

1. THUG NATION: ON STATE VIOLENCE AND DISPOSABILITY

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The tradition of the oppressed teaches us that the "state of emergency" in which we live is not the exception but the rule.

—Walter Benjamin, "Theses on the Philosophy of History"

Racism is based on an ontological affirmation. It is the notion that the very being of a people is inferior. And the ultimate logic of racism is genocide ... The first thing that must be on the agenda of our nation is to get rid of racism.

—Martin Luther King, Jr.,
March 14, 1968.

Policing the Crisis

On May 15, 2010, as sixteen-year-old Kalief Browder and a friend headed home from a party in the Bronx, a small fleet of police cruisers surrounded them. A man had just been robbed of his backpack, an officer told them, and they were suspects. Browder and his friend maintained their innocence and willingly consented to a search. When no contraband was found, the officer retreated to confer with the

alleged victim, a Mexican immigrant named Robert Bautista, who was sitting in a squad car. A few minutes later, the officer returned with a different story: the alleged robbery had occurred two weeks earlier and Bautista had just identified Browder and his friend as the culprits. They were then arrested and charged with robbery, grand larceny, and assault. After seventeen hours behind bars, the judge released Browder's friend pending trial but held Browder on bail—Browder was on probation for watching his friends bang up a delivery truck they had stolen as a prank. Browder's family could not afford the bail, so eventually, Browder was sent to Rikers Island—all for a crime he had not committed.¹

Browder's story up to this point is not exceptional. He was assigned a public defender whose main objective was to convince his client to cop a plea in order to reduce the charges or mitigate the sentence and avoid trial—a standard strategy for defendants both innocent and guilty. But Browder refused, choosing to maintain his innocence and wait for a trial. He waited three years, during which he was beaten by guards and inmates, was deprived of food, endured seventeen months in solitary confinement, suffered several psychiatric breakdowns and suicide attempts, braved deeply unhygienic environments, and was denied decent protection and his constitutional right to a speedy trial. There were no eyewitnesses to the crime and no physical or forensic evidence—only Bautista's testimony. Eventually, Bautista returned to Mexico, leaving the prosecution with no material witness. Every time a judge tried to get Browder to plead guilty, even for a lesser crime, he refused. The state had no choice but to drop the charges. He was released in June 2013.²

On Saturday, June 6, 2015, a little over five years from the day his ordeal began, Kalief Browder hanged himself.³ He had just turned twenty-two.

Browder ended his own life, but the state bears responsibility for his death. He was caged as a sixteen-year-old child, mostly in solitary confinement, and freed at the age of twenty. He lost weight. He lost part of his childhood. He lost part of his mind. But he did not lose his dignity

1 Jennifer Gonnerman, "Before the Law," *New Yorker*, October 6, 2014.

2 *Ibid.*

3 Jennifer Gonnerman, "Kalief Browder, 1993–2015," *New Yorker*, June 7, 2015.

or his sense of justice, which were all he had left. "Before I went to jail," he told journalist Jennifer Gonnerman, "I didn't know about a lot of stuff, and, now that I'm aware, I'm paranoid . . . I feel like I was robbed of my happiness."⁴

His ordeal was not merely the result of an administrative glitch, "bad" policing, poor legal defense, or an unanticipated backlog of cases. Mass arrests, obscene numbers of young Black and Brown people corralled into jails and prisons, habeas corpus suspended through plea bargains, and the maintenance of a racial political economy that keeps the poor in a precarious state are all tactics to which the current system is well suited. "Zero tolerance" policing turns select neighborhoods into open-air prisons and strips vulnerable residents of habeas corpus, freedom of movement, and even protection from torture. The police are trained to observe, contain, constrain, and arrest bodies they deem suspicious or engaged in acts of law-breaking. Constitutional guarantees of "equal protection" notwithstanding, Black and Brown bodies carry from birth the mark of "suspicion."

