community, got caught, and became another young black male branded by the criminal justice system.⁴ On the other hand, he would describe himself as a “trap star...community entrepreneur with the ability to cultivate capital by fulfilling a need of the consumer.” In his own words, Marquis “capitalized on an emerging market of distributing crack-cocaine. [He] built a network of workers, some were not thoroughly vetted by supervisors in the network as credible employees, and their insubordination led to [his] arrest.”

On one fall day, I had an opportunity to meet up with Marquis. He is an old childhood friend. Our lives are vastly different now. Much of his life spent in prison. Much of my life spent in school. Each institution has taught us valuable life lessons. At one point in time, we were in the same space in life. He chose one path. I chose another path. For better or worse, the choices of our paths led to different life outcomes.

Marquis and I met in the 8th grade. We went to the same middle school together in Atlanta, Georgia. We both played on the same basketball and football teams. In basketball, he played small forward and I played point guard. Marquis led the team in points and rebounds. In football, he played wide receiver and I played quarterback. Each of us was an all-district athlete in both sports. In the spring of our eighth grade year when I joined the high school junior varsity football team to earn a spot for the following school year, instead of following suit, his focus shifted to making money to take care of his mother and three younger siblings. Marquis quit the team and began an early morning paper route. Soon after, he began missing school. That was the beginning of the end.

Marquis was the man of his house. His father left when he was three years old. He grew up in a “culture of poverty” that led him to “sell drugs to put food on the table” during a period when his mother was having a difficult time providing for the family. According to Marquis, he began to “make decisions with high risks and temporary rewards.” In criminological terms, he accepted the conventional goals of American society, but rejected the socially legitimate means to achieve them—making him an “Innovationist Negro.” Innovationists, according to Merton (1968), are individuals who grow up in strained-engendering positions and become more likely to participate in criminal behaviors that led to economic gain (see Table 8.1).

Robert Merton (1968) formulated the social strain theory. This theory argues that social structures in our society pressure certain individuals to become criminals. His broader premise is that achieving the American dream is accomplished by adopting both culturally valued goals and culturally valued means in line with America’s social structure. When there is a gap, the probability of crime and deviant behavior increases. One of the strains of the theory, *innovation*, accepts culturally approved goals, however, rejects conventional means to achieve them. Criminal and deviant behaviors occur when the *innovator*, such as Marquis, chooses illegitimate means such as selling drugs for economic gain to relieve the strain his family was going through.

By the end of our eighth grade year, it became apparent that Marquis was headed down the wrong path in life. As stated, he was absent from school regularly. When he did show up, Marquis had new clothes, new shoes, and a different overall personal demeanor. We began to drift apart. Then after that school year, my family moved to Louisiana and we eventually lost touch. As I was becoming a star athlete in high school

Table 8.1 Robert Merton's strain theory: Five modes of adaptation

<i>Modes of adaptation</i>	<i>Culturally defined goals</i>	<i>Structurally defined means</i>	<i>Description</i>
Conformity	+	+	When black males accept culturally defined goals and socially legitimate means to achieve them.
Innovation	+	-	When black males accept the mainstream goals of society, but reject and/or lack the socially legitimate means to achieve them. This is the mode of adaptation most associated with deviant and criminal behavior.
Ritualism	-	+	When black males accept the daily life of hard work, but reject the cultural goal of monetary rewards. This mode of adaptation is not committed to the goal of accumulating enormous wealth or power.
Retreatism	-	-	When black males reject both the cultural goal of success and the socially legitimate means to achieve it. This mode of adaptation withdraws and/or retreats from mainstream society.
Rebellion	+/-	+/-	When black males reject both culturally defined goals and/or means and substitutes with new goals and means. This mode of adaptation may use social and/or political activism to achieve economic, social, and political gratification.

in Louisiana, he was becoming a “trap star” in the streets of Atlanta, Georgia. Marquis had developed a binary view of looking at his circumstances, “trap or die.” The dichotomy of his world eventually landed him in multiple youth detention centers. Time in detention centers did not lead to rehabilitation, but rather, worsened his behavior and propelled his desire to alleviate his family from their negative social circumstances. His individual story contributes to the data that young black males who are exposed to youth detention centers are more likely to be arrested and incarcerated as adults. As an adult, he was arrested multiple times. Marquis dived and dabbled in every criminal endeavor imaginable, which led me to hope that our upcoming visit would be one to reacquaint with an old friend who was now a changed man from the errors of his criminalistic ways.

ONE-ON-ONE DISCUSSION

“What’s up, fam(ily)!,” I said as we saw each other for the first time in 27 years. Both of us had aged. I could clearly see the wear and tear that everyday life in prison had taken on him. Marquis picked me up from the airport. He pulled up to the loading curb, we dapped, hugged, put my luggage in the trunk, and pulled off. His seat was leaned back (way back), rap music blaring to the tunes of Young Jeezy, him smoking a Black and Mild cigar, and happy to be home from prison, we began to chop it up and talk about life.

“Man, how is life treating you?” Marquis asked.

“Life is good, fam(ily). Just teaching, writing, doin’ my thing.” I said.

We went on to talk about his adjustment back into the outside world—talking about everything, from bullshit to salient concerns. Marquis had been free for about one-year and a half. In this time, he had obtained a full-time job working for a construction company and a part-time job stocking inventory in the evenings for a local store. After his release, he spent the first year in a halfway house and then moved in with his sister, Erica. She is the personal bridge in our relationship. A graduate of Georgia State University in Criminal Justice, Marquis has been her case study since she first entered college. His sister found me on Facebook several years ago and wanted to reacquaint us. When asked why, she informed me that it was important to “connect him with the most important friends of his past to ensure he is reestablishing social bonds and getting the social and emotional support needed to properly readjust to society and societal norms.” Erica’s professional response caught me off guard. But as a professor I got the conventional wisdom of searching for theory-based solutions to help her brother reduce his chances of recidivism.

Her intent to reunite us was grounded in Travis Hirschi’s (1969) social control theory, which posits that social bonds help to temper our behavior when we are tempted to participate in deviant and criminal activities. These activities result when an individual’s social bond to society is either weak or broken (see Table 8.2). In Hirschi’s notable book, *Causes of Delinquency*, he asserts that youth form social bonds in early childhood that often act as deterrents from becoming involved in delinquent behavior. Failure to form social bonds, in many cases, leads to deviant and criminal activities. Unlike other criminological theories, the social

Table 8.2 Travis Hirschi's social control theory

<i>Social bonds</i>	<i>Description</i>
Attachment	Attachment to family and friends, including teachers, coaches, and coworkers. These attachments reinforce societal norms, in order, to gain approval or disapproval for behavior and actions.
Commitment	Commitment to the community. An individual's commitment to church, volunteerism, or participation in local organizations displays a positive connection to the community.
Involvement	Involvement in activities such as sports, after-school clubs, and other connections that often strengthens social bonds and lessens an individual's likelihood of deviant and/or criminal activities.
Belief	Belief in wider societal values. Individual views societal values as beliefs that he or she will conform to approval.

control theory suggests that criminality is understood as a possibility for all individuals within society. Only those that maintain a strong set of social bonds have the propensity to deter criminality.⁵

Our eighth grade year was such a pivotal time for Marquis. The social bonds of school and sports were weakened and in the end eliminated. New bonds were formed with the elements of the drug trade. Marquis became attached to the streets. His sources of attachment were with the original gangsters (OGs) and other hustlers who became his mentors. Over time his commitment to money was the primary goal. He no longer yearned to get a basketball scholarship and play college sports. He no longer wanted to go on to college and major in art. All of that talent would go to waste. Marquis was now involved in selling drugs. Time was spent on learning how to be his own boss, for example, learn to run and conduct his own economic enterprise. He began to adhere to his own rules and moral validity. Marquis truly believed that the social illegitimate act of selling drugs was the best means to achieve economic success.

In our phone conversations prior to the visit, Marquis had inquired about my educational journey. After being over the initial shock of me being a college professor, because he remembered us both cheating in class, he asked me point blank, "Are you teaching about real shit in class? Put me in a book. I have a lot to say." In agreement, I believed that would be a good idea. The only caveat would be to give him a pseudo name to allow full disclosure on questions.

After a few hours of us choppin' it up, I reminded him we needed to take a brief intermission to talk about his past criminal activity and how his

personal story would help deter young black males from following a similar path. Marquis was now in a different mental space in life and ready to educate the masses. Efforts to understand how my childhood friend, who use to stay over all night playing video games, became one of the biggest dope boys in the city of Atlanta began with the simple question: *Why did you get into the business of selling drugs?*

Marquis: My dude, I got into the dope game because I was tired of seeing my T-lady struggling trying to provide for the family. You know, you saw it. We were doing bad. My T-lady was working two jobs and that was barely putting food on the table. Playing basketball and football was my escape but when the games were over, it was back to reality. I'd be on such a high from scoring buckets and touchdowns in the game and return home and the lights would be off. What the fuck?! That was not cool. I took it upon myself to help the family out.

I can remember being at your crib. Life was easier when I spent the night there. I knew your T-lady was going to have food for us, put a little money in our pocket, curse us out when we did wrong, and just keep it steady. Your moms even tried to whip me once or twice. My home life was nothing like that. My T-lady worked so much that things were in shambles at our crib. I had to cook, clean, and take care of my brothers and sister. All of that took a toll on me. I was too young for that type of responsibility. My father was a no-show and moms was never home. I had to get it poppin'.

Listening to Marquis's version of his home life was disheartening. As a youth, you see the levels of poverty; however, it can be difficult interpreting the degree of its impact on the welfare of another family. We know that one of the most important success variables in the family structure is the father. Without his presence, young males are sometimes socialized to become the man of the house. This is particularly true in the black community. Due to his father's absence, Marquis deeply believed the next step to providing economic support for the family was through the means of selling drugs.

Me: How did you get into the dope game?

Marquis: It's not hard. Remember the big homie [Nash]? He put me down. I first started running drugs from spot to spot. Then I moved on to sellin' nicks [nickels] and dimes [of weed]. Before long I moved to ounces. During that time weed was a slow grind to make real paper. Dr. Dre and the 'Chronic movement' hadn't popped off yet. I moved on to selling 'Sherm.' I was actually making my own, dipping the weed in embalming fluid I stole from a funeral home. But the real money came when I started sellin' rocks [crack-cocaine] and that white girl [powder-cocaine]. The money came quick, fast, and in a hurry.

