CHAPTER 4

Internal Rule and the Other America

Identity cannot help but be a by-product of inequality and exploitation, of capital’s discretion to assert difference and distinction all the while maintained by brute force or systematic racism. ‘Racial regimes do possess history, that is, discernible origins and mechanisms of assembly. But racial regimes are unrelentingly hostile to their exhibition. This antipathy exists because a discoverable history is incompatible with a racial regime,’ Cedric Robinson says, and with its ‘claims of naturalism’ (1997). Many strategies are used to install this regime, including violence like assassinations and state repression of biracial unions. The black experience in the US is of good example of this process.

Despite the US state’s attempts to justify police militarization, this kind of targeted violence undergirds a system of domination – structured often along race and class lines. Whereas the previous chapters addressed strategic calculation and rule, this chapter turns towards domestic issues detailing the status of public institutions in the US and their relationship to the production of patterns of subjugation. The specific cases are certainly not intended to be exhaustive of all the institutional arrangements in the US state, but rather to be indicative and emblematic of them. Continuing the theme of constraint, I examine who bears the brunt of these efforts. In response to the recently highly publicized police shootings of unarmed black people, social movements like #BlackLivesMatter—now part of the Movement for Black Lives—have shown the extent of state sanctioned violence against black and brown bodies, where the torture and loss of black life at the hands of the state is deemed acceptable, and where black people are deprived of their basic human rights and dignity by a ‘blue wall of terror’. These movements have also sought to demonstrate how these practices are themselves linked to broader structural injustices, such as the US prison industrial complex, the militarization of inner city communities. So while police brutality is a problem, it is best thought of as an indicator for greater troubles in the social structure of the US. It is in this direction that this chapter will travel.

How to cite this book chapter:
Throughout this treatment, I want to underscore that I am neither ‘speaking for’, nor ‘speaking of’, but rather ‘speaking about’. This is because, as Linda Alcoff notes,

speaking for others is often born of a desire for mastery, to privilege oneself as the one who more correctly understands the truth about another’s situation or as one who can champion a just cause and thus achieve glory and praise. And the effect of the practice of speaking for others is often, though not always, erasure and a reinscription of sexual, national, and other kinds of hierarchies (1991, 32).

Furthermore, I am not attempting to define black thought, nor flatten it out, but rather to find some interesting features that relate to recent historical-material developments. Similarly, I want to avoid making selected members of community ventriloquists of black lived experience. In the exercise I am guided by Alcoff’s heuristic, will writing about state violence ‘enable the empowerment of oppressed peoples?’ (1991, 32). I am reluctant to declare ‘yes’, for two reasons. The first is because doing so strikes me as undue bravado, something Alcoff warns about. The second is informed by the sheer contingency of empowerment, something the state wishes to mitigate in its favour. With this said, overall the goal is to reiterate the salience of structural racism, classism, and sexism in America, all the while demonstrating how the state is responsible for, encourages, and condones this violence.

4.1 The Atrophy of Opposition and the Truly Disadvantaged

Racism is insidious, and is one prop of the American social structure. This is evident in the vast disparities between blacks and other groups in health and wellness (life expectancy, rates of major illnesses, suicide), economic (household income, property ownership, assets, unemployment,) and social indices (educational attainment, incidence of poverty, incarceration). Involved in these disparities is that cities and towns present residential segregation which introduce school segregation. As Douglas Massey and Nancy Denton noted in American Apartheid, ‘racial residential segregation is the principal structural feature of American society responsible for the perpetuation of urban poverty and represents a primary cause of racial inequality in the United States’ (1993, viii). Lastly, there is a scarcity of blacks in the ruling class or in prestigious professional careers.

Nevertheless, scarcity does not mean total absence. There are successful blacks, and indeed Barack Obama, who associates with the black community, won two presidential elections. Moreover, there have been black cabinet officials, mayors and Supreme Court appointments and indeed blacks are important figures in athletics and the entertainment industry. For this reason,
in Obama’s first term, there was much public discussion about whether the US was on the threshold of entering a stage of post-racial political development. Generally, the apologist argument went that race’s role in informing life chances and prospects was declining; for if the US electorate could vote for a black person, so the reasoning went, then there were considerably fewer discriminatory attitudes than, say the late 1950s when the Civil Rights Movement was initiated. In short, the current social structure, while imperfect, was transcending past repressions.

Presented in self-congratulatory terms, and notwithstanding sociological evidence indicating otherwise, the post-racial society thesis invited poor political analysis, the ramifications doing more harm than good. As opposed to situating black people in a historically specific social structure, the thesis cast black people as authoring their failures. This is irrespective of whether this is by lapsed behaviour, poor morals or ethics: The negligent use of personal agency explains the social disparity and the lack of individual upward social mobility, and not structural oppression.

An added grotesque feature of this thesis is that by implication, the state can suspend welfare targeted at racial redress, or establish a sunset clause for affirmative action hiring policies. So, in practice, the thesis is less than noble, because rather than champion and expand upon the few social gains made thus far, it was instead used to challenge and justify dismantling the state’s capacity to attend to discrimination. Put simply, the narrow elevation of an elite few does little for the material conditions of many others.

Still, the black community is divided on the merits of the post-racial society thesis. Consider Obama’s 2013 Morehouse ‘no excuses’ commandment speech as emblematic of elite blacks focus on individual drive and ambition:

We’ve got no time for excuses—not because the bitter legacies of slavery and segregation have vanished entirely; they haven’t. Not because racism and discrimination no longer exist; that’s still out there. It’s just that in today’s hyper-connected, hyper-competitive world, with a billion young people from China and India and Brazil entering the global workforce alongside you, nobody is going to give you anything you haven’t earned. And whatever hardships you may experience because of your race, they pale in comparison to the hardships previous generations endured—and overcame. (Coates, 2013)