Even if he had stolen Bautista's backpack, would Browder's punishment, under accusations of grand larceny, have fit the crime, a reported loss of \$700, an iPod Touch, and a digital camera? Is this the value of Browder's life? According to the logic of broken windows theory, which insists that infractions of any scale be punished swiftly and mercilessly, the loot's monetary value is irrelevant. Browder was a Black kid with a "criminal" record walking freely in a high crime neighborhood. The cops and the prosecution likely assumed that he was guilty of something even if he'd had no part in the Bautista crime, thereby justifying Browder's arrest on such flimsy evidence, his detention for so long without a trial, and the ferocious physical abuse of his still-developing teenage body. Much like the Obama administration's policy of signature strikes—lethal drone attacks on young men who *might* be terrorists or *may* one day commit acts of terrorism—the presumption of guilt based on racial profiling is an essential component of broken windows policing.⁵

4 Gonnerman, "Before the Law."

5 Jeremy Scahill, *Dirty Wars: The World Is a Battlefield* (New York: Nation Books, 2013); Danya Greenfield, "The Case Against Drone Strikes on People Who Only 'Act Like Terrorists,'" *Atlantic*, August 19, 2013.

So what is Kalief's life worth? Apparently nothing. The state has long treated Black life as disposable, as is clear in our expanding prison population and the shockingly high rate of Black casualties caused by police, private security guards, and vigilantes. The list of unarmed Black people killed by police in just the four months after eighteen-year-old Michael Brown was gunned down in Ferguson, Missouri by officer Darren Wilson reveals that Black people are not only devalued in the United States but treated as enemy combatants.⁶ It is not simply that our lives don't matter. We are a threat, an enemy, which largely explains why the police employ lethal force as a *first* resort. None of the victims during these four months were engaged in violent crimes at the time they were killed, and most had committed no crime at all. Michael Brown and his friend Dorian Johnson were stopped for walking in the middle of the street, a violation commonly overlooked or in rare instances minimally fined. As is taught in Broken Windows 101: disrespect for authority and non-compliance by the criminal element can lead to the breakdown of civilization. Wilson regarded Brown's non-compliance as a challenge to his authority, a dynamic that escalated into a verbal and physical confrontation between the armed officer and the unarmed teenager. We'll never know exactly what transpired, but we do know that Brown had his hands up in a gesture of surrender when he died.

Looking back one year later, neither the killing nor the protests have let up. In what some activists have dubbed "Black Spring" of 2015, the people of Baltimore rose up to protest the death of twenty-five-year-old Freddie Gray, who was arrested on April 12, 2015, merely for making eye contact with a police officer and running away. He was apprehended, shackled, tossed on to the floor of a police van without a safety belt, and likely beaten. By the time the van arrived at central booking, Gray was unresponsive, his spine 80 percent severed at the neck, and his voice box crushed.⁷

6 The list includes Ezell Ford, Dante Parker, Roshad McIntosh, Darrien Hunt, Aura Rain Rosser, Tanisha Anderson, Tahir Rice, Eric Harris, Walter Scott, Tony Robinson, Kajieme Powell, Yonderit D. Meyers, Jr., John Crawford, III, and Margaret LaVerne Mitchell, to name but a few.

7 Peter Hermann and John Woodrow Cox, "A Freddie Gray Primer: Who Was He, How Did He Die, Why Is There So Much Anger?" *Washington Post*, April 28, 2015.

None of this brutality is new. In my fifty-three years on this planet, I've witnessed not a wave but a continuous stream of police violence that has never let up. I came of age when Eleanor Bumpurs, Michael Stewart, Eula Mae Love, and Arthur McDuffie were the war's iconic victims, to be followed by Amadou Diallo, Oscar Grant, Patrick Dorismond, Malice Green, Tyisha Miller, and Sean Bell. And I'm only speaking of the dead—not the harassed, the beaten, the humiliated, the stopped and frisked.

Our parents, grandparents, and great-grandparents experienced "no tolerance" policing long before that term was in vogue. My late father-in-law lost his hearing in one ear after a cop in Bessemer, Alabama, took a nightstick to his head for being insufficiently deferential. Many African Americans were arrested for not yielding the sidewalk to whites, for lacking a job (vagrancy), using profanity in public, spitting, loitering, violating segregation ordinances, "reckless eyeballing," and other absurdities intended to turn human beings into the caricatures with which white people were familiar through coon shows, soapbox sermons, darky films, and mass advertising.