I solicited a crew of folks. Some you know and some you don't. I built that thang from scratch. It was a full-fledged business. We had real businesses as fronts, a lot of money, girls, whips [cars], different cribs, and folks on the payroll, the whole nine. The shit is funny because when you knew me I was a choir-boy. I went from playing the piano keys in church to literally moving kilos of cocaine. Life is crazy, ain't it? It's the good, bad, and the ugly. I have seen it all.

During that time in my life, I was a quote, unquote respectable businessman. I had a couple of businesses to transport and wash my money. I was responsible for trafficking a lot of dope in the city. It was a profitable enterprise at the time.

Most young black males grow up with a wealth of common sense and limited educational book sense. The details from the excerpts above along with omitted specifics show that in general black males possess a lot of common sense and a strong work ethic, but often choose socially illegitimate means due to structural and cultural forces or simply as a cop out. Marquis, like so many others with no formal education that choose to sell drugs, are examples of the false economic success in a profession where they place a positive value on a negative line of work.

If Marquis had stronger established social bonds with his father, mother, and church, would he have avoided this way of life? For example, if his father were in the home to foster the welfare of his family and provide father-son guidance, maybe his mother would not have had to work multiple jobs, and he could have continued being a child and enjoying church, sports, and activities that maintain a youthful psyche. But instead, Marquis became an “Innovationist Negro.” From listening to his story, Marquis did not believe that legitimate means would afford him the opportunity to take care of his family. For many young black males in similar economic situations, the only perceived legitimate alternative is through sports, but the process and opportunities are very limited.

Me: *Can you tell me about the day of the last arrest?*

Marquis: *Let me start with the night before. We had a party for one of my Lieutenants. He and his wife were celebrating their wedding anniversary. It was one of the best nights of my life. After the celebration, I had a moment of reflection. I told myself, ‘Dude, you should shut this shit down.’ But like Fab [rap artist, Fabolous] says, ‘It’s the life, the life, the life is so exciting.’*

The day I was arrested, them boys [federal agents] found nearly \$600,000 in cash, \$350,000 worth in marijuana and cocaine, money-counting machine, drug-testing equipment, and a .40 caliber glock inside my Range Rover. My operation was so flawless, or I thought, at the time. I rarely touched or

transported the dope or money. But another one of my Lieutenants, the one who set me up, was supposed to be on it but told me he had an impromptu court hearing for child visitation. His baby mama was jerkin' him around about seeing his son. I sent my other Lieutenant out of town to celebrate the anniversary with his wife and handle some other business for me. The run was close to a ticket [a million dollars]. I couldn't let just anyone take care of it. I was moving the dope and money from one of my auxiliary houses to the wash house. Only a select few people knew where the wash house was located. Two blocks from the spot, I saw the flashing lights and heard the sirens. There were about six unmarked cars. Them boys ordered me out of the car. I took the clip out of the pistol, and then sat it on the seat. One was still in the chamber. I sat there for a moment. I thought to myself, do you want to go to prison or die right here.

Court documents obtained from Fulton county superior court confirm on that morning Marquis had \$597,472 in a Tommy Hilfiger briefcase bag, and in another bag eight bricks of tightly wrapped cocaine at a wholesale street value of \$320,000 and a five-pound brick of marijuana. As stated, the drug charges were possession of marijuana and cocaine with intent to distribute and trafficking drugs within 1000 feet of a housing project. Marquis was sentenced to 20 years in federal prison. During the legal process, he cooperated with federal prosecutors and did not receive the full mandatory minimum sentence.

Me: *Tell me about your time spent in prison. What was the daily grind like (of an inmate)?*

Marquis: *For the most part it's early mornings and late nights. In the mornings, it's "headcount," nasty ass breakfast, and waiting to see what nigga has a beef with you that day. It's a lot of fuck niggas in prison. Most think killing someone makes you a real nigga. They walk around with this fake badge of honor until someone murks them.*

If you are going to court or seeing your lawyer, some niggas will say, 'Don't waste your time' and others will say 'I hope you get out of this bitch!' Besides that, you may have a chore, or be able to watch TV or use the phone.

I had a little flip cell phone before I got out. After a while, word got back to the [correctional] officers who I was in the streets and they started to look out [for me]. One of the officers got me a phone for \$300. I had one of my soldiers in the street break him off [give him money]. Other inmates got family members or friends to bring one in, which is bad business. Their T-lady or baby momma would bring it in baby diapers, stuff it in their bra, or wherever. Them cell phones keep you connected, for real. Especially if you don't get visitors, the cell phones are major to your survival.

The rest of the day is just lunch, dinner, “shakedown,” and maintaining my sanity around a bunch of crazy motherfuckas. I’m a neat-freak so I kept my living area clean. My folks kept money on my books; so my commissary was straight. I stayed in the latest [Nike Air] Jordans, and I read a lot of books. My sister would always send me books.

The hardest thing was just doing the time. I had committed crimes. I deserved to be locked up. It was a time to reflect on my life. It was an opportunity to look at the sum of all my mistakes. I have two sons that were growing up without a father, like I did. It broke my heart that I was repeating the cycle.

I needed to get out and get my life together. I didn’t want to be socialized like the niggas in prison. Some of them don’t want to get out and act out in ways that clearly show that. Niggas in prison that don’t want to get out are infamous for pickin’ a beef months before getting out or anything to sabotage their release. Others don’t want to get out because readjusting would be tough because they loss their pops, moms, baby momma trippin’, niggas on the street still lookin’ for them, or they don’t have any skills besides those learned on the streets.

Marquis reflected on the notion of prisonization, a common culture among inmates that exists in prisons. First explored by Donald Clemmer (1940) in his book, *The Prison Community*, he indicates that through a process of assimilation prisoners adopt “the folkways, mores, customs, and general culture of the penitentiary” (p. 299). Inmates with shorter sentences are more stable and maintain personal relationships outside of the prison walls, whereas those with longer sentences experience a greater need to assimilate and learn new norms and patterns of behavior to survive in prison. This metamorphosis can have an adverse effect on the rehabilitation process and desire to be released from prison.

Me: *How are you readjusting to society?*

Marquis: *Dude, it’s been difficult. First, I come home to no T-lady. Her dying while I was locked up hurt me. Now my baby momma has been keeping me from my sons. She doesn’t think I’m a good influence.*

I’m working two jobs and just trying to keep my head above water. My goal is not to return to prison. I don’t want to be one of those niggas who get so overwhelmed that I have to return to that life style. I knew I had to get out and keep a solid job. The bad part is that the jobs I have don’t pay any real money. What I make in two weeks at these jobs, I use to make in a couple of hours on the streets.

Things in the world have changed since I was last in these streets. It’s like I am starting my life over again. When you choose not to live the street life and go straight, life can be hard when that is all you have known. I don’t have a [high school] diploma, college degree, none of that shit. At times, it feels like I don’t

fit in this world. Before I left prison, one of the OGs told me to 'live past the first year.' I told him my fears about being released and he encouraged me not to commit suicide. The OG hit me with a bundle of knowledge, which solidified my decision to keep it 100% when I came home.

Before our discussion came to a close, I asked Marquis, *what does it take to break the cycle of criminal life for young black males?*

Marquis: I had a lot of time to think about that while I was in prison. At night, while lying in the bed, those prison walls talked to me. We always use the phrase 'if these walls could talk.' Well, the walls talked to me. What they said is that when you get out, please begin a relationship with your two sons. If my father was in my life as a child, I may have chosen another path. That is no excuse. His guidance would have been really helpful in my growth and development. To break the cycle, it is important for black men to be in the lives of their children. The years of being locked behind bars took an emotional toll on me. But my children became my motivation to exit prison and change my life. I get to see my sons playing sports, performing in plays at school, and all that shit. And despite their moms at times keeping me away from them, I am determined to be a positive dude in their lives. They helped me break the cycle.

CONCLUSION

Marquis has a new lease on life. In assessing our time together, my constant thought is what distinguishes Marquis from the young man I knew in the eighth grade to now? I remember Marquis as a good kid. Despite not having a father in the home, he had a mother who loved him immensely. He was a decent student, played sports, and had other support systems in place. Prior to choosing a criminal lifestyle, I observed his warring soul to sell drugs to take care of his family or go to school, play sports, and continue to live in impoverished conditions. He chose the former.

During our time together, he sold himself to me as a changed man who is willing to conform and accept culturally defined goals, and avoid those that have had a negative effect on black male life. I reached the verdict that my childhood friend has rid the errors of his past ways and wanted to embark on a positive, productive life. He is most ready to embrace the role of fatherhood. Marquis is still a charismatic person with a larger than life personality and the gift or gab. But he is no longer an "Innovationist Negro." He is now a black man in search of change—mentally, emotional, and spiritual. Undoubtedly, he misses the lifestyle that selling drugs

provided, however, he clearly understands the risk is not worth the temporary reward; and recidivism is not an option. These days he is willing to abide by the social structures in our society; and also the role of social influences in sustaining his newly found cultural and social norms, which was one of the main reasons his sister had reached out to me.

“Every day is a new journey,” said Marquis in our discussion on life as he continues to readjust to the real world. He is humbled by the opportunity to start life anew. His words before we exited each other’s presence were, “God is asking me to become a better person. For my children, I am going to do it.”

NOTES

1. The name, Marquis Glover, is a pseudonym used for confidentiality and to protect the identity of past associates.
2. These rap lyrics are from the song, *Trap Star*, by artist, Young Jeezy. In general, a “trap star” is an individual from the inner city who makes a living by selling drugs.
3. A common slang phrase used among individuals being sentenced to jail or prison is, “two days.” This phrase suggests no matter the length of a sentence that an individual mentally only does two days of time, which is the day they go in and the day they come out.
4. The term “Hood conservatives” is used to describe black males who have a conservative opinion on crime and its effects on the black community.
5. Also see, Wiatrowski, M.D., Griswold, D.B., and M.K. Roberts. 1981. Social control theory and delinquency. *American Sociological Review* 46(5): 525–41; who build on Hirschi’s social control theory and provide a revised version of social control.

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D.o N.ot A.ccuse Black Males: The Life of Cornelius Dupree Jr.

Cornelius Dupree Jr. was wrongfully sentenced to 75 years in prison for aggravated robbery with a deadly weapon. He is one of the 330 post-conviction DNA exonerees in the USA, having served more than 30 years in prison for a crime he did not commit.¹ The emergence of DNA testing helped to overturn this miscarriage of justice. Mr. Dupree will forever stand as a symbol of the racial injustices that plague the American criminal justice system. Here is his story.