While Obama does not set aside the problems of race, nor the lack of sufficient redress, but in a sleight of hand, he—indicative here of wealthier blacks—absconds and redirects blame to the poor. Ta-Nehisi Coates argues that Obama’s condescending tone is reserved for blacks, which is in poor taste given that that constituency provided him significant political support and thereby well-positioned him to address larger structural issues.
But more important than tone, Obama’s remarks reveal a contradiction. Keeanga-Yamahtta Taylor describes this contradiction well when she writes that ‘For Black elites, in particular, their success validates the political and economic underpinning of US society while reaffirming the apparent personal defects of those who have not succeeded’ (2014, 8). Adolf Reed explains this contradiction by pointing to ‘the atrophy of opposition within the black community’. He means that certain kinds of blacks have been pacified, such that ‘antagonisms have been so depoliticized that they can surface only in alienated forms’ where ‘traditional forms of opposition have been made obsolete by a new pattern of social management’ (1979). The reason for this is that capitalism adjusted to black radical protest by co-opting blacks into the elite, and involving them in restructuring capitalism. To this extent, this is similar to Derrick Bell’s (1995) observation that the American constitution privileges property over justice: His interest convergence theory proposes that racial advances and civil emancipation will only occur to the extent that they align with the interests of the (white) elite. In other words, the neoliberal ruling class incorporated elements of the black community to stall radical protest of the same social structure.

To link this back to the previous point, blacks are not responsible for their own predicaments and plight, so there is no basis to claim that black culture, or parts thereof, is at fault. Such attributions are a racist denial that culture is built upon material conditions. This explanation is used to abscond from examining the reason for the material conditions in the first place. But even if one were to take on those terms, blaming black culture is akin to saying that blacks have not integrated into the broader American society, which itself fails to acknowledge how racism and economic imperatives have worked to keep blacks from integrating.26 So ultimately, this explanation preserves the American social structure while suggesting that blacks create their own burdens.

This is very different from the structural critiques advanced by the social movements in the 1960s, including the Civil Rights Movement. Even if Reed is correct when he suggests that these struggles for equality failed to produce the solidarity required to carry and advance a broader ‘coherent opposition’ to the ‘administrative apparatus’, (1979) these movements nevertheless examined black poverty and disparity using an historical analysis of oppression and exploitation of blacks.

Of course, black elites are still victims of discrimination, implicit and institutional. Indeed, they carry more debt and have less wealth comparatively to whites. However, their economic resources still provide them a better position from which to address racism or at least buffer themselves from racist social structures. The reduction of formal racism, combined with apparent just desert component of the post-racial society thesis, means that lower class blacks are just that much more susceptible to the damages and harms produced by the social structure, and especially so if the state withdraws from welfare provisions or redistribution efforts.
A good portion of the affinity and subscription to the thesis turns on the lived experience of class as it informs different political philosophies, actions and conclusions, and it arises from the experience of different kinds, types, and intensity of racial inequality and discriminatory actions. While an affluent black family living in Bel Air undoubtedly experienced systemic racism it is of a quantitatively different sort than that experienced by a black family from West Philadelphia and the politics and worldview of these two families would reflect that. This can explain why the black community includes theorists as far apart as Cornell West and Thomas Sowell, or jurists Thurgood Marshall and Clarence Thomas. So like all communities, one must resist reifying Black American as a uniform mass, in part because of the pronounced social inequality between blacks as well as different explanations for it.

To explain this divergent black politics, in *The Declining Significance of Race* William Wilson argued that there was a historical transition ‘from economic racial oppression experienced by virtually all blacks to economic subordination for the black underclass’, the result of which was that ‘the Negro class structure has become more differentiated’ (1978, 152–3). In *The Truly Disadvantaged* (1987), he built upon this claim arguing that with the extension of civil rights and the Great Society programs under advanced capitalism the urban poor have come to suffer from both race and class subordination, inflected in part by the history of marginality and redundancy where class markers start to emerge in black society. Although the upper incomes of blacks trailed whites, structural changes explain the split in black income where, in the late 1980s, income inequality between blacks was greater than those between whites do.

In accounting for this growing social inequality, Wilson observed a meaningful connection between the declining economic prospects of young urban black men. With brevity in mind, in 1950, about half of young black men were employed as farm labourers in Southern agriculture. However, massive sector-wide mechanization meant that these jobs had near but vanished by 1970. For these reasons, blacks migrated to northern industrial cities where they found employment in the manufacturing sector in vehicle and steel production, partly because these were jobs that, at most, required completing high school. But deindustrialization and off-shoring of production facilities meant that many of these jobs disappeared when the manufacturing sector contracted in the late 1970s and 1980s.

As cities became centres of financial and professional services, there were fewer vocation and employment opportunities for the low-skilled uneducated black men. These new jobs required more education attainment, something their class background made difficult to attain. Concurrently, baby boomers and white women flooded the labour market. So with affirmative action policies, necessary to help redress decades of discrimination, better educated, higher class blacks were better positioned to take advantage of them. As a result, they did relatively well in comparison to poorer blacks and so were thus
able to leave the cities like their middle-class white counterparts. Aside from losing vital networks of support and community institutions, the poor were left further behind in ghettos with concentrated poverty thus making it much more difficult to compete for positions. Already precariously positioned, it is easy to see how recessions and unemployment disproportionally affect black men. This produced class-decomposition and the reduction of working class blacks. Altogether, poor urban blacks were severely alienated.

Admirable for giving priority to material developments as opposed to explanations predicated solely upon racist attitudes or helpless dependency, Wilson points out these critical economic structural changes produce the social relations in urban areas. What this means is that it was not that the Great Society social programs failed to reduce poverty so much as it did not anticipate a changing economic base. Wilson concludes that tolerating high unemployment rates does untold damage to the inhabitants of urban ghettos, and this indicates that a fiscal policy that gives priority to rentier income over employment maintains the underclass. Therefore, the alienation of poor urban blacks is result of deindustrialization of production, the financialization of the global process of capital accumulation, and the fiscal withering of welfare programs through intentional resource starvation by those that controlled the state.