The law never protected Black women from sexual violence, treating all sexual encounters between them and white men as not only consensual but initiated by the women. Criminalized as presumptive sex workers, all Black women were vigilantly policed while remaining vulnerable to the sexual predations of those wearing the badge. We can trace the all-too-common brutalization and criminalization of Black women's bodies to slavery, during which routine violence—flogging, torture, slaps and punches, assaults with household and agricultural tools, and, of course, rape—was their most common cause of flight. Masters, overseers, and drivers were not the only source of violence; Black women were vulnerable to partner violence, especially around harvest time when both white and Black men consumed large amounts of alcohol. As the late historian Stephanie Camp revealed, enslaved women experienced violence more frequently than men resulting from their presence in the big house completing secondary work, their perceived vulnerability as women, and perceptions of them as sexual property and as objects of sexual jealousy.⁸

8 See Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004).

In the Jim Crow era, law enforcement officials operated on the presumption that every unescorted Black woman was a sex worker soliciting employment. The New York race riot of 1900 began when a Black man came to the defense of a Black woman falsely arrested for solicitation, who had been merely waiting for her husband. In Atlanta, the police enforced a so-called sundown law under which any Black woman seen alone at a restaurant or club was vulnerable to arrest.⁹

A century later, the surveillance, criminalization, and presumed disposability of Black women continues. Broken windows policing has done nothing to ensure Black women's safety or reduce the alarming incidents of femicide that plague Black communities. Instead, Black women—especially poor women—continue to be monitored, harassed, and subject to reproductive control on the pretext that they possess illicit or diseased bodies. Their presumptive criminality allows murders and disappearances to go undetected and uninvestigated. A string of unsolved murders of Black women in the Boston area, in fact, led to the formation of the renowned Combahée River Collective, known for drafting one of the most radical and visionary manifestos of the twentieth century. Less known, however, is their searing critique of sexual violence and the inaction—if not complicity—of the state in ensuring that these murder cases went unsolved.¹⁰ It addressed the incidents of Black femicide since the late 1970s that had engulfed cities such as Detroit, Charlotte, Peoria, Chicago, and Los Angeles, and that had been met in nearly every case with complete indifference from the police. Many of the victims were labeled sex workers or described as homeless, thus rendered doubly invisible and doubly disposable.

Is Bratton-era broken windows policing so different from the long and persistent tradition of “broken bodies” policing originating with slave patrols and military campaigns intended to “pacify” indigenous people? One difference, ironically, is the triumph of racial liberalism.

9 Clifford M. Kuhn, Harlan E. Joye, and E. Bernard West, *Living Atlanta: An Oral History of the City, 1914–1948* (Athens: University of Georgia Press, 1990), 190; Robin D. G. Kelley, *Race Rebels: Culture, Politics, and the Black Working Class* (New York: New Press, 1994), 49.

10 See “Why Did They Die? A Document of Black Feminism,” *Radical America* 13, no. 6 (1979): 41–51.

Although the rise of mass incarceration and the deepening criminalization of urban space after World War II is generally assumed to be the product of a sharp right-wing turn, we know from the work of Naomi Murakawa, Heather Ann Thompson, Jordan T. Camp, and Elizabeth Hinton that liberals also backed an expanding criminal justice system—ostensibly to protect African Americans from mob violence, to quell urban rebellions, and to address what were perceived as rising crime rates following the triumph of desegregation.¹¹ How the unintended consequences of such policies ultimately bequeathed to the nation a criminal justice architecture that fueled mass incarceration has been addressed by other scholars and activists. What I'd like to address here, however, is the shifting political landscape created by triumphalism on the part of racial liberalism—that is to say, the birth of the “post-Civil Rights” era and the myth of color blindness.