On November 23, 1979, in Dallas, Texas, Mr. Dupree along with his friend, Anthony Massingill, allegedly accosted a 26-year-old white woman and her male friend. According to court records, the couple stopped at a local convenience store to buy cigarettes and use the pay phone. As they walked backed to their car, Dupree and Massingill held them at gunpoint, forced the male victim to drive his car with them inside, and then robbed the couple. Moments later, they ordered the male victim out of the car and raped the female victim at a nearby park. After the attack, the female victim made her way to the highway and was found unconscious by a police patrol car passing later that night.²

A week later, Dupree and Massingill were stopped on their way to a party approximately two miles from the scene of the alleged crime. Police officers stopped and frisked the two men claiming they looked similar to suspects in a separate sexual assault case. During the stop, police recovered a handgun from Massingill that raised their suspicions. The two men were placed under arrest.

In a photo line-up of six pictures the following day, the female victim positively identified both Dupree and Massingill as the suspects. The male victim, however, was unable to positively identify either of the two men. Nearly four months later at the trial, both victims positively identified Dupree and Massingill as the suspects. The male victim testified he suffered from a stigmatism that prevented him from identifying the two men the day after the crime. Despite the female victim's positive identification of the two men at the trial, she repeatedly misidentified a photo of Massingill as Dupree during an earlier identification hearing while both men were present in the courtroom.³ This inconsistency did not have doubts among the judicial actors. In fact, the prosecutor in the case heavily relied on the photo identification.

Dupree and Massingill were both convicted of aggravated robbery. Neither was tried for the rape case due to the expense involved and the prosecutor's belief that the rape charge would not render additional time. At age 20, Cornelius Dupree Jr. was sentenced to 75 years in prison for aggravated robbery with a deadly weapon. Anthony Massingill, 18 years old at the time, was sentenced to three 10-year terms and a life sentence.⁴

While serving time in prison, Mr. Dupree attempted three times to appeal his sentence. He filed three petitions for a writ of habeas corpus.⁵ The board denied two of the appeals after Mr. Dupree refused to participate in a sex offender rehabilitation program.⁶ In 2006, he wrote to the Innocence Project of New York after the third unsuccessful appeal to the Texas Court of Criminal Appeals. The Innocence Project is, "a national litigation and public policy organization dedicated to exonerating wrongfully convicted individuals through DNA testing."⁷ In July 2007, the Dallas County District Attorney's office allowed the Innocence Project to begin DNA testing in an effort to exonerate Mr. Dupree. After reopening his aggravated robbery case and petitioning for DNA evidence from the vacated rape case, the Innocence Project found that pubic hair combings and cuttings were still available from the crime.⁸

In the mid of the appeals and legal proceedings, Mr. Dupree remained confident he would be fully exonerated of the alleged aggravated robbery. During the time of the appeal denials, even when the parole board offered to grant parole if he participated in a sex offender rehabilitation program, his faith never wavered. "I believe that was a test of my faith through God," he said about rejecting the offer for an early release. Mr. Dupree believed that participation would be an admission of guilt. In the past,

31 of the DNA exonerees had pled guilty to false crimes.⁹ He went on to say, “Because I wanted to get out ... I could have easily accepted it, but I rejected it ... rejecting it allowed everything to open up,” which provided exoneration. Nearly two years later, Mr. Dupree was granted parole. On July 22, 2010 he was paroled from prison after serving 30 years of a 75-year prison sentence. Almost two weeks later, Mr. Dupree was conclusively excluded based on DNA evidence.¹⁰

On January 4, 2011, state District Judge Don Adams declared Mr. Dupree innocent of all charges. Months later the Texas Court of Criminal Appeals fully exonerated Mr. Dupree in response to a motion by the Innocence Project.¹¹ Mr. Dupree was 51 years old at the time of his exoneration. The time spent in prison dealt a mighty blow to his life course and development. “[I]t was like a nightmare,” described Mr. Dupree when putting in plain words what it felt like being incarcerated for a crime he did not commit. “No one really cared or believed that I was innocent ... only I knew I was wrongfully convicted.”

The sentiments of Mr. Dupree are in line with a disproportionate list of black males wrongfully convicted to which DNA testing led to their exoneration. As of July 2015, there have been 330 post-conviction DNA exonerations in the USA. Black males represent 62 % (205) of those wrongfully convicted, in comparison to 30 % (99) for whites, and 7 % (24) for Hispanics.¹² Eyewitness misidentification is the leading contributor in these cases. Of the 70 % of convictions overturned, race was a factor in 40 %. The descriptive profile of an exoneree in the USA is of a black male who has served 14 years in prison due to being wrongfully convicted from eyewitness misidentification.¹³

Despite political and legislative attention, at the national level multiple criminal justice agencies have written reports about the magnitude of this problem, however much of the political responsibility has devolved to state legislatures.¹⁴ Texas, the state in which Mr. Dupree was wrongfully convicted, has made some of the most advances in criminal justice reform.¹⁵ This was in direct response to their egregious record of wrongful convictions. According to the National Registry of Exonerations, from 1989 to 2014, 52 individuals in Texas were exonerated from DNA testing. Thirty-two (62%) of the individuals were black.¹⁶ The Dallas County District Attorney’s office handled half the cases, which raised concerns of systemic racism.¹⁷ Conversely, most states have lagged behind and there continues to be procedural failures in the system. For instance, lawmakers in Virginia for several years have urged local law enforcement agencies’ to

improve eyewitness identification procedures.¹⁸ Such states fail to pass laws that provide adequate reform.

Numerous studies over the decades have shown that cross-racial eyewitness identification, when the witness and suspect are different races, is unreliable (see recent studies; Zalman et al. 2012; Young and Hugenberg 2012; Smith and Hattery 2011; Ask and Granhag 2010; Susa et al. 2010; Marcon et al. 2010; Evans et al. 2009; Rhodes et al. 2009; Edlund and Skrowronski 2008; Brigham 2008). The cross-race effect (CRE), a component of eyewitness identification, is most researched using black and white participants. In the majority of studies, white eyewitnesses were more likely to exhibit a bias toward alleged black suspects. In general, white participants in such studies most recognized members of their own race and ethnicity posing a significant concern when attempting to secure justice for the disproportionate number of black males wrongfully accused and convicted in the USA

This chapter deals with the life of Cornelius Dupree Jr. In this chapter, Mr. Dupree engages in a comprehensive interview that discusses his background, the investigation and trial, eyewitness misidentification, the importance of DNA testing, and life after exoneration (see Appendix for *Interview Schedule*). All discussed in an effort, to better understand the racial injustices within the criminal justice system.

THE INITIAL LEGAL PROCESS AND SENTENCING

The wrongful arrest, conviction, and imprisonment of Mr. Dupree add to the layered discussion of black male overrepresentation in the US penal system. He was the victim of both faulty probable cause and eyewitness misidentification, each are historical common weapons of the criminal justice process that aimlessly uses these tactics against black males. First, on the day Mr. Dupree was arrested the police officers claimed the two men looked similar to suspects in a separate sexual assault case. Elizabeth A. Gaynes (1992), in her article about the urban criminal justice system, argues that “young” plus “black” plus “male” equals “probable cause.” Second, in the photo line-up of six pictures the following day, the female victim positively identified both Dupree and Massingill, whereas, the male victim was unable to positively identify either of the two men. But perhaps the most startling, yet also common, admission from Mr. Dupree was that his attorney during the initial legal process did not support his claim of innocence.

When asked did he believe there was support from his attorney, Mr. Dupree said, “[The attorney] didn’t do anything ... I mean the support wasn’t actually there.” During the trial he recollects only seeing his attorney twice. According to Mr. Dupree, “Each time nothing was said to get me to believe [my attorney was] actually in my corner. It was pretty much formalities.” He indicated that the legal actions of his attorney played a significant role in the outcome. There were no challenges to the validity of the probable cause stop or substantial questioning of the discrepancy in the photo line-up. Mr. Dupree went on to say, “I had no hope in my attorney. I had no faith in my attorney ... everything seemed to be basic procedure.”

On April 3, 1980, when the judge handed down the sentence of 75 years in prison for aggravated robbery, Mr. Dupree described the emotion of hearing the sentence as a “nightmare.” Prior to the incident, he had a fond impression of police officers and the legal system. Mr. Dupree was a huge Perry Mason fan. Perry Mason was the fictional criminal defense attorney on the self-titled CBS television series. He had a flare in the courtroom, regularly winning his cases. Mr. Dupree stated:

I really believed in the [criminal] justice system. I use to watch Perry Mason a lot. I really liked the way he won his cases. I use to have this thing about myself [that] every time I [saw] someone in trouble with the law, I kind of felt it was something that they [had] done. The police didn’t just stop them for no apparent reason.

That opinion changed when he became a victim of the system. “I know now that’s not true,” said Mr. Dupree. He added, “And now since I fell in the grips of the system, it allowed me to see things from different a prospective.”

THE CROSS-RACE EFFECT ON EYEWITNESS MISIDENTIFICATION

The impact of racial bias in eyewitness misidentification is an important criminal justice issue. In nearly half of wrongful convictions, cross-racial eyewitness identification was the primary form of evidence without other corroborative evidence. Study after study has shown that within the CRE exists bias in identification. For instance, Smith and Hattery (2011) in their study of race, wrongful conviction, and exoneration, confirms that

race is the leading determinant in wrongful convictions. In direct relation to the case of Mr. Dupree, a study conducted by Marcon et al. 2010, which examined timing characteristics such as the viewing time after a crime, found that the CRE was significant when the retention interval is lengthened. Again, the male victim in the case was unable to positively identify either of the two men the day following the incident. Yet, months later at the trial, he positively identified both Dupree and Massingill as the suspects of the crime.

When asked does he believe that eyewitness misidentification contributes to wrongful convictions, Mr. Dupree indicated, “Yes, it is a race problem. White eyewitnesses are likely to pick the blacks in the line-up.” His analysis is consistent with the past literature. Furthermore, he stated, “If you look at your stats, you will see where most of your victims [wrongfully convicted], most of your exonerees, or people who were wrongfully imprisoned are African-American or people of color.”