Overall, this economic stratification and segregation are indicative of a social structure in which blacks have greater obstacles, fewer life chances, more violence, and indignity; or what Oscar Gandy (2009) calls ‘cumulative disadvantage’. Due to class and racial positions, poor blacks’ prospects are bleak and they are more susceptible to disasters, natural or economic. Illustrative of this was Hurricane Katrina which ‘exposed our nation’s amazing tolerance for black pain’, argues Jamelle Bouir, it ‘was one of the worst disasters in American history: It killed more than 1,800 Americans, displaced tens of thousands more, and destroyed huge swaths of New Orleans’ (2015) It was not only a storm that made landfall, but a social disaster (cf. Smith 2006,) thereby becoming a defining element within black political consciousness and indicative of the ruling class’s indifference and neglect of poor black residents. The lack of provisions and treatment plans are enduring aspects of black subjugation, which many suspect would not have been the case had it been a white wealthy city. The second example arises from the 2008 recession wherein blacks’ wealth was disproportionately tied up in homeownership some of which was the result of discriminatory and corrupt lending practices. Together, these cases set the stage for black pessimism with institutional order, and where radical blacks make ‘no excuses’ for the ruling class.

4.2 The War on Blacks

Dan Baum, writing in Harpers, claims that John Ehrlichman, Nixon’s White House Counsel, admitted that the War on Drugs was a cynical political manoeuvre. ‘The Nixon campaign in 1968, and the Nixon White House after
that, had two enemies: the antiwar left and black people,’ says Ehrlichman. He continues:

We knew we couldn’t make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did. (cited in Baum 2016)

Subsequent administrations, Congress, governors and state legislative houses have used the state crackdown on narcotics and the War on Drugs as a proxy for their particular interests. But irrespective of the particular politics, the outcome was a social structure where mass incarceration of 2.3 million people and governing through crime were key features.

To staff this apparatus, from 1992 to 2010, local and state police personnel increased from 603,000 to 794,000, about two-thirds as many active-duty US military personnel. Local police expenditures have increased from $40 billion in 1982 to over $100 billion in 2012 (Justice Policy Institute, 2012). Including federal spending on law enforcement by the FBI, ATF, and Homeland Security the figure in 2015 was $265 billion (Bureau of Justice Statistics, 2015). FBI statistics show that crime fell 19 per cent between 1987 and 2011. This holds even in cities where police forces have been subject to budget cuts. This funding coincides with an increased use of ‘no-knock’ laws to conduct police raids, the instances increased from thousands during the 1980s to 40,000 in 2005, to an estimated 80,000 in 2013.

These harrowing figures are not coincidental, but reflect political choices. For example, while Clinton’s administration inherited the War on Drugs, he nevertheless oversaw and encouraged the largest ever expansion of the penal system. This was because, in an attempt to counter the Republican ‘Southern Strategy’ and win back white voters, Clinton era Democrats pursued a political strategy that scapegoated and sacrificed urban black communities through an extensive disciplinary regime that included the withdrawal of welfare and the implementation of punishment. The tough on crime agenda coincided with an economic collapse caused by offshoring manufacturing and deindustrialization that had been particularly hard on urban African Americans and especially so on young black men. This lack of decent work resulted in class decomposition and a sharp rise in inner city crime, which was compounded by drug epidemics, and racially segregated jobless ghettos.

US legislators have also created a draconian and disproportionate punishment system that uses marginalized populations as inputs for the prison-industrial complex. Indicative of systematic over-imprisonment, in his 1994 State of the Union address, Clinton advocated for a federal ‘three strikes’ law and
shortly thereafter signed the Violent Crime Control and Law Enforcement Act (1994) that authorized $16 billion for police and prison system. This imprisonment of blacks leads to social stigma and economic exclusion, thus reduces their life chances and prospects for rehabilitation.

Not only is there a pipeline from schools through the justice system to corporately owned prisons, but while imprisoned inmates are forced to labour on behalf of their incarcerators under the guise of rehabilitation. Working for excessively low wages, this involuntary labour can generate up to $30,000 a year benefiting corporate prisons. Companies, such as Whole Foods, take advantage of prisons that are little better then modern day poor houses. As Chris Hedges notes,

The bodies of poor, unemployed youths are worth little on the streets but become valuable commodities once they are behind bars… The criminalization of poverty is a lucrative business, and we have replaced the social safety net with a dragnet. (2013, 1)

For-profit-prisons have a stake in incarcerating citizens. This has led to about 2.2 million people imprisoned at any given time, a 500 per cent increase over thirty years. The school to prison pipeline where minors are treated like adults, shuttled from underfunded school to a prison complex is particularly egregious. Studies have shown that police and juries estimate black children to be older than they are, and more readily try them as adults in court. These criminal records ensure that young blacks cannot enter adult life as a normal person, and at a structural level, leads to political incapacitation.

It is often said that Bill Clinton reduced the unemployment rate. However, this is a good example of defining the problem away as prisoners are not counted in US statistics for poverty and unemployment rates. Thus record low unemployment rates among African Americans are tied to record high incarceration rates. In fact, as Michelle Alexander writes, ‘when Clinton left office in 2001, the true jobless rate for young, non-college-educated black men (including those behind bars) was 42 percent.’ Compounding these problems was Clinton’s general redirection of $54 billion from welfare towards the penal system. Amongst other things, this introduced means-testing, reduced the public housing budget, eliminated Pell grants for prisoners, imposed lifetime bans on welfare for persons convicted of drug offences, and enabled bureaucrats to evict families from public housing if a member had a criminal history, such as an arrest. Consequently, ‘by the end of Clinton’s presidency,’ Alexander writes,

more than half of working-age African-American men in many large urban areas were saddled with criminal records and subject to legalized discrimination in employment, housing, access to education, and basic
public benefits—relegated to a permanent second-class status eerily reminiscent of Jim Crow.

In the 15 years since these actions, extreme poverty (an income of less than $2 per person per day) doubled to 1.5 million people. Instead of this vast penal system, this money could have been redirected to investments into urban communities to help carry the populations from industrial to service based economies.

In contra-distinction to nonsense theories like the ‘culture of poverty’ ‘color-blindness’, or ‘post-racism’ a forthright historical materialism is a useful approach to adopt when seeking to understand the current outcomes for black people in the US social structure. It is against this backdrop that the militarization of law enforcement should be seen. Police militarization is most acutely felt in what Martin Luther King Jnr. (1967) called the ‘other America’, where instead of finding the ‘experience the opportunity of life, liberty, and the pursuit of happiness in all its dimensions’, there is instead a ‘daily ugliness’.