Color-Blind Violence

The legitimacy of broken windows policing as a “race neutral” practice rests on the common fiction that we are now living in the “post-Civil Rights” era—a time “after” the victory of the Civil Rights Movement, whose achievements, such as the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968, are tangible and indisputable. Most proponents of color blindness do not claim that racism has been completely eradicated, but rather that racist incidents are isolated and rare, resulting from anachronistic behaviors by “bad” actors. In this post-Civil Rights age of color blindness, we are told the story of an active federal government—its conscience pricked by the war against fascism abroad and the principled struggle for inclusion by

11 Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York: Oxford University Press, 2014); Heather Ann Thompson, “Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History,” *Journal of American History* 97, no. 3 (December 2010): 703–34; Jordan T. Camp, *Incarcerating the Crisis: Freedom Struggles and the Rise of the Neoliberal State* (Oakland: University of California Press, 2016); Elizabeth Kai Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016).

Black activists at home—that took bold steps to eliminate legal segregation completely and promote equal opportunity. (Even this formulation has undergone revision, with the movement playing a smaller and smaller role, and politicians increasingly elevated as the real heroes in the struggle.)

What this sanitized national narrative occludes are the chief issues that gave rise to the Civil Rights Movement in the first place: the violent subjugation of Black people by the state and its vigilante allies; taxation without representation and the denial of the franchise through terror and administrative means; and a government-dominated racial economy that suppressed Black wages, dispossessed Black people of land and property, excluded them from equal public accommodations, and subsidized white privilege by way of taxation. Violence held this precarious system together, and violence proved a stronger catalyst for Black activism than abstract desires for integration, with the murder of fourteen-year-old Emmett Till a particularly galvanizing event for the Civil Rights generation. But even before Till's brutal lynching in 1955, police brutality was a major issue for Black communities across the country. During World War II, confrontations between Black residents and white policemen sparked full-scale riots in almost a dozen cities.¹²

As civil rights protests escalated throughout the South and across the country, however, the problem of police violence worsened. A study conducted by the Department of Justice found that in the eighteen-month period between January 1958 and June 1960, 34 percent of all reported victims of police brutality were Black.¹³ Within four years, relations between Black people and the police had escalated to a state of war. Between 1964 and 1972, incidents of police violence ignited rebellions in some 300 cities. Altogether, the urban uprisings involved close to half

12 James A. Burran, "Urban Racial Violence in the South during World War II: A Comparative Overview," in *From the Old South to the New: Essays on the Transitional South*, ed. Walter J. Fraser, Jr., and Winifred B. Moore, Jr. (Westport, CT: Greenwood Publishers, 1981), 167–77; Dominic J. Capaci, Jr., *Race Relations in Wartime Detroit: The Sojourner Truth Housing Controversy of 1942* (Philadelphia: Temple University Press, 1984).

13 Mary Frances Berry and John W. Blasingame, *Long Memory: The Black Experience in America* (New York: Oxford University Press, 1982), 242.

a million African Americans, resulted in millions of dollars in property damage, and left 250 people dead, 10,000 seriously injured, and countless without a home. The casualties were overwhelmingly Black. Police and the National Guard turned Black neighborhoods into war zones, arresting at least 60,000 people and employing tanks, machine guns, and tear gas to pacify the community.¹⁴

Faced with urban insurrections and the proliferation of community-based militant organizations, most urban police departments responded militarily, employing methods of surveillance and anti-guerrilla tactics developed in Vietnam.¹⁵ Even liberal politicians, social scientists, and policy analysts who disavowed the deployment of military force in Black communities sought to understand why African Americans rioted, as American military advisors in Southeast Asia had questioned why so many North Vietnamese supported the Communists. To the surprise of several research teams, those who rioted tended to be better educated and more politically aware than those who did not. One survey of Detroit Black residents after the 1967 riot revealed that 86 percent of the respondents identified discrimination and deprivation as the main reasons behind the uprising, with police brutality topping the list.¹⁶

During the wave of ghetto insurrections, many urban police departments tried to combine community outreach, minority-hiring initiatives, and racial sensitivity training with increased militarization and repression. In Baltimore, just weeks before that city blew up in

14 James Baldwin, *Nobody Knows My Name: More Notes of a Native Son* (New York: Dial Press, 1961), 192; Herbert J. Gans, "The Ghetto Rebellions and Urban Class Conflict," in *Urban Riots: Violence and Social Change*, ed. Robert H. Conroy (New York: Vintage, 1969), 45–54; Manning Marable, *Race, Reform and Rebellion: The Second Reconstruction in Black America, 1945–1990*, 2nd ed. (Jackson, MS: University Press of Mississippi, 1991), 92–3.