Mr. Dupree followed that analysis with the stern belief that police and prosecutorial misconduct as well often leads to eyewitness misidentification. He explained:

I believe that it is misidentification, but I don't think it's on the level in which people believe it to be. I think a lot of that is coerced. I think you have a lot of quote, unquote law enforcement officers and lawyers that have a racial issue. They have a problem with African-Americans. When it's an African-American involved in a crime ... I think they are just trying to clear the books and get a conviction ... That's why so many people, especially African-Americans are behind bars for crimes they didn't commit ... Like I said, I think in a lot of cases victims are coerced into picking out [African-American] people.

When you get a closed case ... [the prosecutor] can put that before the media. [It] says we have this person in custody for this crime so [we can] close the case ... but it's actually not the guy. And you give the [wrongfully convicted] 30 or 40 years ... The case is kind of swept under the rug.

C. Ronald Huff (2004), in his article on wrongful convictions, also cites that the inflation of eyewitness misidentification is due to unethical and overzealous actions practiced by law enforcement officers and prosecutors. In these cases, eyewitness accuracy is compromised to accomplish the goal of conviction. Consequently, miscarriages of justices continue to happen at all stages of the process.

CONTINUED LEGAL PROCESS AND APPEALS

On three separate occasions, Mr. Dupree attempted to appeal his sentence. The Dallas County Writ Office denied him each time.¹⁹ During our interview, he was asked about the three unsuccessful appeals. When asked whether he believed freedom would have ever been obtained, Mr. Dupree replied, “Yes.” He provided an analogy to explain his confidence:

That’s what kept my fire burning is that I had the faith. I couldn’t tell you when, but I just knew there was a key to the lock that would set me free. It was just a matter of me finding out where that key was and which key actually fits my lock.

Mr. Dupree said that during the denials he would visit the recreation room, which served as a makeshift law library, at the prison where other inmates would research and share information about their cases. Those who had been locked up the longest were most knowledgeable and helped younger inmates. He explained:

[In the recreation room] you have an older guy that has been doing it for a while. He can take [a younger guy] directly to what he needs or what he’s looking for ... A new guy comes in and he’s got to start from scratch ... So me going there all the time, some guys were familiar with my case and what I was looking for.

It was in this supportive environment that another inmate told Mr. Dupree about the Innocence Project. “One day a guy presented to me the Innocence Project. That was the key I was looking for,” he said.

In 2006, he wrote to the Innocence Project of New York. Started by Barry Scheck and Peter Neufeld in 1992, their goal is to uphold the integrity of the criminal justice process by overturning wrongful convictions through DNA testing. At the time of this writing, the Innocent Project has been involved in 176 of the 330 post-conviction DNA exonerations in the USA

When asked how influential was the Innocence Project in his case, Mr. Dupree explained they were very important. Prior to the Innocence Project, “there was no other entity ... the justice system had failed [me]. I wrote numerous letters to all different types of entities.” Mr. Dupree said that he was encouraged when he found out that the Innocence Project worked pro bono. “You see some cases are a lot easier than other cases,”

he stated. There was a difficult twist to his case that needed the expertise of an organization who used DNA evidence to exonerate. He told us, “Keep in mind, my case didn’t have any DNA ... When I wrote to the Innocence Project in New York, they provided [that type of legal expertise]. You know they had to go back ... get my records ... they had to do the research.”

DNA Testing

DNA evidence has been used in criminal exonerations since 1989. It is widely accepted as a legal means to exonerate individuals wrongfully convicted. In general, since 2000 this forensic tool has led to the exoneration of 80 % of post-conviction DNA exonerations in the USA.²⁰ Because of this, DNA testing has become the bridge of truth between inaccurate eyewitness identification (and a host of others) and freedom because the analysis of DNA is considered the most reliable forensic tool.

On behalf of Mr. Dupree, the Innocence Project petitioned the Dallas County District Attorney’s office to begin a search for physical evidence that could possibly be used for DNA testing. Mr. Dupree was hopeful such evidence would be available. As stated, in the 1980 trial, forensic DNA testing was unavailable. He explained, “When I went to prison ... it was only like blood tests. So my faith was very minute at that point, but it was there.” Mr. Dupree continued, “I thought they had to dig deep to find out if there was still evidence ... This was almost 30 years later.” In their investigation, the Innocence Project found that pubic hair combings and cuttings were preserved from the crime. The Southwest Institute of Forensic Sciences (SWIFS) in Dallas still had available samples from the rape kit performed the night of the crime. In addition, a reference sample was obtained from Mr. Dupree after the crime, which was available for a comparison.²¹

In July 2007, the Dallas County District Attorney’s office allowed the Innocence Project to begin DNA testing in an attempt to exonerate Mr. Dupree. The Innocence Project’s first request was to have the evidence sent from SWIFS to a third party, Forensic Science Associates (FSA), in Richmond, California. The samples provided to FSA were consistent with the female victim’s account of the story, in which, she believed two men had raped her and ejaculated. However, in stark contradiction to her eyewitness identification and testimony, FSA found that the two men were not Dupree and Massingill.

This finding leads us to ask, what was the real reason the prosecutor in the 1980 trial did not want to pursue the rape case? Even from the rape kit on the night of the crime, SWIFS was able to show that the blood test would have excluded Dupree and Massingill. A more thorough investigation by the prosecutor would have shown Mr. Dupree was not one of the individuals responsible for this crime. This reinforces Mr. Dupree's earlier assertion that some prosecutors are only concerned with "a closed case."

When asked about the importance of DNA testing, Mr. Dupree stated, "I think it's vitally important ... In my case in particular, it freed me. [It freed] the wrong person [convicted of the crime]." He went on:

I was in prison for robbery, which did not consist of a DNA [test]. Because the actual rape case was never tried, they dismissed it. I tried to explain to the parole board to open the case and look at the DNA evidence. It's going to show I didn't rape the lady. If I didn't rape the lady, then I didn't rob the guy.

Overall, DNA testing played a major role. I mean if it had not been for DNA, I wouldn't be here. Not being here as freely. I would probably be here on parole, on a monitor, and had to register as a sex offender. You know my life wouldn't be so simple.

His Opinion on the Rape Charge

In May 2005, Mr. Dupree filed his third writ of habeas corpus. This appeal did not challenge the instant conviction of the 1980 trial, but instead, challenged the legal coercion of the parole board attempting to force Mr. Dupree to admit guilt of the rape and enroll in a sex offender rehabilitation program.²² This begs the question, how was the parole board sure he raped the female victim if no evidence were ever provided, and he was never tried for that crime? According to Mr. Dupree, at the parole hearing he said to a female member of the board, "Ma'am, I'm in prison for robbery, a robbery that I didn't do. You want to give me parole but you [also] want me to go to a sexual offender class. I said I can't do that and she sent me back to prison for six more years."

Mr. Dupree further explained:

In so many words, what they [the prosecutor] did was, they hid it [the rape case] away. Because see if it never [came] forward, then I can't use that. All those years, I was trying to deal with the robbery aspect of it and the

eyewitness misidentification and all of that. I never thought about dealing with it from the rape perspective, because it was dismissed.

When asked whether he regretted the decision to not accept the early release, Mr. Dupree hardheartedly said, “No. I don’t regret any of it.”

It is important to state that during the interview Mr. Dupree never cast blame on the female victim. His blame was placed solely on the forms of racial injustices that exist within the criminal justice system. Court documents indicate that on the night of the crime the female victim was “hysterical” and crying continuously. Till this day he is sympathetic toward the female rape victim and the impact the ordeal had on her life.²³

FINALLY FREE

“I am innocent.” According to Mr. Dupree, “this is the saying of a lot of people in prison.” When fighting to convey their innocence, he stated, “You really have to kind of stay focused on yourself ... look within yourself ... continue to pursue your innocence through the process.”

The above quotes are Mr. Dupree’s general self-assessment of how he spent more than 30 years in prison for a crime he did not commit. When asked how is his everyday life since his release from prison, he replied, “Oh, splendid.” He has a new lease of life, one in which he can “just live life and enjoy.” In our comprehensive interview with Mr. Dupree, he indicated, “the past is the past ... I just pick[ed] up the pieces and pretty much [went] on from there.” There was a refreshing tone in his voice. He was upbeat. Life had knocked him down at a young age, however, he had gotten up and was determined to fight for his freedom. Given he had tallied almost 11,000 days behind the prison walls, his main post-release criticism about readjusting to everyday life was that “it’s been very challenging.” This is an ambiguous, yet telling, phrase to describe the post-incarceration adjustment of Mr. Dupree. He described life in prison as a “Major adjustment ... Whatever environment you go to you have to make the necessary adjustments.” Therefore, upon exiting it is difficult to imagine that the day-to-day life of post-incarceration can be more challenging than spending 30 years in prison for a crime he did not commit.²⁴

Mr. Dupree’s re-entry into American society was aided by marrying his long time girlfriend and fiancée, Selma Perkins. The couple married the day after his release in 2010. While in prison, he lost both of his parents. However, he has maintained a close relationship with his brother, Steven Dupree. According to Mr. Dupree, he does not suffer from any

institutionalized personality traits. While the long-term imprisonment was at times difficult to bear, his faith in God carried him through the hardships he has experienced. He framed his emotion with a saying he has used before in interviews, “It’s just a joy to be free.” Mr. Dupree summed his feelings about being a free man with, “Even though I constantly had the door shut closed in my face, appeals were denied, and not getting any response due to my [bad] letter writing ... Here I am today. Free!”

CONCLUSION

Cornelius Dupree Jr. twice during our interview described spending 30 years in prison for a crime he did not commit as a “nightmare.” One could only imagine the suppressed emotions, which remain energized when he reflects back on how a young black male who at age 20 was sentenced to 75 years in prison knowing he was innocent, whereas, those around him had doubt. Mr. Dupree blamed the criminal justice system. In his words, “The criminal justice system failed us [Dupree and Massingill] as law abiding citizens ... I’m concerned about [the criminal justice system] because I was one who believed in the system.”

On the night in question, Mr. Dupree like so many other black males, became a victim of the many forms of racial injustices that exist within the criminal justice system. Time and time again, the process of the system fails to clearly identify through the proper procedures and oversight their innocence. The whole process is bitterly tainted with embedded elements of systemic racism that mars its legitimacy. The reality is that black males bear the brunt of a system that views them as violent criminals, and many times rapists, who deserve such punishment.

