

EDITORIAL: FERGUSON, EVERYWHERE

Nancy A. Heitzeg and Rose M. Brewer*

Around noon on Saturday August 9, Mike Brown and his friend Dorian Johnson headed down Canfield Drive, almost home. They were confronted by Ferguson Missouri Police Officer Darren Wilson who ordered them to walk on the sidewalk. They replied; they were almost home. After driving off, Officer Wilson suddenly put the car in reverse to return, and an altercation, whose details remain in dispute, ensued. Mike Brown was first shot in a struggle at the vehicle, then pursued by Wilson and [shot five more times](#). At least seven eyewitnesses to the scene report that the unarmed Brown had his hands up in the universally understood gesture of surrender.

As Brown's body lay in the street for four and one half hours, a crowd grew, and then a movement as the first night of protest continued on and to this very moment. National atten-

* Nancy A. Heitzeg, Ph.D is a Professor of Sociology and Director of the Critical Studies of Race/Ethnicity Program at St. Catherine University. She has written/presented widely on issues of race, class, gender, and social control with particular attention to color-blind racism, the prison industrial complex, and the school to prison pipeline. Recent and forthcoming publications include: *The School to Prison Pipeline: Education, Discipline and Double-Standards* (Praeger, 2015), "The Civil Rights Act of 1964: Ending the Old Jim Crow, Foreshadowing the New" (*Hamline Journal of Public Law and Policy*, 2015), "Whiteness," Criminality, and the Double-Standards of Deviance/Social Control" (in *Contemporary Justice Review*, Special Issue: Critical White Studies in Crime & Justice, 2015), "Criminalizing Education: Zero Tolerance Policies, Police in the Hallways, and the School to Prison Pipeline" (in *From Education to Incarceration* 2014), "The High Cost of Profit: Racism, Classism and Interests Against Prison Privatization" in *Prison Privatization: The State of Theory and Practice*, (2013); "Differentials in Deviance: Race Class Gender and Age" (in *The International Handbook of Deviant Behavior*, (2012); and "The Racialization of Crime and Punishment: Criminal Justice, Color-Blind Racism and the Political Economy of the Prison Industrial Complex" (with Dr. Rose Brewer, 2008. She is, with Kay Whitlock, co-founder and co-editor of the [Criminal Injustice series](#) on the [Critical Mass Progress](#) blog.

Rose M. Brewer, Ph.D. is a longtime activist scholar. She is the Morse Alumni Distinguished Teaching Professor of African American & African Studies at the University of Minnesota-Twin Cities. She publishes extensively on radical Black feminism, political economy, social movements, and the Black Liberation Movement. She is one of the authors of the award winning book, *The Color of Wealth* as well as numerous other publications. She is a core organizer of the United States Social Forum 2015 and is one of the editors of *The United States Social Forum: Perspectives of a Movement*. Her deep commitment to ending racism, national oppression, sexism, imperialism, and economic exploitation in the U.S. and globally took root in Black student activism and local community struggles for social change. The struggle for her continues to be about fundamental social transformation.

tion was immediate as well as social media [chronicled the scene](#) from the earliest moments, offering an on the ground perspective that mainstream media lacked.

More than 100 days after the state-sanctioned murder of Mike Brown. There was [no Grand Jury indictment](#) of Darren Wilson, and despite a parallel Department of Justice involvement, little hope for Federal charges. The ubiquity and impunity of police killings of Black youth was underscored by the additional St Louis police killings, just miles away, of [Kajieme Powell](#) on here of August 19 and [Vonderrit Myers, Jr](#) on October 9, and the police killings of unarmed Black men and boys elsewhere - [Darrien Hunt](#), [Akai Gurley](#), and 12 year old [Tamir Rice](#). Underscored too by the failure to indict officers involved in citizen deaths that immediately preceded the killing of Mike Brown. This included the Wal-Mart store shooting of [John Crawford III](#) and the [NYPD choking of Eric Garner](#), whose last words sparked a [renewed round of protests](#) and a haunting hashtag. [#IcantBreathe](#).