15 Tracy Tullis, "A Vietnam at Home: Policing the Ghetto in the Era of Counterinsurgency" (PhD diss. New York University, 1998); Harlan Hahn, "Ghetto Sentiments on Violence," *Science and Society* 33 (Spring 1969): 197–208; Gerald Horne, *The Fire This Time: The Watts Uprising and the 1960s* (Charlottesville: University Press of Virginia, 1995).

16 Hahn, "Ghetto Sentiments on Violence"; U.S. National Advisory Commission on Civil Disorders, *Report of the National Advisory Commission on Civil Disorders* (New York: Bantam Books, 1968).

April 1968, the *Baltimore Sun* ran a lengthy article about the city's extraordinary ability to stay riot-free. Recently appointed police commissioner Donald Pomerleau boasted of his department's commitment to "service" rather than force. Pomerleau had increased the number of African Americans on the community relations board and even established a "Negro history course" to prepare his officers to engage the community with more sensitivity.¹⁷ But he regarded Black militants as enemy combatants, and despite his best reform efforts, reports of police misconduct continued to strain relations with the community. As one independent investigator put it, "Police are thought to employ brutality frequently, and the backroom of the precinct house is known as a dangerous place for a black man."¹⁸

The Maryland Crime Commission issued a report siding unequivocally with the police while acknowledging that "the new type of rioting is likely to be set off by an incident involving the police in the ghetto ... where some actual violation of accepted police practice has taken place."¹⁹ The report concluded, however, that aggressive policing rather than the jobs and social investment of liberal bromides could bring an end to civil unrest. It recommended expanding the force to include more Black officers, improving intelligence, and training officers in crowd control, and directed police to attack "any lawlessness ... quickly and aggressively."²⁰ The authors made a distinction between food riots driven by starvation and desperation and the new "commodity riots" which they regarded as "political violence or political terror," terms that turned Black youth into enemy combatants.²¹ Strikingly, the report proposed "organizing and arming a semi-military force to fight a war in the streets" but only under intelligent leadership willing to "employ force wisely."²²

17 Floyd Miller, "How Baltimore Fends Off Riots," *Reader's Digest*, March 1968, 109.

18 Quoted in Jane Moltz, *Report on Baltimore Civil Disorders, April 1968* (Middle Atlantic Region, American Friends Service Committee, 1968), 7.

19 Baltimore Committee on the Administration of Justice under Emergency Conditions, *A Report on the Baltimore Civil Disturbance of April 6 to April 11, 1968* (Maryland Crime Investigating Commission, 1968), 12.

20 *Ibid.*, 2.

21 *Ibid.*, 14.

22 *Ibid.*, 10.

One year later, the department announced that it had invested heavily in military hardware, including tear gas grenades, gas masks, and "pepper foggers."²³

Donald Pomerleau's liberal dreams of police "serving" America's ghettoes found few takers after 1968. Fearing that ghetto rebellions would spill into white suburbs and that their taxes were being used to support lazy colored people on welfare, white Americans increasingly embraced the belief that "minorities," particularly African Americans, needed to stop complaining. Black people, they rationalized, no longer had any excuses, given that the Civil Rights Movement had succeeded in abolishing racism once and for all.²⁴

It was in this context that the seeds of late-twentieth-century color-blind discourse began to take root, preparing the way for broken windows theory. First elaborated in a 1982 essay by George L. Kelling and James Q. Wilson, "broken windows" placed the blame for urban decay on the social values and behaviors of poor, primarily Black people. It argued that criminals flourished in deteriorating, disorderly neighborhoods, and that disrespect for one's community led to disrespect for authority and the law. As long as ghetto residents lacked concern for the condition of their neighborhoods, crime would run rampant; small infractions would become gateways to violent crime. Ignoring the structural factors that suppressed home values, perpetuated health and environmental catastrophes, and divested neighborhoods of essential services, jobs, government programs, and legal protections, broken windows theory blamed culture and immorality for crime and, in turn, poverty.²⁵

This theory-turned-policy was based on some very old and familiar ideas about race and class. Kelling and Wilson built on urban theorist Edward Banfield's premise that cultural differences, not structural

23 "Better Prepared to Handle Riots, Police and National Guard Claim," *Baltimore Sun*, April 3, 1969.