Most concerning in this chapter is the number of black males wrongfully arrested, convicted, and imprisoned who have spent decades in prison. In these cases, the terms “black male,” “criminal suspect,” and “racial injustice” are so interwoven that only a definitive DNA test can correct this miscarriage of justice. But thanks to the Innocence Project and such groups, these men are able to salvage some sort of human dignity in the face of losing a significant amount of time as a free man. Undoubtedly, wrongful imprisonments and unarmed black male deaths signify the larger racial injustices in this country. Endemic racial injustices must stop. Once and for all, the beneficiaries of white empowerment who facilitate these acts of misconduct in American society should address the racial injustices within the system and work to resolve them.

NOTES

1. See the *Innocence Project* fact sheet, “DNA Exonerations Nationwide.” Available at: <http://www.innocenceproject.org/free-innocent/improve-the-law/fact-sheets/dna-exonerations-nationwide> (June 15, 2015).
2. The following document, Writ No. W79-12900-RI(D); Cause No. F79-12900-RI, contains a detailed account of the events leading to the wrongful conviction of Cornelius Dupree, Jr. Innocence Project attorneys filed this memorandum in support of the application for a writ of habeas corpus. The document is available at: http://www.innocenceproject.org/files/imported/dupree_petition_memo-1.pdf
3. *Ibid.*, Writ No. W79-12900-RI(D).
4. *Ibid.*, Writ No. W79-12900-RI(D).
5. A writ of habeas corpus is a legal means to challenge the legality of the application of the law.
6. *Ibid.*, Writ No. W79-12900-RI(D).
7. See the *Innocence Project* website. Available at: <http://www.innocenceproject.org/about-innocence-project>.
8. *Ibid.*, Writ No. W79-12900-RI(D).
9. *Ibid.*, DNA Exonerations Nationwide.
10. *Ibid.*, Writ No. W79-12900-RI(D).
11. *Ibid.*, Writ No. W79-12900-RI(D).
12. *Ibid.*, DNA Exonerations Nationwide.
13. *Ibid.*, DNA Exonerations Nationwide.
14. See the 2012 Urban Institute report titled, “Post-conviction DNA testing and wrongful conviction,” by Roman, J., Walsh, K., Lachman, P., and J. Yahner. Available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/238816.pdf>
15. In 2011 and 2015, Texas state senator, Rodney Ellis was able to pass substantive criminal justice reform legislation. In 2011, he introduced SB 121, which addressed eyewitness misidentification. This law requires all Texas law enforcement agencies in the state to adopt written eyewitness identification policies. In 2015, he introduced SB 487, which sets to improve access to DNA testing. This law allows a judge to grant DNA testing when there is a “reasonable likelihood” that the evidence will lead to exoneration.
16. See the University of Michigan’s National Registry of Exonerations. Information available at: <http://www.law.umich.edu/special/exoneration/Pages/detailist.aspx>
17. See Moffeit, M. 2013. “A twist for the lock-’em-up state: More Texas law enforcers are refusing to throw away the key—for the innocent.” *The Dallas Morning News*. Available at: <http://watchdogblog.dallasnews.com/2013/04/a-twist-for-the-lock-em-up-state-more-texas-law-enforcers-are-refusing-to-throw-away-the-key-for-the-innocent.html> (April 9).

18. For more information, see the ACLU report, “Eyewitness identification reform should be realized,” by E. Wong. July 20, 2012. Available at: <http://acluva.org/10318/eyewitness-identification-reform-should-be-realized>
19. See the following document, Writ No. W79-12900-RI(D); Cause No. F79-12900-RI, application for a writ of habeas corpus. The document is available at: http://www.innocenceproject.org/files/imported/dupree_writ_cover_form.pdf
20. Ibid., DNA Exonerations Nationwide.
21. Ibid., Writ No. W79-12900-RI(D).
22. Ibid., Writ No. W79-12900-RI(D).
23. Ibid., Writ No. W79-12900-RI(D).
24. For more information on reentry programs and resources, please visit the Federal Bureau of Prisons site at: http://www.bop.gov/about/facilities/residential_reentry_management_centers.jsp

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Post-script I: How to Raise a Black Son in White America

Raising little black boys to men in the twenty-first century is a laborious undertaking. During a period where white police officers are unmercifully killing unarmed black males, it requires considerable time, effort, and good fortune to protect and ensure their human survival and well-being. The good old days of black folks telling our sons (and daughters) to “pray on it,” trusting the community to collectively raise and protect (“it takes a village”), and disciplining our children (belt and extension cord beatings) in an effort to have a healthy quality of life have lessened. In the past, these parental methods were important to an ongoing conversation on how to raise black children in white America. However, over time the tone and nature of this conversation has changed. White systemic practices within the vexed frame of the onslaught of white police officers—unarmed black male deaths have forced the conversation to be reframed to “Black Lives Matter,” which is a proactive movement to help legitimize the value of countless unarmed black lives claimed in recent years.

The open season on unarmed black males in America has also led me to personally reframe the conversation after the recent birth of my first son, William T. Hoston Jr. For years, my academic and activist journey allowed me to further empathize with the injustices and dehumanizing nature of the treatment of black males. Besides being a black male, I wrote about it, taught about it, and protested against the racial biases and stereotypes that haunted the righteousness of black male life. I shed tears when George Zimmerman was acquitted for the murder of Trayvon Martin. I was pissed off when the jury initially could not reach a first-degree murder agreement

after Michael D. Dunn fatally shot Jordan Davis because his rap music was too loud. I sat in disbelief for hours when there was no indictment of Officer Darren Wilson from the grand jury in the Michael Brown case. My stomach turned when Officer Daniel Pantaleo choked Eric Garner to death and a grand jury failed to indict. I was deeply saddened when Officer Timothy Loehmann killed 12-year-old, Tamir Rice. I stood emotionless when the video of Walter Scott was released. And I am still trying to process the shooting of Samuel DuBose.

The empathy for these black males intensified when my wife and I were expecting our first child. The roller coaster of emotions of grieving for the lives of these black males was now going to be superseded by the everyday empathy for the life of my own son. This paradox is aligned with understanding the value of black male life. On the one hand, there is empathy for the untimely death of all black males (and females). On the other hand, I have waited my entire life for my son to be born. His death would crush me to the earth.

On the day he was born, I cried tears of joy. Watching him emerge from the womb set my heart on fire. There was a range of emotions. The first instinctive emotion was “protection.” I need to protect him from the perils of life. Until his actual birth, I thought I had understood the value of black male life; however, there is a major difference in understanding the value and directly experiencing the significance of that value. His birth allowed me to overstand. He is a living, breathing part of me. We are connected by ancestry and blood. He carries my name for the sake to ensure the lineage lives on. We both share elements of my father’s name to right his wrong and break the generational curse of black father abandonment. He is I and I am him. I must protect him from an America where some will prejudge, stereotype, and discriminate against his mere existence. It is hard being a minority male in white America. He is part black and Hispanic. But the “one-drop rule” and my presence will assign him to the black community. For that reason, he must be equipped to handle the trials and tribulations of being a member of the black male subculture.

Before he was born, I declared in a poem titled, *My Black and Brown Son*, that the Holy Father and myself would guide his footsteps. I wrote:

His presence will be strong, confident, and bold—like his Father
 His words will be articulate—like his Father
 His knowledge will be forever growing—like his Father
 His love for all people will be robust—like his Father

He won't be bred to be led
 My presence will inspire him to go down a path
 Very few have traveled
 A covenant with the Holy Father and his Father

These words were written to forecast a life of promise. But despite the positivity projected upon his life from family, friends, and a present mother and father, the sequence of deaths of unarmed black males has clearly precipitated a much larger discussion: *How to raise a black son in white America*. These deaths have awakened a sense of fear I've never experienced before. To think no matter how well I raise my son to be a God-fearing, positive, productive black male, on any given day he could be senselessly taken away from me by the hands of the individuals sworn to protect and preserve life.

In the "Black Lives Matter period," one of the most important questions that have arisen is, how do you raise a black son in white America? Here are three personal thoughts to consider in an attempt to answer this question.

BE PARANOID

Teach him to be paranoid. The deaths of unarmed black males generate a need for positive paranoia among black males. In the aftermath of these incidents, one would suggest that paranoia could be a healthy and integral part of the black male psyche. It may be imperative to safeguard black male life.

Long before we entered the Black Lives Matter period, the brutal beating of Rodney King in the modern era of police brutality set the tone for paranoia among black males. Therefore, a level of paranoia already existed in the black community. We've always felt that something bad could happen to black males at any given time. In the twenty-first century, overt forms of racism and discrimination mutated and a false societal narrative formed that we live in a post-racial America. Believers of this notion pushed the agenda that we were becoming a color-blind society. This false color-blind ideology has since been vehemently challenged. The deaths of unarmed black males by white police officers assists to prove that race continues to be one of, if not the most, influential factor in these particular cases.

The idea formed from positive paranoia that "The police are out to get me," has utility and consequences. One of the utilities is that it will help

to increase environmental awareness. For those with a rooting interest in protecting black male life, this can be deemed important. Success or effectiveness depends on your son being aware of his surroundings at all times. Do not live in fear, but rather, live in constant awareness. Avoid the avoidable situations with police officers. Do not allow certain situations and/or circumstances to give the police an excuse to take your life. In contrast, one of the consequences of this type of paranoia is that a mental state can be formed to always look for racism, discrimination, and prejudice. It also adds to the thinking that every white police officer is a racist pig. *This is not true.* Nevertheless, it is imperative to rationally evaluate each encounter with the police. There are good police officers who use their authority to best serve the public. Daily their job requires them to take risks and place their life on the line. Unfortunately, the harrowing acts of the few bad police officers have tainted the pool and further leads to public distrust.

RECORD, COMPLY, AND FOLLOW DIRECTIONS

Teach him to record, comply, and follow the directions of the police officer. For example, before he is pulled over by the police, turn the voice recorder on his phone on or begin video recording the interaction. Since not all police officers are required to wear body cameras, preventable measures need to be in place. Now, if a police officer turns on his lights and siren, tell your son to pull over in a safe location. When he is pulled over, stay in the car unless directed by the police officer to exit the vehicle. If a police officer requests his driver's license, registration and insurance, he should present it. However, do it politely and very slowly. If the police officer gives him a ticket, sign it, and fight the ticket in court. If the police officer asks to search his car, do not resist. Yet, make the officer aware that he is invoking his Fourth amendment rights and say, "I do not consent to searches without a warrant." The moral of the story is, record, comply, and follow directions. If your son believes the police officer has overstepped his boundaries of authority and discretion, you can either file a complaint or retain an attorney.