Evocative of both Emmett Till and [Trayvon Martin](#), another Black youth was almost home, Brown's death became a galvanizing moment for resistance to racialized, anti-black, police violence. When the Ferguson community protested Mike Brown's murder, heavily militarized police engaged not only in killings of civilians, but in suppression of the right to protest, too. Although it is crucial to honor the specifics of the Ferguson Struggle and the names of the fallen, Mike Brown, it has become clear that [Ferguson is Everywhere](#). The City of Ferguson, surrounding St. Louis, the State of Missouri and all elected /appointed officials aren't particularly exceptional with extra "bad apples," more perverse laws, or more corrupt political figures. They do express an apartheid history that places the St. Louis area in a particular relationship to white supremacy. Nonetheless, these police operate under a national umbrella that routinizes racialized police violence. The names and details may change, but the structural white supremacy that allows for unchecked police/state violence permeate the U.S. legal system – no, it is foundational, [normative](#), the bedrock. Everywhere.

Suppressing Black resistance is the necessary other face of containing/patrolling/killing Blackness. Although the form of death has shifted from lynching to wanton murder in bed to assassination, police murder today expresses current practice, snuffing out the possibility of a new cadre of young Black revolutionaries before the burning begins.

This Special Issue of *ProudFlesh* curates writings, music and art that explore both the specifics and the unifying themes that have emerged in Ferguson and beyond.

Mike Brown, Protest, and Policing Blackness

The death of Mike Brown and the ensuing events in Ferguson are indicative of a larger pattern of racial violence in policing. Policing in the United States, at the heart, involves [the policing of race — the protection of whiteness as both literal and figurative property and the repression of Blackness in particular](#). The policing of race has always been deeply intertwined with the protection of white property, economic capital. Slave Codes become

Black Codes/Jim Crow, that echoed the restrictions associated with slavery, re-inscribed the economic property interests of “whiteness”, and criminalized a range of activities of the perpetrator was Black. This, of course, meant that economic interests of slavery were imbricated in prison labor, simultaneously raced – “slavery by another name.” These laws were enforced by former slave patrols turned police agencies, with the assistance of extra-legal militias, and the white citizenry in general, who are “not simply “protected” by the police, they are — in their very corporeality — the police.”

In the post – Civil Rights Era of “color-blindness,” racial profiling is masked under a variety of more benign names such as “broken windows,” public order policing, quality of life and plain old stop and frisk. Whatever the name, these practices target communities of color and the poor, giving rise to disparate arrest rates and an increased volume of encounters that increases the risk of police violence, deadly and otherwise.

A recent report issued by the Malcolm X Grassroots Movement, Operation Ghetto Storm: 2012 Annual Report on the extrajudicial killing of 313 Black people by police, security guards and vigilantes this – extra-judicial killings represent just one aspect of that criminalizing war:

“These killings come on top of other forms of oppression black people face. Mass incarceration of nonwhites is one of them. While African-Americans constitute 13.1 percent of the nation’s population, they make up nearly 40 percent of the prison population. Even though African-Americans use or sell drugs about the same rate as whites, they are 2.8 to 5.5 times more likely to be arrested for drugs than whites. Black offenders also receive longer sentences compared to whites. Most offenders are in prison for nonviolent drug offenses.”

So while recent attention has been focused (and rightly so) on police killings, it is important to remember that racial dis-proportionality in police encounters is the gateway to a wide range of state sanctioned violence throughout the prison industrial complex.

Over the years, a variety of independent research projects have documented the fact that Blacks and Latinos are more likely to be killed by police than whites. Black deaths at the hands of police have been documented in particular by the Malcolm X Grassroots Movement. The aforementioned report, Operation Ghetto Storm, finds that ***Every 28 hours in 2012 someone employed or protected by the US government killed a Black man, woman, or child.*** The overwhelming majority of these killers are police officers and security guards.

Most recently, an analysis of federally collected data on 1,217 fatal police shootings by Propublica verified what longtime observers already knew: “young black men are 21 times as likely as their white peers to be killed by police as their white peers.