Michael Brown’s killing is indicative of the intersection of police-citizen encounters that these conditions of daily ugliness produce. It begins with conflicting reports of the events, the fact that the incident was not radioed in for near to an hour, and that the body was left in the road for an excessive amount of time, away from the Brown family. Police deployed SWAT teams who pointed assault rifles at citizens so as to subdue the protesters who had assembled. In the coming days, tear gas, stun grenades, and rubber bullets were deployed against protestors. Journalists were threatened with violence and death (Davidson 2014), and over the next two weeks, over 100 people were arrested, nominally under the pretence of refusing to disperse, but it is unclear whether there was an order and whether it was lawful, and whether this was communicated to protestors (Amnesty International 2014).

These actions were compounded by the Ferguson Police Department’s refusal to release Darren Wilson’s name, an incomplete incident report, and interference with journalists trying to report on the event. It extends to the Ferguson Police Department where, despite the municipalities population being about two-thirds black, of about 55 officers only three were black. So there was an existing alienated relationship between the police and the community.

This alienation is exacerbated by municipal police forces seeing citizens as a source of revenue. The over-policing of municipalities—like Ferguson—relies on revenue generated by fines and penalties for minor legal infringements such as driving with a broken headlight. The cost of these fines and penalties, and the additional imposition of legal fees, amounts to nothing less than a form of government imposed debt bondage. As blacks are disproportionately poor, and momentarily setting aside whether these practices were motivated by overt racism, they are severely affected by these institutional practices. This is the basis for institutional oppression, the kind that can occurs independent of any overt racist attitudes or actions of the people who enforce these policies.
4.3 The Daily Ugliness of Police Militarization

Sanctioned by the National Defence Authorization Act (1990), the Pentagon has aided the militarization of society through an ongoing transference of $4.3 billion worth of military grade weapons to the police department through the 1033 programme. Since 2006 alone this Act has seen 432 mine-resistant armoured vehicles, 435 other kinds of armoured vehicles, 533 planes and helicopters, and near 94,000 machine guns (see Apuzzo 2014) transferred to municipal police forces. Weapons and hardware, designed for and deployed on battlefields against combatants are now being used in regular policing against US citizens. This program has even reached US campuses where more than 100 campus police forces have received surplus military equipment (Gold 2014). In a notable case, Ohio State received a 19-ton armoured vehicle designed to protect military personal from roadside bombs (Stuart 2013).

As this militarization has become normalized, SWAT units now undertake routine police work like patrols and executing warrants. This indicates a mission creep where these new resources allow the agencies to seek out, envision, and undertake new actionable purposes. Having these weapons on hand introduces a moral cost that is often neglected, in that it elevates possibilities of violent police-citizen incidents into probabilities. Police power is less informed by principles of justice and keeping the peace and rather functions as an instrument of social pacification as it reflects the political goals of the War on Terror and the War on Drugs. In other words, these security agendas have meant that there is a continuous blurring of the distinction between police and military tactics and behaviour, with countless examples of police using excessive, unreasonable, and unnecessary force, acting like a standing occupational army. This erodes the line between the police and the military, making them all state security forces.27

As this military equipment belongs to the DoD, police forces cannot sell it. Should police wish to return the items then layers of paperwork, delays in communication, and making police departments carry costs, render the return process burdensome in an effort to stall it. Lastly, the DoD has to approve the return, but they have a vested interest in not carrying the maintenance nor storage costs (Redden 2014).

Advocates for tactical units and military grade equipment suggest these techniques are necessary for modern policing because law enforcement duties place police officers in high-risk environments (cf. Skof 2014). In addition, as SWAT teams impose excessive physical requirements this virtually excludes female officers, subordinating them to support roles. (Dodge, Valcore and Gomez 2011). The combination of an abundance of caution, overwhelming force, and hyper-masculinity is justified as being in the ‘public interest’, but aside from the nebulous nature of the ‘public interest’, the approach always presumes a worst-case scenario rather than reasonably judging the likelihood of that
kind of outcome. This rationality is how events where 24 police officers with an armoured vehicle were tasked to collect a fine from a 75-year-old man in Stettin, Wisconsin occur, simply because the litter on his property was an apparent eyesore (Chan 2014). This needless aggression is indicative of a social structure where the craft of violence is bifurcated when personal safety is disconnected from the larger social forces that initially produce violence.

Even if one grants that SWAT teams are useful for narrow purposes, the application of extraordinary tactics to ordinary police work creates a climate of fear among citizens and police officers. It is also worth noting that the militarization and the general acquisition of military equipment has occurred without input, consultation, or oversight from the communities that would be policed by this tactic. Indeed, this points to the prime problem; the 1033 programme has been used to deploy military grade weapons to police in case there are radical revolutionary groups, drug dealers, or fundamentalism where extreme force is required. However, not only does this not reflect the situational needs of most police forces, but these purported dangerous groups simply do not have the power that one might presume. This is not the threat is made out to be, so it is but a pretence that reveals the absence of basic democratic governance norms.

As an example of absconding from democratic norms, consider the common enough tactics of forced entry by battering ram to serve warrants. These raids are often predicted upon weak evidence and the fact that a good portion of these people are not charged with a crime mocks the principle of the presumption of innocence. As Tom Nolan explains, ‘People who have been charged with no crime aren’t only treated like they’re guilty; they’re made to endure a violent intrusion into their home based on the mere suspicion of low-level crimes’ (2014, 1). Furthermore, there are regular reports of bystanders, often African Americans, being hurt in police raids. This is coupled by civil forfeiture and the seizure of assets.

The American Civil Liberties Union (ACLU) (2014) report, War Comes Home, is testament to these aforementioned norms. They examined over 800 SWAT incidents between 2011 and 2012, nearly two thirds were for drug searches, while less than one tenth were responses to hostage situations. Part of the reason for this is because of neoliberal public sector resource starvation. To attain funding, police departments have to meet quotas for drug arrests to win federal grants.

When the ACLU requested open records for their report on police militarization, some Massachusetts SWAT teams declined to cooperate, claiming that they operated as law enforcement councils and as such were private entities. Incorporated as 501(c)(3) organizations, they used this legal status to say they are private corporations, not government agencies, and so do not have to comply with open record requests. For example, the North Eastern Massachusetts Law Enforcement Council has about 50 member agencies. They have a wide range of capabilities: As well as a SWAT team METROLEC, has a canine unit,
computer crimes unit, motorcycle units, and armoured vehicles. They even applied to the FEA for a drone licence. The ACLU reports that,

Approximately 240 of the 351 police departments in Massachusetts belong to an LEC. While set up as “corporations,” LECs are funded by local and federal taxpayer money, are composed exclusively of public police officers and sheriffs, and carry out traditional law enforcement functions through specialized units such as SWAT teams.