24 George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia: Temple University Press, 1998), see especially 1-46; Michael Goldfeld, *The Color of Politics: Race and the Mainsprings of American Politics* (New York: New Press, 1997), 310-14; Jill Qandango, *The Color of Welfare: How Racism Undermined the War on Poverty* (New York: Oxford University Press, 1994).

25 George L. Kelling and James Q. Wilson, "Broken Windows: The Police and Neighborhood Safety," *Atlantic*, March 1982.

racism, were the primary sources of ghetto poverty and inequality in the post-Civil Rights era. Banfield, in fact, did acknowledge historical prejudice but declared, in his widely cited *The Unheavenly City Revisited* (1974), that racism had become so insignificant as to lose its explanatory power. A relic of the past, racism now existed as a figment in the minds and rhetoric of dishonest Black leaders whose *raison d'être* was blaming “Whiteness” for Black misery. “Negro leaders cannot be expected to explain that prejudice is no longer *the* obstacle,” he wrote. “Those of them who understand that it is not are bound to pretend otherwise.”²⁶ Beneath Banfield’s dizzying tables and statistics is a “liberal” gloss on arguments made almost a century earlier by sociologist Herbert Spencer, who vulgarized Darwin in order to claim that the poor lacked character, frugality, thrift, and a work ethic because of their place on the evolutionary ladder. Like Banfield, Spencer considered this behavior to be the result of social and cultural values (not genetically ingrained behaviors) that could be eliminated over time—so long as the poor were not crippled by government aid, irresponsible charity, or trade unions. Yale University professor William Graham Sumner echoed Spencer’s assertions in his 1883 book *What Social Classes Owe to Each Other*, which argued that aid to the poor provided by the rich or the government would disrupt the natural order of things. The only legitimate role of government was to protect “the property of [white] men and the honor of [white] women.”²⁷

To put it crudely, Sumner’s vision of the state—as a mechanism to protect capital and control the passions of the Negroes and the poor—anticipated the neoliberal state and its attendant racial regime. In the era of capital flight, privatization, deregulation, free trade policies, the dismantling of the welfare state, the weakening of antidiscrimination laws, and the expansion of the carceral and security state in the form of domestic policing, surveillance, the militarization of the US/Mexico border, the war on drugs, and the exponential growth of prisons, Black and Brown people became both disposable and rendered as enemy combatants.

26 Edward C. Banfield, *The Unheavenly City Revisited* (Boston: Little, Brown, 1974), 97.

27 William Graham Sumner, *What Social Classes Owe to Each Other* (1883; New Haven: Yale University Press, 1925).

Permanent War

The protests in the wake of Michael Brown’s murder displaced Israel’s war on Gaza in the twenty-four-hour news cycle. It wasn’t Brown’s death that was deemed newsworthy but the “riots” that followed. And it wasn’t the mere existence of protesters that made Ferguson an international story; it was the fact that the people who took to the streets faced down police with riot gear, rubber bullets, armored personnel carriers, semi-automatic weapons, and a dehumanizing policy designed to contain and silence. To the world at large, Ferguson looked like a war zone because the police looked like the military. For Black residents of Ferguson and St. Louis proper, as well as ghetto communities across the country, it was already a war zone—hence Mike Brown’s and Dorian Johnson’s initial trepidation in the face of police officers. Suddenly critics and pundits who had little to say about the killing of Black and Brown people by the police were indignant about the *hardware*, the AR-15s, the armored personnel carriers, the helmets and flak jackets.