In general, we know that police harass, profile, and use excessive force. These forms of over-policing are commonplace within the black male sub-culture. With this knowledge, what are the costs of not complying and challenging the authority of the police? For instance, in a routine traffic stop, what if your son asked the officer, "Why are you pulling me over?"

Walter Scott. What if he were being confrontational with the police officer? *Michael Brown.* What if he pulled off? *Samuel DuBose.* What would be the consequences? *Potential death.* Is there a chance that your son may have been racially profiled? *Yes.* Is there a chance the police officer has overstepped their boundaries of authority and discretion? *Yes.* Is there a chance your son may have been intimidated and bullied by the police officer? *Yes.* In spite of this, the goal is to guarantee your son survives the situation. The recording is available if you wish to pursue the matter further. But for your son to attempt to argue that he is in the right during a routine traffic stop, and the police officer is in the wrong, does not serve his best interest. Simply record, comply, and follow directions. The latter could be, do not comply and die.

BE WELL-MANNERED

Teach him to be well mannered in his interactions with police officers. Tell your son not to become angry, aggressive, or abrasive. Do not use profanity, have a temper tantrum, or use sarcasm. Do not make any subtle moves that can be misinterpreted. Inform the police officer prior to making moves in their presence. Inform the police officer if he has a concealed handgun license and there is a weapon on his person or in the vehicle. More importantly, tell your son not to outright challenge the authority of the police officer. By law, police are permitted to exert their discretion and use reasonable force to control a situation.

In stark contradiction, will being well-mannered shield your son from the wrath of the few bad police officers who overstep their boundaries of authority and discretion? *No.* Can he do the “right” thing and still have his civil rights violated? *Yes.* Being well mannered does not equate to him being respected by police officers, but with any luck, it does show the officer he is neither trying to be disrespectful nor escalate the situation. We absolutely do not want the police officer to have a reason to use deadly force.

What happens if your son performs the actions above: (1) Practices positive paranoia; (2) Records, complies, and follows directions; and (3) Is well mannered, and yet, still finds himself in a situation where a white police officer is ready to take his life. The answer is _____. These deaths prove that any black male can be murdered because of the color of his skin. However, there must be self-mechanisms in place to offset institutional and systemic practices of police officers. The fight to save our sons

must start at the individual level. We cannot expect a failed criminal justice system to be the first line of defense.

In conclusion, the open season on unarmed black males is no anomaly. Violent racial practices have historically existed—from slavery, lynching, police framings, racial profiling, excessive force, and now the no holds barred killings of unarmed black males by white police officers. As noted throughout the chapters, in the end, the criminal justice system fails to recognize the pattern of the dehumanization of black male life. Simultaneously, the black male subculture is left to forgive, recontextualize, or find a moral high ground to deal with the systemic practices of white police officers. Black males wonder what would it take to change the overall negative perception of the black male subculture? Should we have to act in a docile manner and accept being treated as less than human beings to alter the stereotypical perception of the culture as a whole? It is clear that racial judgments led to the deaths of these unarmed black males. Because of this, it is important to teach our sons to navigate through the ever-evolving systemic maze to come out on the other end victorious in life. Our black sons must be agents of their own salvation.

Post-script II: The Uprising—Call to Black Male Scholars

Dear *Black Male Scholars* at Predominantly White Institutions,

I implore for us as a collective group to begin, or continue depending on your dedication, academic rank, and time in service, to write the narrative of black masculinity in the academic academy.

Black male scholars, I understand that there is a type of submissive black masculinity that many white administrators and senior scholars feel needs to be exercised during our probationary tenure-track period, and beyond, at Predominantly White Institutions (PWI).¹ Our expectations of academic and social acceptance are often met with historical and traditional stereotypes and resistance. Donnetrice C. Allison (2008, p. 642), in her article that examines the identity negotiation of black professors in the PWI setting, writes, “When a Black professor begins teaching at a PWI, he or she must often combat long-standing stereotypes and prejudices held by members of the dominant community, as many Whites, and other groups alike, continue to view Blacks stereotypically.” These stereotypes are difficult to shed in a social and cultural environment that challenges black scholars to assimilate to gain the profession’s highest academic honor: *Tenure*. Thus, in many respects, we cannot be totally free to be ourselves within the university setting.

It is critical for us to create a network that fosters success in the areas of research, teaching, and service not only to the university but also to the black community. Yet, in the process of attempting to define our success in these areas, the institutional control of the gatekeepers bends our

path. Research set in critical race theory that addresses salient concerns related to black masculinity is often looked down upon or rejected by academic journals and university presses. When this type of research is qualitative, rather than the quantitative studies conducted by the majority of white scholars with insufficient narrative, it is often viewed as unfavorable. Teaching that contains black male educational thought, rather than Euro-dominant educational praxis, is largely scrutinized. Service that mainly adheres to black interest is devalued. Last, but certainly not least, balancing the moral pull of wanting to represent the black male subculture versus gaining tenure mentally weighs on us. All of these challenges are problematic because they emasculate the identity of the black male scholar who has worked his entire academic life to achieve an elite, status driven degree that now gives him an *invisible* status to those who most need his voice: The black male.

Black male scholars, we have to frame our own concerns. It is essential that we theoretically and practically address the everyday suffering that impacts our plight into a formable frame that has structure, organization, written in the proper context, and contains viable solutions. Too many times, white scholars, pundits, and policy-makers are allowed to give opinions, ideas, and solutions that may have the intention of objectivity, however, are erroneously slanted to adhere to, fit, or argue in support of catastrophic opinions about black males. There is always a missing link between the stated premise and the stated conclusion. Hence, I call this challenge to black male scholars because, in my opinion, it is a part of our historical, civic, and moral obligation to uplift and empower the diverse body of the black male subculture.

The relevant question in this challenge is, to what extent will black male scholars be subject to discrimination in the tenure decision process when their research takes on salient concerns in the black male subculture? From personal experience, I know that the subtle academic bullying, coercive advice from white administrators and senior scholars, and mental priming in the pre-tenure period is overwhelmingly responsible for the derelict of an abundance of such research. This period does not allow true academic freedom. Despite its claim, the university is not always a privileged setting that fosters intellectual and innovative ideas. In a social and cultural environment where institutional and systemic racism and discrimination can rear its ugly head, many choose to take a traditional academic path that examines more general and non-threatening concerns.

Below, I have further outlined the two central reasons that black male scholars do not write about the various forms of suffering that takes place in the black male subculture.

THE DESIRE TO EARN TENURE

Black male scholars, once the Ph.D. is gained, the next important step is earning tenure. To accomplish this goal, it is important to be efficient in three areas: research, teaching, and service. To ensure tenure, it is imperative to have a firm handle of your research agenda. For black male scholars, the quest to have a research agenda suitable to earn tenure can be ambiguous. While it may be clear on the number of publications needed, the type and ranking of the academic journals they should appear in is habitually unclear. What will it take for black male scholars gung-ho on writing academic articles and books on the *most* salient concerns affecting black males to appear in print? Do we have to talk in non-threatening terms? Or, can we walk to the edge but not leap when addressing such concerns to not upset the institutional gatekeepers that sign the official tenure paperwork?

Publications that occupy the bulk of academic space come from quantitative research. These articles specialize in crunching numbers to answer a research question of importance. When black male scholars do not employ this technique, they are time and again marginalized in their academic programs, departments, and before review boards. To the contrary, qualitative research, which is more descriptive in nature and does not always use sophisticated statistical techniques, is preferred by most black male scholars to give narrative to numbers. Personally, I am tired of the plethora of quantitative studies that do not give the black male a descriptive voice but tells American society about the pathologies that are embedded in the black male subculture.

Black male scholars, few academic articles that contain this type of research appear in top-tier journals. Some appear in mid-tier journals. The vast number of these articles appears in race-specific journals such as *Journal of Black Studies*, *Journal of African-American Studies*, *Western Journal of Black Studies*, *Ethnic and Racial Studies*, *DuBois Review*, *The Journal of Black Masculinity*, and a host of others. Those publishing articles in these journals, when going up for tenure at a PWI, can receive harsh criticism during their third-year review and tenure decision. Bronstein et al. (1993), in their study of barriers to academic careers for

women and ethnic minorities, indicate that tenure committees often view race and gender-specific publication outlets as inferior. Those who publish in them are incapable of landing their research in “prestigious” and “traditional” academic journals.

The problem with writing to receive publication in these so-called prestigious and “traditional” academic journals is that: (1) Who defines them to have such standing in the academy? (2) Who decides top-tier and mid-tier? (3) What entity is regulating the growing peer-review manipulation in the academy, mainly within the circles of white scholars?² (4) Few academics read it and even fewer members of the general population know it exists. For these reasons, when black male scholars are fortunate to actually get published in these journals and address a salient concern facing black males, it does not reach the intended or desirable audience.

In the cases of article rejection, the qualitative research that actually gives a descriptive voice to the concerns facing black males never sees the light of day because it either does not have a high sample population, it has a convenient or purposeful sample, or the white reviewer will write, “no new information is learned.” But let me ask, how much new information is learned when large academic publishers, such as Springer who house ten journal outlets, have to retract articles when they discover peer-review fraud?³

As it pertains to research on black males, how many of them are needed and from what geographical locations, to tell us about the negative structural and cultural factors that are destroying the black male subculture? What latest statistical programs can better get to the core of the concerns of the black male subculture than interviews, participant observations, ethnographical fieldwork, and collection of archival data, which all provide thick descriptions of human behavior.

It is realized very quickly in the first few years in the university setting that the luxury to critically think and write about our concerns is over and over again stifled until tenure is gained (and beyond). Many times such publications prior to that point are for tenure purposes only. Although it is an honor to be published, it would be a greater honor to be recognized for meaningful research that is near and dear to a black male scholars’ consciousness.

LACK OF BLACK CONSCIOUSNESS AFTER RECEIVING THE PH.D.