And:

Police departments and regional SWAT teams are public institutions, working with public money, meant to protect and serve the public’s interest. If these institutions do not maintain and make public comprehensive and comprehensible documents pertaining to their operations and tactics, the people cannot judge whether officials are acting appropriately or make needed policy changes when problems arise (2014).

Meanwhile, reminiscent of the Massachusetts Law Enforcement Council hiding behind their incorporation papers, local authorities use corporate non-disclosure clauses as reasons not to respond to judicial requests for information about the various technological devices use in police investigations. For example, between 2008 and May 2015, the NYPD used Stingrays— ISMI catchers— over 1,000 times in local domestic politicking. They did so without a formal policy, nor warrants (New York Civil Liberties Union 2016). The manufacturers, Harris Corporation, sells these products with a non-disclosure clause so it is not known how much they are used. In Baltimore’s case, they cited dropped charges rather than disclose their policing techniques and technological capabilities. This is a system where legal and market institutions are used to shield public officials when abusing their power.

Using open source data collection methods, the Justice Policy Institute estimates that police killed 587 people in 2012. In these shootings, young black men were 21 times more likely to be shot than white counterparts. Federal data reports that were collected demonstrated that between 2010 and 2012 there were 1,217 deadly police shootings. Furthermore, of,

[these] 1,217 deadly police shootings from 2010 to 2012...blacks, age 15 to 19, were killed at a rate of 31.17 per million, while just 1.47 per million white males in that age range died at the hands of police. (Gabrielson, Grochowski Jones, and Sagara 2014)

This data points to the double standard of policing in the US where various agents of the state continue the long chain of suffering that black people have experienced at the hands of the state. Michael Dyson calls this ‘America’s blue
wall of terror’ (2017). Still, there is an ideological tendency in parts of the American public imagination wherein taking crime seriously requires unconstitutional policing and inhumane sentences.

Institutional racism sees a willingness of police to use harsh measures to terrorize people of colour. Combined with the widespread criminalization of young black males, the possibility of building trust is squandered when police do kill innocent people. Instead of apologizing and trying to make amends with the families, the police slander their victims, labelling them criminals or thugs. This situation is the antithesis of a civilian police force concerned with safeguarding a democratic polis. Therefore, African Americans’ distrust of the police and the criminal justice system as portrayed in Elijah Anderson’s Streetwise (1990) or Alice Goffman’s On The Run (2014) is more than reasonable.

When faced with public evidence of wrongdoing, police lie, obfuscate the truth, stonewall investigations, or in the case of New York, the police union threatens labour boycotts, essentially holding cities hostage and applying political pressure to hinder investigations. There are suspicions that prosecutors also collude with police to thwart indictments. Consider that federal indictments by a grand jury are granted in 99.993 per cent of case, but when police are involved it drops to 1.2 per cent. Also consider that about 95 per cent of police shootings are ruled as ‘justified’; even as body counts rise. Even then, if a case does make it to court, laws forbid prosecutors from informing juries about proper police training and protocols. This means juries do not have resources to judge whether the police action was a deviation from approved behaviour and interaction. This rampant impunity deprives the victims of police homicide the right to a fair public trial.

What these cases show us is that where there is a tendency towards a disproportionate use of force, it is all too often reserved for use against the underclass. There is no due process, and death is deemed acceptable. In the face of such violence, the public use smartphones to record police encounters. However, despite the right to record police action, the police too often confiscate the video footage, or threaten witnesses with arrest. Even when video evidence of unnecessary police brutality against those who do not pose a threat is secured and circulated via social media networks it does not seem to matter. In the case of Eric Garner, whose tragic death was captured on video, the police were seen to choke him into submission—a method prohibited by New York Police departmental policy. Yet even in this case, with video evidence and a coroner report ruling the death a homicide, there was no accountability or punishment for police officer crimes.

There have been suggestions that equipping police with body cameras will limit the abuse of power. Police departments and some reformers are allied on this front. But absent genuine accountability, it is unlikely to have much effect. Consider, for example, the recent history of dashboard cameras: one investigative reporting team examined 1,800 Chicago Police Department maintenance logs (Kongol and Biasco 2015) only to reveal that between September 2014 and
July 2015 there were 90-recorded incidents where there were no functioning microphones in police vehicles. What is particularly troubling about this is that police technicians attribute about 80 per cent of silent audio in dash-cam videos to ‘intentional destruction’ and that there is a backlog to fix them. There are also records of several vehicles failing to capture video. Even setting aside the lessons from dashboard cameras, where effectiveness depends so much on the police departments’ institutional culture and proper archival procedures, this technology has mostly helped police. For example, body cameras have been used to identify and find protestors. With increased computing power and refinements in facial recognition software, this will only become easier. Indeed, it might signal the end of the mob as a historical concept. Reformist aspirations that are devoid of any understanding of power or interest, seemingly unable to recognize that the tools, platforms, and techniques they were celebrating as emancipatory, can be turned against activists, dissidents, or the very causes they are trying to promote.

Nevertheless, given how biases are often encoded into software, given already existing institutional racism, it is likely that software will be used to racial profile populations. Racial profiling is obviously wrong; it presumes a predictive power of race, itself an implicit bias and racially motivated prejudice, and is thus too simplistic for investigative purposes. Not only are these distortions present when arresting, as to are the over-reliance on them, but so are increases in police brutality such as humiliating harassment and verbal abuse. This affects every aspect of a community, especially when the police steal and destroy the property of the people they stop and frisk. The police are rife with misconduct, brutality, and corruption—and they are armed with the tools of war. This simple case demonstrates how technical solutions will not solve social injustice. These developments require us to consider how technological implementations can introduce social problems.