One of the challenges for citizens seeking recourse is the relative impunity with which the police are allowed to kill. Until relatively recently, police were free to do whatever with essentially no accountability. It must be remembered that any constraints on police activity really did not emerge (e.g. [Miranda v Arizona](#) 1965) until the [Warren Court era of the 1950 and 1960s](#). Still, due to a legal erosion of earlier rulings, and the ability of the police themselves to shape the narrative of citizen encounters, there are very few basic rights of citizens in the face of police power.

Two Supreme Court rulings — [Tennessee v Garner](#) (1985) and [Graham v Connor](#) (1989) – shape the legal parameters of police use of force. In *Garner*, the Supreme Court held the [Fourth Amendment prohibits the use of deadly force unless](#) it is necessary to prevent the escape of a fleeing felon *and* the officer has probable cause to believe that the suspect poses a significant threat of violence to the officer or the community. The U.S. Supreme Court ruled in [Graham v. Connor](#) that actions by law enforcement must be judged by a standard known as “objective.”

These rulings do not serve to protect citizens from Fourth Amendment violations of “reasonable searches and seizures” of their persons. To the contrary, these decisions tilt the scales towards the police, allowing them on a case by case basis to construct scenarios, pre or post hoc, that suggest their use of force is “reasonable” in light of perceived “threats.” It is nearly impossible to legally challenge police versions of events under these rulings.

The stacked legal deck results in a situation where police can kill citizens – in almost any imaginable scenario – with little to no fear of legal consequences. While local state and Federal law enforcement agencies keep absolutely accurate records of the [number of police officers killed or assaulted in the line of duty \(typically less than 60 killed per year\)](#), there is no comparable systematic accounting of the number of citizens killed by police each year. [Various estimates](#) suggest that it may be anywhere from [400–600](#) per year. These numbers may certainly be under-counts since they are based largely on police shootings and do not include deaths by [choke-holds, hog-ties, tasers, reactions to chemical sprays or injuries sustained](#) in beatings.

Despite these numbers, very few cases of these cases result in an arrest trial or a conviction. Recent analysis by the *San Francisco Chronicle* found, that [over a 20 year period, only 17 officers were brought to trial](#). None were convicted of murder; most were acquitted or had charges later dismissed. It is important to note that [Johannes Mehserle, convicted of manslaughter for the 2009 death of Oscar Grant at Fruitvale Station](#), was the first uniformed officer in U.S. history to be convicted of a wrongful death (a handful of prior convictions were for officers who were off duty or in plainclothes). Acquittals, reversals, and failures to indict at all have come in some the nation’s most high-profile cases including those of [Amadou Diallo](#), [Sean Bell](#), [Ramarely Graham](#), [Kelly Thomas](#), and the [2005 Hurricane Katrina murders by cop on the Danzinger Bridge](#).

In all these cases, prosecutors were pressured to indict via public outrage, even if cases were difficult to win, jurors were reluctant to second guess police officers, and officers relied on defenses that put the victim [on trial and magnified their role](#) in sparking the con-

frontations and/or their “threatening” nature. Given the aforementioned legal bias that affords officers much latitude and the racial bias inherent in most jury pools, it is a daunting task to hold police legally accountable for use of force.

Media and Movement Building

The immediacy of social media, particularly Twitter, has shaped the Ferguson Movement from the start. Mike Brown’s death, his body in the street, and the very first night of protests was live tweeted, hash tagged and capture by Vine. These live accounts served as a powerful counter to the mainstream media’s tendency to [vilify the victim and present the “official” police version](#) of events as the unvarnished truth. Hash tags such as [#IfTheyGunnedMeDown](#) exposed the media’s tendency to seize upon the most negative possible images when depicting Black victims of police violence.

Social media served as a mobilizer too, as an initial source of information and a call to action from the [National Moment of Silence #NMOS14](#) to [#FergusonOctober](#) to, in the aftermath of non-indictments in both the Brown and Garner cases, a unifying call of [#BlackLivesMatter](#). The significance of social media in amplifying and clarify Ferguson cannot be denied. Still, questions remain.