Black male scholars, some will not admit it, but the obtainment of the Ph.D., can lead to a false sense of entitlement and elitism. It is the feeling that many are now a part of the academic “haves,” individuals who enjoy a

privileged and powerful position as college professors. The academic journey of the black male scholar is no longer in the racially contested plight linked to the black community as a whole, but now rather, rejoices in the triumph of achieving a tremendous goal. In some minds, we have fulfilled our civic duty to black America by overcoming the odds—graduating with a Ph.D., getting a well-paying jobs at a PWI, and going on to live a successful life. The image of the black male scholar is an example of a black male who has achieved, and negative forces were never pervasive enough to deter him from being successful.

In this obscure way of thinking, our consciousness diminishes and some begin to ignore the disparity between those who have overcome their individual circumstances and institutional barriers versus those who have not. There emerges the belief that it is an honor to teach at a PWI rather than questioning the low percentage of black male faculty and black male students. Behind closed doors some echo the sentiments, “I need publications. I can’t write about black males that will never get published in a top-tier journal.” Or, “my colleague will read my work and think I am the angry, militant, black male professor.” Then to appease white administrators and senior scholars, those individuals will write about non-threatening concerns. I know, because I’ve done it!

I’m not suggesting bucking the system and committing academic suicide. But at the end of the day, the fact cannot be ignored that in American society various forms of black male suffering are a salient concern. In my opinion, we should be encouraged to be change agents who drive new research agendas. My theory is, if more black male scholars write about our concerns, we’ll publish more, get invited to review more articles and books, and internally alter the dominant white paradigm.

In conclusion, I’m a believer in—practitioner of—witness to—the power of transformation. *Black male scholars*, we must write about our concerns. It is our duty to employ a transformative research agenda. A transformative research agenda is not pro-black or anti-white, but it centers on the belief that salient concerns affecting the black male subculture must be presented in a formable frame, as noted above, which has structure, organization, written in the proper context, and contains viable solutions. Controversial, cutting-edge, innovative articles and books must continue to be written. Just as important, these salient concerns must not be finessed to fit in the “non-threatening” box of academic acceptance and those who are the institutional gatekeepers propelling the dominant white paradigm must stop rejecting research and explanations that are not suitable to their liking.

Black male scholars, we must not be institutionally and self-marginalized by a system that tells us not to write about or discuss ourselves in any context that would provide self-healing within the black male subculture. To be honest, my back is figuratively branded with deep slashes of unconstructive and negative criticism from white administrators and senior scholars (and sometimes Uncle Tom blacks). These are individuals who have made an effort to strip me of my Kunta Kinte existence and convert me to a Toby Waller stereotype. I pray and hope this conscious cry is heard.

Signed,
William T. Hoston Sr. Pray hard Daily

NOTES

1. This essay acknowledges that black female scholars face the same historical and traditional stereotypes and resistance. The same spirited challenge is offered to them as well.
2. See Kaplan, S. 2015. "Major publisher retracts 64 scientific papers in fake peer review outbreak." *The Washington Post*. Available at: <http://www.washingtonpost.com/news/morning-mix/wp/2015/08/18/outbreak-of-fake-peer-reviews-widens-as-major-publisher-retracts-64-scientific-papers> (August 18).
3. Ibid., Major publisher retracts 64 scientific papers in fake peer review outbreak.

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APPENDIX

Chapter 2: Stand “Our” Ground: Murders in the Sunshine State

Legislative Activity

Bills Introduced by Black Legislators to Repeal the “Stand Your Ground” law, 2013–2014

2013 Regular Legislative Session

SB 136: Self-Defense

Senator Christopher L. “Chris” Smith

Last Action: Died in Criminal Justice Committee

An act relating to self-defense; amending s. 776.031, F.S.; authorizing a person to use force, except deadly force, in the defense of property; authorizing a person to use deadly force, in the defense of property, to prevent the imminent commission of a forcible felony; providing that a person does not have a duty to retreat if the person is in a certain place; amending s. 776.032, F.S.; revising the definition of the term “criminal prosecution”; requiring, rather than authorizing, a law enforcement agency to investigate the use of force under certain circumstances; deleting the provision that prohibits a law enforcement agency from arresting a person for using force under certain circumstances; authorizing, rather than requiring, the court to award attorney fees, court costs, and other expenses to a defendant who used force under certain circumstances; amending s. 776.041, F.S.; deleting the provisions that make justifiable use of force available to an aggressor who initially provokes the use of force against himself or herself; providing additional circumstances in which justifiable use of force is not available; creating s. 776.09, F.S.; providing legislative

findings; directing the Department of Law Enforcement to collect, process, maintain, and disseminate information and data on all incidents concerning the alleged justifiable use of force in this state; requiring the department to annually report to the Legislature the information and data in a format and manner determined by the Legislature; requiring each law enforcement agency within the state to monthly report to the department all incidents and cases in which a claim regarding the justifiable use of force is raised; providing an effective date.

SB 362: Use of Deadly Force

Senators Dwight M. Bullard and Geraldine F. Thompson

Last Action: Died in Criminal Justice Committee

An act relating to the use of deadly force; amending s. 776.013, F.S.; requiring an overt act to support a belief that the use of deadly force for specified purposes is necessary; defining the term “unlawful activity” for specified purposes; amending s. 776.032, F.S.; providing that immunity from civil and criminal liability for certain uses of deadly force does not apply to injuries to children and bystanders who are not affiliated with the overt act; providing an effective date.

SB 622: Use of Deadly Force in Defense of a Person

Senator Dwight M. Bullard

Last Action: Died in Criminal Justice Committee

An act relating to the use of deadly force in defense of a person; repealing s. 776.013, F.S., relating to home protection and the use of deadly force, which created a presumption of fear of death or great bodily harm in certain circumstances and provided that there is no duty to retreat and a person has the right to stand one’s ground and meet force with force in certain circumstances; amending ss. 776.012, 776.032, and 790.15, F.S.; conforming provisions; providing an effective date.

HB 331: Self-Defense

Representative Bruce Antone (w/1 co-sponsor)

Last Action: Died in Criminal Justice Subcommittee

An act relating to self-defense; amending s. 776.031, F.S.; authorizing a person to use force, except deadly force, in the defense of property; authorizing a person to use deadly force, in the defense of property, to prevent the imminent commission of a forcible felony; providing that a person does not have a duty to retreat if the person is in a certain place; amending s. 776.032, F.S.; revising the definition of the term “criminal prosecution”; requiring, rather than authorizing, a law enforcement agency to investigate the use of force under certain circumstances; deleting the

provision that prohibits a law enforcement agency from arresting a person for using force under certain circumstances; authorizing, rather than requiring, the court to award attorney fees, court costs, and other expenses to a defendant who used force under certain circumstances; amending s. 776.041, F.S.; deleting the provisions that make justifiable use of force available to an aggressor who initially provokes the use of force against himself or herself; providing additional circumstances in which justifiable use of force is not available; creating s. 776.09, F.S.; providing legislative findings; directing the Department of Law Enforcement to collect, process, maintain, and disseminate information and data on all incidents concerning the alleged justifiable use of force in this state; requiring the department to annually report to the Legislature the information and data in a format and manner determined by the Legislature; requiring each law enforcement agency within the state to monthly report to the department all incidents and cases in which a claim regarding the justifiable use of force is raised; providing an effective date.

HB 799: Use of Force in Self-Defense

Representative Dwayne L. Taylor

Last Action: Died in Criminal Justice Subcommittee

An act relating to the use of force in self-defense; amending s. 776.013, F.S.; providing that provisions allowing a person to stand his or her ground and meet force with force in certain circumstances do not apply to a person who initiates an altercation, progressively disrupts the peace, or actively pursues another individual for any reason; providing investigatory and pretrial procedures when an individual claims the benefits of stand your ground provisions in an incident in which a death has occurred; providing an effective date.

HB 4009: Use of Deadly Force in Defense of a Person

Representative Alan B. Williams (w/12 co-sponsors)

Last Action: Died in Criminal Justice Subcommittee

An act relating to the use of deadly force in defense of a person; repealing s. 776.013, F.S., relating to home protection and the use of deadly force, which created a presumption of fear of death or great bodily harm in certain circumstances and provided that there is no duty to retreat and a person has the right to stand one's ground and meet force with force in certain circumstances; amending ss. 776.012, 776.032, and 790.15, F.S.; conforming provisions; providing an effective date.

2014 Regular Legislative Session

SB 116: Use of Deadly Force in Defense of a Person

Senators Geraldine F. Thompson and Dwight M. Bullard
 Last Action: Died in Judiciary Committee

An act relating to the use of deadly force in defense of a person; repealing s. 776.013, F.S., relating to home protection and the use of deadly force, which created a presumption of fear of death or great bodily harm in certain circumstances and provided that there is no duty to retreat and a person has the right to stand one's ground and meet force with force in certain circumstances; amending ss. 776.012, 776.032, and 790.15, F.S.; conforming provisions; providing an effective date.

SB 122 & 130 (combined): Self-Defense

Senator Chris Smith

Last Action: Original bill died in Judiciary Committee; Introduced - SJ 21

An act relating to self-defense; amending ss. 30.60 and 166.0485, F.S.; requiring the county sheriff or municipal police to issue reasonable guidelines for the operation of a neighborhood crime watch program; requiring the guidelines to include certain specified conditions; amending s. 776.031, F.S.; authorizing a person to use force, except deadly force in the defense of property; authorizing a person to use deadly force in the defense of property to prevent the imminent commission of a forcible felony; amending s. 776.032, F.S.; providing that a person who uses force is immune from civil action brought by the person or persons against whom the force is used; revising the definition of the term "criminal prosecution" with regard to immunity from criminal prosecution and civil action; providing that a law enforcement agency's right and duty to fully investigate the use of force upon which the claim of immunity is based is not restricted; deleting a provision that prohibits a law enforcement agency from arresting a person for using force unless probable cause is found that the force used was unlawful; authorizing, rather than requiring, the court to award attorney fees, court costs, and other expenses to a defendant who used force under certain circumstances; providing that the court may apply comparative fault to award damages, attorney fees, court costs, and expenses to the prevailing party in certain circumstances; amending s. 776.041, F.S.; revising the circumstances under which the defense of justifiable use of force is unavailable to an aggressor; establishing a burden of proof for an aggressor who uses deadly force and specifying the criteria that must be met in satisfying that burden; creating s. 776.09, F.S.; providing legislative findings; directing the Department of Law Enforcement to collect, process, maintain, and disseminate information and data on all incidents concerning the alleged justifiable use of force in this state;

requiring the department to annually report to the Legislature the information and data in a format and manner determined by the Legislature; requiring each law enforcement agency within the state monthly to the department all incidents which a claim regarding the justifiable is raised; providing an effective date.