Several of the aforementioned themes can be seen in Chicago’s Black Sites. Between 1972 and 1991, more than 100 people were tortured at these sites. This was done with the explicit knowledge of the former Chicago police commander Jon Burge. Mostly African American men were tortured using mock executions, electric shocks, and sleep deprivation. These actions show the institutional willingness to be brutal to the poor and to blacks. In 2003, Governor George Ryan pardoned four of ten death row inmates who say they were subject to torture. Burge was dismissed in 1993 after an internal investigation and convicted in 2010 of perjury during civil proceedings. Involved in those crimes was Chicago detective Richard Zuley. Zuley is notorious for being an interrogator at Guantanamo Bay in 2002. His plan for torturing Mohamedou Ould Slahi was personally signed off by Donald Rumsfeld. Spencer Ackerman’s review of court documents filed in Chicago, interviews with Guantanamo Bay prisoners, and Slahi’s *Guantanamo Diary* ‘suggest a continuum between police abuses in urban America and the wartime detention scandals’ (Ackerman 2015a, 1).
Burge and Zuley both began their service with the Chicago Police Department in the 1970s, rising through the ranks. Assigned to different areas—Burge on the south side, Zuley on the north—there is no evidence-showing cooperation between the two. This is perhaps more disconcerting than if they had, for it indicates that impunity is not confined to a select group of officers, but diffused in a system that condones it.

Sadly, Spencer Ackerman’s reporting has found that the Chicago Police Department continues to operate an ‘off-the-books interrogation compound’ at Homan Square on Chicago’s west side. Witnesses or suspects, some as young as 15, are detained at the site. As they are not booked at a precinct, there is no public record of these suspects being in custody (Ackerman 2015b). This is akin to the rendition practiced in the early years of the War on Terror. Lawyers and families who have tried to enter Homan Square are turned away, while their clients and relatives are subjected to a routine violation of their rights to legal counsel and coercion into providing statements.

Both are clear violations of the Fifth and Sixth Amendments. Chicago civil rights lawyer Flint Taylor, who has been in practice for 45 years, has said that ‘I have reached the conclusion that Chicago police violence is systemic, fundamentally racist, and disproportionally impacts the poor and communities of color’ (Taylor in Ackerman 2015c, also see Taylor 2013). This is not an anomaly. It was designed. As Du Bois noted in Black Reconstruction in America, ‘The whole criminal system came to be used as a method of keeping Negroes at work and intimidating them. Consequently, there began to be a demand for jails and penitentiaries beyond the natural demand due to the rise of crime.’ That Du Bois’ words still capture many blacks’ lived experience is indicative of the salience of this oppression in the development of the American social structure.

This ‘daily ugliness’ reveals the extent to which the US is a political order structured around violence. Authoritarian and mechanistic in tone, this governance demonstrates how the annihilation of the other is a functional principle of institutional practice that punishes the poor and provides profits for the security-surveillance industry. That these repressive policies are utterly disconnected from human rights shows a militarized police who rarely question the limits of their formal authority because informally they have been tasked with playing a key role in the process of commodifying the bodies of the poor who would otherwise be abandoned due to withdrawn welfare and redistribution services. Left to confront repression by themselves, this one-dimensional understanding of personal safety precludes a social component.

4.4 The Universality of Black Lives Matter

The preceding sections in this chapter addressed how the truly disadvantaged are created by enduring structural injustice. It has also illustrated that co-currently blacks are managed by a method of selectively co-opting a narrow band of blacks
into the elite to deflate and diffuse political opposition as well as a kind of rule predicated upon inducing and reproducing weaknesses in poor blacks. The second movement has been aided by off-shoring manufacturing jobs, leaving poor blacks as surplus labourers, partly to undercut any chance of contention, and partly efforts to extract fines and rents by local governments who are themselves operating under neo-liberal resource starvation. Nevertheless, central to these actions is a logic of repression.

The introduction of new modes of repression also opens up new opportunities for a ‘double movement’ from activists. Whereas, in the late 1970s political scientist Adolf Reed lamented how the US state had adjusted to 1960s black radical protests by incorporating agitators, these new modes of repression bring with them other counter movements. One of these counter movements is Black Lives Matter.

Black Lives Matter, an activist social movement emerged as American citizens saw the death of Trayvon Martin, Michael Brown, Eric Garner, and Tamir Rice as indicative of structural injustice put in place by the racial capitalism discussed in Chapter 1. In combination with the local struggle of Black people in places like Ferguson, where protests lasted more than 100 days, Black Lives Matter sought to blunt racist policing practice across the nation. These needless deaths were emblematic of a nationwide endemic that coalesced into a nationwide demand for justice and the remedy of structural injustice against blacks. An immediate goal of the movement is to stop the criminalization of black life and end the endemic of police harassment, brutality, corruption, and murder.

As Christopher Lebron makes clear, ‘the consistent death and abuse at the hands of the police to which blacks have been subject constitutes a form of terrorism under the guise of democratic governance.’ Highlighting the ‘disturbing parallels between plantation slavery and prisons and correctional facilities convict leasing’ Lebron indicates that systematic oppression is in the structure of the US, and that the most recent expressions in stop and frisk, redlining, voter suppression, the War on Drugs is but a continuation of this violence where African American lives are criminalized (2014, 1). African Americans, who as a permanent underclass due to systematic racism, are the main victims of this system. This dehumanizing trauma indicates that blacks’ personhood is not recognized nor acknowledged.

Black Lives Matter, and local protestors in Ferguson and elsewhere, are using a ‘digital repertoire of contention,’ to protest and explain American political economy, show the flaws in post-racial theories, and advocate against unlawful extra-judicial police killing and social inequality. These deaths and others reveal that black’s everyday life is grounds for suspicion by agents of the state. Granted, the proliferation of cellular devices with internet access, cameras, and broadcast social media platforms add new tactics to the repertoire of contention. These devices can reduce the lag between an incident and public awareness, or undercut fabricated official statements and thus contesting the
narrative frame. This is important in Ferguson where cable broadcasters and national newspapers initially ignored the death of Michael Brown. But, while social media is certainly important to the rise of Black Lives Matter, it is neither necessary nor sufficient to explain the politics of this moment and the social dynamics.