Activists wasted no time in drawing the obvious connections between Israeli state violence in the name of security and US state violence, from drone strikes abroad to domestic police killings. They exposed the role that Israeli companies and security forces have played in arming and training US police departments and issued solidarity statements, including advice on how best to deal with tear gas, regarding the protesters in Ferguson and in New York City following the NYPD killing of Eric Garner.²⁸ By recognizing the US and Israeli security states not as exceptional but as part of a global, neoliberal racial regime firmly rooted in the history of settler colonialism, we see some revealing parallels and relationships. Like Operation Ghetto Storm, or Brazil’s Pacifying Police Units waging war on poor Black favela residents, the consequences for

28 Jaime Omar Yassin, “The Shortest Distance between Ferguson and Palestine,” *Counterpunch*, August 15–17, 2014; Dean Obeidallah, “Michael Brown, Gaza, and Muslim Americans,” *Daily Beats*, August 20, 2014; Sydney Levy, “Jewish Voice for Peace Stands in Solidarity with the Community of Ferguson, Missouri,” August 20, 2014; David Gilbert, “Michael Brown Shooting: Gaza Strip Tweets Ferguson About How to Deal with Tear Gas,” *International Business Times*, August 14, 2014; Mark LeVine, “Ferguson Is Not Gaza ... Yet,” *Al Jazeera America*, August 18, 2014.

the ruled ought not to be measured merely by the destructive force of American-made F-15s, cluster bombs, and white phosphorous, but also by the everyday routine of occupation: unemployment, poverty, insecurity, precarity, illegal settlements, state-sanctioned theft of water and land, destruction of local economies and agriculture, a racially defined security regime, the effects of permanent refugee existence.

Our militarized culture places cops and soldiers on pedestals and frames their actions as “security” or as acts of self-defense. Police are in the streets to protect “citizens” from out-of-control (Black and Brown) criminals. This is why in virtually every case involving an unarmed person shot by police, the victim is depicted as an assailant. Living under occupation means enduring a permanent war in which virtually all civilians are deemed combatants and collective punishment is the fabric of everyday life. In Mike Brown’s hometown, this takes the form of routine stops and fines for noise ordinance violations (e.g., playing loud music), fare-hopping on St. Louis’s light rail system, uncut grass or unkempt property, trespassing, wearing “saggy pants,” an expired driver’s license or registration, “disturbing the peace,” or merely walking in the middle of the street. Unpaid fines or tickets often result in jail time, having to pay inordinate sums to bail bondsmen, losing one’s car or other pieces of property, and losing one’s children to social services.

The point here is not just to punish Black communities but to mark them, to create a record of “criminal behavior,” to transform them from citizens to thugs.²⁹ As soon as protesters gathered on Florissant Avenue in Ferguson, Missouri, to demand answers, reactionary bloggers, police officers, and even mainstream media were quick to label Michael Brown a “thug.” When the Ferguson Police Department decided to release footage of Brown wrestling a store clerk over a pack of cigarillos, it only confirmed his criminality.

Criminalization is to be subjected to regulation, containment, surveillance, and punishment, but deemed unworthy of protection.³⁰ Those targeted by the state are not rights-bearing individuals to be protected

29 See Shana L. Redmond and Damien Sojoyner, “Keywords in Black Protest: A(n) Anti) Vocabulary,” *Truthout*, May 29, 2015.

30 Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012), 4.

but criminals poised to violate the law who thus require vigilant watch—not unlike prisoners. In lieu of habeas corpus, terms like “thug” and “hoodlum” are used to differentiate the criminal element from the good Negroes, thus closing off the possibility of empathy with those who may have broken the law. Decriminalizing Blackness, in other words, occurs not in the court of law but in the court of public opinion. It requires proving that one is *not* a thug—that is, by portraying the Mike Browns and Trayvon Martins of the world as the *undeserving* dead, rendering them good kids, college-bound, honor students, sweet, as if their character is the only possible evidence that exists of their innocence.