SB 130 & 122 (combined): Use of Deadly Force

Senators Chris Smith and (R) David Simmons (w/1 co-sponsor)

Last Action: Died in Judiciary Committee—Refiled as CS/S130 & S122

An act relating to the use of deadly force; amending ss. 30.60 and 166.0485, F.S.; requiring the county sheriff or municipal police department to issue reasonable guidelines for the operation of neighborhood crime watch programs; providing that the guidelines are subject to reasonable exceptions; amending s. 776.032, F.S.; providing that a person who is justified in using force is immune from criminal prosecution and civil action initiated by the person against whom the force was used; revising the definition of the term “criminal prosecution”; clarifying that a law enforcement agency retains the authority and duty to fully investigate the use of force upon which an immunity may be claimed; providing that during a pretrial immunity hearing, the state bears the burden of proving by a preponderance of the evidence that the defendant’s use of force was not lawful; amending s. 776.041, F.S.; providing that any reason, including immunity, used by an aggressor to justify the use of force is not available to the aggressor under specified circumstances; providing that provocation justifying the use of defensive force must include the use of force or the threat of the use of force; creating s. 776.09, F.S.; providing legislative intent relating to the justifiable use of force; providing an effective date.

SB 270: Use of Deadly Force

Senator Dwight M. Bullard

Last Action: Died in Judiciary Committee

An act relating to the use of deadly force; amending s. 776.013, F.S.; limiting the application of the stand your ground law to instances in which the attacker commits an overt act that leads the person who is attacked to believe that it is necessary to meet force with force; amending s. 776.032, F.S.; providing that immunity from civil and criminal liability for certain uses of deadly force does not apply if the person injures a child or bystander who is not affiliated with the overt act; providing an effective date.

HB 33: Self-Defense

Representatives Bruce Antone (w/2 co-sponsors)

Last Action: Died in Criminal Justice Subcommittee

An act relating to self-defense; amending ss. 30.60 and 166.0485, F.S.; requiring the county sheriff or municipal police to issue reasonable guidelines for the operation of a neighborhood crime watch program; requiring the guidelines to include certain specified conditions; amending s. 776.031, F.S.; authorizing a person to use force, except deadly force in the defense of property; authorizing a person to use deadly force in the defense of property to prevent the imminent commission of a forcible felony; amending s. 776.032, F.S.; providing that a person who uses force is immune from civil action brought by the person or persons against whom the force is used; revising the definition of the term “criminal prosecution” with regard to immunity from criminal prosecution and civil action; providing that a law enforcement agency’s right and duty to fully investigate the use of force upon which the claim of immunity is based is not restricted; deleting a provision that prohibits a law enforcement agency from arresting a person for using force unless probable cause is found that the force used was unlawful; authorizing, rather than requiring, the court to award attorney fees, court costs, and other expenses to a defendant who used force under certain circumstances; providing that the court may apply comparative fault to award damages, attorney fees, court costs, and expenses to the prevailing party in certain circumstances; amending s. 776.041, F.S.; revising the circumstances under which the defense of justifiable use of force is unavailable to an aggressor; establishing a burden of proof for an aggressor who uses deadly force and specifying the criteria that must be met in satisfying that burden; creating s. 776.09, F.S.; providing legislative findings; directing the Department of Law Enforcement to collect, process, maintain, and disseminate information and data on all incidents concerning the alleged justifiable use of force in this state; requiring the department to annually report to the Legislature the information and data in a format and manner determined by the Legislature; requiring each law enforcement agency within the state monthly to the department all incidents which a claim regarding the justifiable use of force is raised; providing an effective date.

HB 293: Use of Deadly Force

Representative Cynthia A. Stafford

Last Action: Died in Criminal Justice Subcommittee

An act relating to the use of deadly force; amending s. 776.013, F.S.; limiting the application of the stand your ground law to instances in which

the attacker commits an overt act that leads the person who is attacked to believe that it is necessary to meet force with force; amending s. 776.032, F.S.; providing that immunity from civil and criminal liability for certain uses of deadly force does not apply if the person injures a child or bystander who is not affiliated with the overt act; providing an effective date.

HB 4003: Use of Deadly Force in Defense of a Person

Representatives Alan B. Williams and Cynthia A. Stafford (w/5 co-sponsors)

Last Action: Prefiled, Died in Criminal Justice Subcommittee

An act relating to the use of deadly force in defense of a person; repealing s. 776.013, F.S., relating to home protection and the use of deadly force, which created a presumption of fear of death or great bodily harm in certain circumstances and provided that there is no duty to retreat and a person has the right to stand one's ground and meet force with force in certain circumstances; amending ss. 776.012, 776.032, and 790.15, F.S.; conforming provisions; providing an effective date.

Source: <http://www.leg.state.fl.us>

Notes: (a) In 2014, white Republicans introduced three bills: Senator Greg Evers (D-2) introduced SB 448: Threatened Use of Force, Representative Neil Combee (D-39) introduced HB 89: Threatened Use of Force, and Representative Bryan Nelson (D-31) prefiled HB 193: Use of Deadly Force. These bills were combined as companion bills to form CS/CS/HB 89: Threatened Use of Force. (b) On the 2015 legislative agenda, black Senate and House members are proposing to introduce a number of similar measures related to the use of deadly force; specifically, deleting provisions specifying that a person has no duty to retreat and has the right to stand his or her ground and meet force with force in certain circumstances. In addition, they are planning to introduce legislation that requires police officers to wear body cameras.

Methodology

For Chap. 2, black state legislators in Florida were interviewed by phone. A total of 17 out of 24 black legislators were contacted. Approximately five black legislators provided interviews. Black legislators interviewed served in both the 2013 and 2014 regular legislative sessions. The interview schedule consisted of three semi-structured, open-ended questions. As described by Berg (1998, p. 61), "this type of interview involves the implementation of a number of predetermined questions ... in a systematic and consistent order, but the interviewers are allowed freedom to digress; that is, the interviewers are permitted to probe far beyond the answers."

All phone interviews averaged around 20–35 minutes in length. The length of the interviews varied depending on the depth of the responses. Each respondent was asked the same series of questions from the interview schedule. In some cases, responses were too narrow and needed follow-up questions for further clarification. Beamer (2002, p. 92) indicates that the researcher should ask more broad questions at the beginning of the interview to allow the respondent to speak freely and follow-up with more specific questions. He suggests that this approach permits the interview to stay more structured and focused.

Professional and ethical standards were adhered to in maintaining the confidentiality of the information provided. This research used pseudonyms for participants. The anonymity of research participants was maintained to allow full disclosure on question and their position on topics discussed in the book. The responses were treated confidentially. In social science research, it is important for participants to know that their responses if published will not be identifiable as theirs (Robson 1995, p. 43).

Interview Schedule of Black Legislators in Florida

1. How successful have black legislators been in their efforts to repeal the “Stand Your Ground” law?
2. In your opinion, have black legislators been able to influence the legislative agenda related to “Stand Your Ground” following the Zimmerman verdict?
3. Do you believe that black legislators were successful in the 2013 and 2014 regular legislative sessions in their efforts to introduce and pass legislation dealing with the “Stand Your Ground” law?

Chapter 3: We Miss You, James Evans Sr.

Description of Autoethnographic Research

Autoethnography is defined as “an approach to research and writing that seeks to describe and systematically analyze (graphy) personal experience (auto) in order to understand cultural experience (ethno)” (Ellis et al. 2011, p. 273). Chapter 3 employs the personal narratives of three black males from Chicago, Illinois. This form of reflexive writing was essential in determining the importance of a black father’s presence in a social environment such as Chicago where adverse structural and cultural factors lead black males to devalue the lives of other black males.

Chapter 5: Target Practice: The Killing of the Black Male Continues *Methodology*

A purposeful sample of nine white police officers from HPD was interviewed for Chap. 5. This type of sample allows the researcher to select information rich cases for an in-depth study. Participants were interviewed between March 18 and June 19, 2015. A total of 27 white police officers from HPD were contacted, however, some chose not to participate due to the nature of the study. Despite a low sample size, those chosen for the study provided crucial information specifically related to the nature of this research (see Patton 1990).

Participants were selected based on the following criteria: (1) Whether they identified themselves as Caucasian and (2) Whether they patrolled wards (i.e., political geographic districts) in Houston with a high concentration of racial and ethnic minorities. Semi-structured interviews were conducted with the police officers, which used the same methods as noted above.

Without question, it is important to note the race of the interviewer. From the findings, it appears that the race-of-interviewer effect did not strongly bias the interpretive report of the interviews. Although those interviewed may have been somewhat reluctant to initially fully disclose their opinions, the earnestness and range of responses throughout the study suggest that this was not an issue. The contextual details from interviews suggest that the white police officers were truthful in their responses.

Interview Schedule of White Police Officers

1. In general, do you believe that some white police officers harbor racial feelings toward black males?
2. Among some white police officers, are black males perceived as a threat?
3. Is there a “shooter’s bias” among some white police officers?
4. In your opinion, why do you believe some white police officers are fatally shooting unarmed black males?

Chapter 10: D.o N.ot A.ccuse Black Males: The Life of Cornelius Dupree Jr.

Interview Schedule of Cornelius Dupree Jr.

1. How is every day life since your release from prison?
2. How did it feel to spend 30 years in prison for a crime you did not commit?

- 3a. When going through the legal process, you maintained your innocence. Do you believe there was also support from your attorney, family, and friends who believed no crime occurred at all?
- 3b. When the judge handed down the sentence of 75 years in prison for robbery, what were some of the emotions going through your mind?
- 4a. Explain whether your personality changed in your duration in prison?
- 4b. How did you cope with the every day life of prison?
5. Do you believe that eyewitness misidentification contributes to wrongful convictions?
6. When you made three unsuccessful appeals to the Texas Court of Criminal Appeals, did you believe that freedom would have ever been obtained?
7. From reading the court documents, you were charged for robbery, but not tried for rape. There were two opportunities to make parole if you had complied with an early release that would have designated you as a registered sex offender. Do you regret your decision to not accept the early release?
8. How influential was the Innocence Project in your case?
- 9a. In your opinion, what is the importance of DNA testing?
- 9b. What role did DNA testing play in your exoneration?
10. What would be your advice to anyone in prison who may feel they were wrongfully convicted?

Note: Interview conducted on July 2, 2015.

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