Over and above technology, material conditions explain black uprisings. For example, during the Great Recession post-2008, blacks disproportionately suffered versus their white peers, losing an estimated $10 billion. Most of this was due to predatory sub-prime lending practices that targeted aspiring black homeowners who banks suspected would foreclose on mortgages (Henry, Resse and Torres, 2013). Near a quarter of a million blacks did, while others are at risk. As a result, what little blacks had managed to accumulate through intergenerational labour evaporated almost overnight. The ramification is downward social mobility and pauperization. American banks have yet to face indictment for this fraud.

The outcome of the Great Recession was to see even more wealth concentrated in the 1 per cent as the Obama administration did little to redistribute or redress this economic hoarding. As egregious, throughout Obama's presidency, black unemployment was above 10 per cent, while in 2014 black college graduates’ unemployment rate was 12 per cent, more than double the white college graduates whose unemployment rate was approximately 5 per cent. Furthermore, since the Recession, median black income fell by near 11 per cent to $33,500, while whites incomes have fallen 3.6 per cent to $58,000, near a third of blacks live in poverty, and over a quarter of blacks are food insecure. Put simply, blacks experience tremendous poverty.\footnote{Perhaps the biggest indicator of this crushing and systemic poverty is Mariko Chang’s shocking and morally indefensible finding that ‘While white women in the prime working years of ages 36–49 have a median wealth of $42,600, the median wealth for women of color is only $5’ (2010, 3). This is one of the reasons why black women—who carry the consequential burden of the relentless assault on their children, families, and communities—are using coalitional politics guided by labour, feminist and queer theory to undertake the work of liberation.}

In *Dissent*, Barbara Ransby (2015) highlights the broad agenda of Black Lives Matter, an umbrella organization seeking a ‘bold confrontation with state power’, because ‘there can be no real economic justice without racial justice.’ Adamant that ‘the concerns raised by the Black Lives Matter movement reflect the experiences of most black Americans’, Ransby says ‘they also extend beyond these communities’ (2015). The goal of this social movement is less a singular pursuit of representation and diversity in the ruling class, but rather a total revision of the social structure itself to make it more equitable and egalitarian. In other words, this not merely a problem of access to the upper reaches of the social structure, otherwise the Obama administration’s legacy would not be so abysmal, rather it is a structural issue that requires structural and material
changes. To that effect, the movement is a ‘class based struggle’ which aims to address salient features of racial capitalism.

The various biographies of leading members demonstrate the extensive, deep, and long-standing commitments to social activism and community organization, much of which is explicitly tied to labour and economic issues. Consider Alicia Garza, Patrisse Cullors, and Opal Tometi, women who, following George Zimmerman’s acquittal for Trayvon Martin’s death, created and circulated the #BlackLivesMatter hashtag. Ransby portrays them as ‘professional organizers working with domestic workers, with immigrants, and against prisons respectively’ (2015, 1). Garzam, Cullors, and Tometic are not isolated examples, but show how women are key organizers in the coordination of black resistance and protest. From Marcia Chatelain’s vantage, this is an intergenerational participation, and one that includes queer scholars and activists, as they understand how bodies are disciplined. Indeed, as Black Lives Matter promotional material makes clear,

beyond the narrow nationalism that can be prevalent within Black communities, which merely call on Black people to love Black, live Black and buy Black, keeping straight cis Black men in the front of the movement while our sisters, queer and trans and disabled folk take up roles in the background or not at all.

As Ransby describes the project, ‘This is an unapologetic intersectional analysis reflecting the work of black women radicals and feminists such as Sojourner Truth, Angela Davis, Audre Lorde, Barbara Smith, bell hooks, Kimberlé Crenshaw, Beth Richie, Cathy Cohen, and Beverly Guy-Sheftall’ (2015, 1). Ransby’s listing of this diverse set of scholars and activists is not an imposition to minimize the range and kinds of thoughts amongst those on the list, hide inter-personal rivalries, disagreements, politics or the like. Instead, this kind of grouping is a programmatic spirit orientated towards broad-based emancipation, thereby demonstrating continuity of key elements of late twentieth-century black feminist thought. Angela Davis says as much in her acknowledgements in Are Prisons Obsolete? (2003):

I should not be listed as the sole author of this book, for its ideas reflect various forms of collaboration over the last six years with activists, scholars, prisoners, and cultural workers who have tried to reveal and contest the impact of the prison industrial complex on the lives of people. (2003, 7).

Davis then lists many people and organizations that helped theorize or collect data that informs the project. This wide collaboration with a community of academics and activists is a political and intellectual strength of the prison
abolitionist movement, a body of theory that has had profound influence on the shape and concerns of the Black Lives Matter movement. As such, Marcia Chatelain notes that

Black Lives Matter is feminist in its interrogation of state power and its critique of structural inequality. It is also forcing a conversation about gender and racial politics that we need to have—women at the forefront of this movement are articulating that “black lives” does not only mean men’s lives or cisgender lives or respectable lives or the lives that are legitimated by state power or privilege. (Marcia Chatelain and Kaavya Asoka 2015)

On a similar note, consider that in her project to curate black feminist scholarship, Patricia Hill Collins was sensitive to the inclusion of many African American women who’s ‘multiple voices highlights the diversity, richness, and power of Black women’s ideas as part of a long-standing African American women’s intellectual community.’ The centre of the analysis is thus the division within the black women’s experience and is meant to counter ‘the tendency of mainstream scholarship to canonize a few Black women as spokespersons for the group and then refuse to listen to any but these select few.’