How has the multiplication and fragmentation of media outlets created new movement opportunities and dilemmas? How does social media both amplify and distract? What are the most effective uses? How do we translate on-line activism into action on the street and sustained, grassroots community organizing for structural change? How do we [define, disseminate and sustain a unifying narrative](#) without getting trapped into the too-narrow confines of “single issue” formulations? How does that unifying narrative help forge strong relationships across movements and constituencies? How can various audiences be reached, be persuaded to empathize and act?

Ferguson/Everywhere: Where Do We Go From Here?

From the earliest days of unrest after the murder of Mike Brown, comparisons have been made to the Civil Rights Movement. Certainly Mike Brown himself evoked thoughts again of [Emmett Till](#), as for four and one half hours, the whole watched as his body lay in the street. We saw [what they had done to Leslie McSpadden’s boy](#). Then came the Ferguson Police Department with the dogs, reminiscent of Birmingham, the Bloody Sunday-like excesses of official response to non-violent protesters. And, in the days since Mike Brown’s death from August 9th through [#FergusonOctober](#), there have been unrelenting marches, protests, sit-ins, shut-downs, [flash mobs](#), and more. But, 2014 is not 1965 and the social, political and economic marginalization of the Black population in the U.S. runs deep. This current moment of police violence is catalyzed in the context of transnational capitalism which long ago wrote off the young, Black and poor.

Although there are many points of comparison there are questions too. And, indeed, what should be remembered is how much organizing, strategy, and tactical thinking went into what is usually thought about as a short Civil Rights period. We should think of it as the long Civil Rights era with leaders such as Rosa Parks and Dr. Martin Luther King and many unknown activists spending time at [Highlander](#) involved in study and struggle. Parks tested bus policy a decade earlier and the struggles in the 1930s with Robeson and [DuBois](#), to name but a few, set the context for later struggles. What has changed? What does that mean for movement vision and tactics today? There are many questions to consider—no concrete answers to be had. Movements of course are organic – by their very nature, they evolve to address the issues of the time, and past movements are never a perfect template for present or future. Movements emerge and take on a life of their own that no amount of planning or calculated questions can ever fully account for. But we must put before the generation leading the struggle today the assertion powerfully articulated by [Fanon](#), “Each generation must, out of relative obscurity, discover its mission, fulfill it, or betray it.”

How do successful tactics of the past translate in the 21st Century? How will the movement manage divisions and distractions—rein in conflicts over leadership style, work with coalitions, and competing organizational agendas/fundraising? How does a boycott work in the global capitalist economy of 2014? What is the target and the economic impact? [Does a jail-in make sense in the era of mass incarceration](#)? If yes, who is going and can they afford to? Where are we sitting in and why? Will civil disobedience have a direct action focus — what will be the leverage point?

What is the difference between challenging laws that openly mandated racial segregation and resisting de facto systemic racial violence that is now largely hidden? How can that be clearly revealed? How do we confront and dismantle the [criminalizing narratives](#) that muddy the waters in the cases of murder by cop? What does the Ferguson Movement mean on a national scale? Is it enough to critique police brutality, to demand arrests and punishment, to “reform” the system? What do we want? What do we *need* in order to ensure that a central component of justice is dismantling structural racism and other structural violence? What is our vision of a truly just and caring society? Can we take claim to the terrain of a justice past policing and prisons? Can we ask the larger questions of [transformative justice](#)? Of systemic solutions? Of Abolition?

How long can we last – how far can we take this? And if we get it this time, will we refuse to let it go? We do know this. Building a movement is a multifaceted effort. It demands political alignment, a high degree of consciousness about the current political moment and an unwavering belief in the “[extraordinary potential of ordinary people](#).” And, we are faced with the imperative of building a transformational movement. This entails, in the wake of much potential and some catalytic demands, avoiding the lure of reforms that recreate the same old order.