Much like Reed’s analysis of black co-option, selective inclusion is an attempt to curtail access to those scholars seeking redress for social injustices that their work highlights. Indeed, the tokenistic elements are but ways to buy off or stall contention, and so it is but a method to avert greater sharing of resources with subordinate groups in the hope that selective access will stifle and disrupt concerted contention, and possibly invite intra-group scrappy battles around respectability politics and submission by those invited into ruling class or can-
non. Moreover, as Collins makes clear, ‘assuming that only a few exceptional Black women have been able to do theory homogenizes African-American women and silences the majority.’ (2000 viii)

Likewise, Black Lives Matter organizers sit at confluence of the personal and political that seeks to overcome oppressive state apparatus. As Collins explains,

Like African-American women, many others who occupy societally denigrated categories have been similarly silenced. So the voice that I now seek is both individual and collective, personal and political, one reflecting the intersection of my unique biography with the larger meaning of my historical times. (2000, vi)

In her preface to the second edition of Black Feminist Thought, Collins makes clear that ‘Black feminist thought’s purpose [is], namely, fostering both Black women’s empowerment and conditions of social justice’ (2000 x). The method of social analysis required to achieve this ‘place[s] Black women’s experiences
and ideas at the center of analysis.’ Collins readily acknowledges this approach encounters hostility dressed up as epistemological and historical scepticism that attempts to undermine the value of the scholarship: ‘For those accustomed to having subordinate groups such as African-American women frame our ideas in ways that are convenient for the more powerful, this centrality can be unsettling’ (2000 vii). Even here,

Oppressed groups are frequently placed in the situation of being listened to only if we frame our ideas in the language that is familiar to and comfortable for a dominant group. This requirement often changes the meaning of our ideas and works to elevate the ideas of dominant groups. (2000 vii)

The last component of Black Lives Matter that we will touch on here is the way the movement employs Collins’s adage that ‘thought and action can work together in generating theory’ as a central political tenet. This social moment takes place with the help of academics, but not for academics. It is scholarly without being beholden to (admittedly withering) disciplinary conventions where self-alienation from subjects is supposedly indicative of good scholarship. In this respect, Black Lives Matter shows that while they will produce good analysis, it is for the broader purpose of the radical overhaul of the social structure. In other words, their analysis is practitioner based and community orientated.

Black women alternate between being an afterthought in public policy, or scapegoated as undeserving of welfare or governmental affirmative action position. Similarly, news media generally is indifferent to the fate of black women. Notwithstanding similar ways and means of activism, the names of Michael Brown, Eric Garner, Freddie Gray received considerable more attention and are better-known than Rekia Boyd, Michelle Cusseaux, Tanisha Anderson, Shelly Frey, Yvette Smith, Eleanor Bumpurs, and others.

The point is not to distract from normalized everyday police brutality, but instead to acknowledge that black women are as susceptible, if not more so, to the everyday violence by state sanctioned agents. They too are victims of shootings, harassments, and racial profiling, while in metropolitan areas, black women are as likely to be evicted as black men are to be imprisoned. As the adage goes, ‘black men are locked up, black women are locked out’. These facts tend to inform the prevailing orthodoxy and framing of police violence and its consequences. Nevertheless, black women too, are victims of domestically orientated imperial rule.

Keeanga-Yamahtta Taylor points to the deeper political and social stakes that Black Lives Matter addresses. ‘African Americans, of course,’ she says

suffer disproportionately from the dismantling of the social welfare state, but in a country with growing economic inequality between the
richest and poorest Americans, austerity budgets and political attacks on social welfare come at the peril of all ordinary people. (2016, 5)

She continues,

It is an example of how, counterintuitively, even ordinary white people have an interest in exposing the racist nature of US society, because doing so legitimizes the demand or an expansive and robust regime of social welfare intended to redistribute wealth and resources from the rich back to the working class. (2016, 5)

For this reason, the ruling class have a stake in perpetuating backlash against this movement.

It is also why police brutality is a good avenue to discuss the oppressive nature of the social structure, something that is at play, but not as evident in voter restriction laws and the efforts to roll back the Voting Rights Act. Acting as the Attorney General within the Obama administration, Holder was proactive in attending to Republican state controlled legislatures efforts to strategically suppress voting rights and discriminatory voting restrictions targeted at poorer and minority voters. He also sought to undertake a broad reform of the criminal justice system seeking to lessen its institutional racism by, for example, supporting the Fair Sentencing Act that eliminated differential sentencing for crimes involving crack and powder cocaine, which themselves skew along racial lines. Another positive development was Holder’s role in reduction of mandatory minimum sentences for some crimes, again hoping to ameliorate certain kinds of racial injustice. Nonetheless, these laudable efforts to improve and strengthen regulatory oversight, and anti-discrimination measures sit beside the expansion of the state power detailed above.

What this indicates is that the appropriate target for reform of the social structure requires curtailing then ending capitalism, paired with less imperial aggression abroad. Collins perhaps puts this well when she writes that ‘U.S. Black women must continue to struggle for our empowerment, but at the same time, we must recognize that U.S. Black feminism participates in a larger context of struggling for social justice that transcends U.S. borders’ (Collins 2000, xi). Yet, ever more as Black Lives Matter addresses the reproduction of capitalism’s structures of exploitation and oppression, the movements and its members become a target for capitalism’s surrogates, for their contention threatens the established order of things.

While there is still a considerable way to go until liberation, Black Lives Matter has had measurable effects, albeit recognizing, as criminologist David Pyrooz and his colleagues write, ‘changes in crime trends are slow and rarely a product of random shocks’ (Pyrooz et al. 2016, 1). Some municipalities now require police to wear body cameras, and in other cases officers have been fired.
Additionally, there have been some changes in police practice. Most importantly, the movement has shifted the discourse on crime, police, race ensuring that, for the moment, these topics receive due attention. Likely activists in this movement desire more improvements, but the pressure continues. Even Obama has started to try a reform of the criminal justice system, and to attend to voting rights (he did this at an NAACP national conversion). This is a direct result of Black Lives Matter forcing the federal government to account for the war against black life, to curb its internal state rule practices, and to lessen its militarism.

There are a few key lessons to take away from this discussion. The first is a reminder that surveillance technology disproportionately targets the most vulnerable. The second is that racial subordination is rarely deemed important enough to warrant due attention in mainstream political discourse. For example, to the extent that it is covered in the media, it is often a reaction to protests framed around the legitimacy of protest rather than the structural injustice and the grievances that motivated the protests. This raises a third point. Ever more legitimate civilian political contention is presented as a threat to national security and established order. Fourth, as Wilson's research in the 1980s indicates, black women shoulder the brunt of poverty and discriminatory policies, and even then, their voices and contention are only allowed an audience when they articulate and describe black male suffering. In this respect, it is another point of the dynamic of testimony where women both speak and are silent. These circumstances underscore the importance of a fully-fledged intersectional analysis; meaning that it is not race over class, class over gender, or gender over race—but rather that a proper analysis pay attention to the totality of factors that shape lived experience.