“Thug” works to both criminalize and dehumanize the dispossessed while masking the violent operations of the state and capital: criminal neglect by landlords and city officials; rampant fraud (from mortgage brokers and loan companies to insurance firms and bail bondsmen); unwarranted price hikes for commodities, rent, and services; and the daily violation of human rights—in short, the actual source of thuggery. President Obama dismissed the uprising in Baltimore following Freddie Gray’s death as the handiwork of “thugs and criminals.”³¹ Of course, in times of civil unrest, distinguishing thugs from the “community” is an old tactic that serves to delegitimize grievances expressed by those whom Dr. Martin Luther King, Jr., called “the unheard.” Once expressions of anger, pain, even euphoria, become criminal acts, the citizen becomes the perpetrator. And the perpetrator’s intentions are always self-evident. Following the April 1968 riots in Baltimore, the Maryland Crime Investigation Committee report observed, “Many hoodlums, who neither knew nor cared about Dr. Martin Luther King, or have interest in the fate of an opposed minority, concealed their criminal acts during the holocaust under the guise of protest against injustices.”³²

Black people are also made to pay for the very system that renders them non-persons. As we learned long before the Justice Department issued its report on Ferguson, summons and warrants are used as a kind of racial tax, a direct extraction of surplus by the state that produces nothing but discipline and terror and the reproduction of the state—in

31 Payton Guion, “The Baltimore Riots: President Obama Calls Rioters ‘Criminals and Thugs,’” *Independent*, April 28, 2015.

32 Baltimore Committee on the Administration of Justice, *Report*, 4.

other words, *revenue by primitive accumulation*. In 2013, Ferguson's municipal court issued nearly 33,000 arrest warrants to a population of just over 21,000, generating about \$2.6 million dollars in income for the municipality. That same year, the St. Louis county and city municipal courts acquired more than \$61 million in fines and fees, accounting for almost half of all fines and fees collected by the municipal courts throughout the state. The top twenty-one "collectors" were municipalities that generated at least one-third of their revenue from court fines and fees, where, on average, 62 percent of the residents were Black and 22 percent lived below the poverty line.³³

Yet talk of "Black-on-Black" homicides, sagging pants, and teen pregnancies almost always dislodges the focus from state violence. This classic bait and switch forecloses a deeper interrogation of the ways that state violence manifests in neoliberal policies (for example, in the erosion of the public safety net and the privatization of necessary services such as health care and transportation—that is to say, policies rendered logical under a racist security regime and that produce scarcity, environmental and health hazards, poverty, and alternative economies rooted in violence and subjugation). The prime target of neoliberal violence has been our youth, our children. Let's not forget that Kalief Browder, Mike Brown, Tamir Rice, Ayana Stanley-Jones, and others were children when the bullet, the jail, or the prison took their lives.

We see the consequences of neoliberalism in the laws that make it easier to prosecute juveniles as adults, in the deluge of zero-tolerance policies that mandate unconditional expulsion of students for possession of any weapons or drugs or other violations on or around school grounds, in the startling rise of expulsions and suspensions. Problems that were once handled by teachers, principals, and parents are now remanded to juvenile and criminal courts and the police. Crisis, moral panics, neoliberal policies, and racism fuel an expansive system of human management based on incarceration, surveillance, containment, pacification, lethal occupation, and gross misrepresentation. The toxic mix of privatization, free-market ideology, and a "punitive state" come

33 Erika Hellerstein, "It's Racist as Hell: Inside St. Louis County's Predatory Night Court," *Thinkprogress.org*, April 10, 2015; Better Together, "Public Safety—Municipal Courts," October 2014, bettertogetherstl.com.

together in our schools.³⁴ Those who survive the school of "discipline and punish" and high-stakes testing are faced with increasingly narrow opportunities for higher learning and social advancement. Mike Brown is a perfect example. He was, after all, "college-bound," a fact cited as evidence that his death was unwarranted and that he was a victim of misrecognition. But what did "college-bound" mean for Brown?

He graduated from a high school in the Normandy school district, one of the poorest, most racially segregated districts in the state that had ranked last in overall academic performance and had just lost its accreditation. He planned to attend Vatterot College, a chain of for-profit trade schools that have come under investigation for charging exorbitant tuitions, saddling students with debt, and failing to deliver the promised skills that could ensure secure employment. A congressional report documented numerous student complaints at the Missouri campus, ranging from poor teaching and ill-equipped labs to an exceedingly high instructor turnover rate. In 2009, Vatterot's profits exceeded \$26 million, while a year earlier over 26 percent of the students had defaulted on their loans.³⁵

The proliferation of for-profit "colleges" and the dismantling and shrinking of public community colleges is a consequence of the neoliberal state's expansion. What appears as a "free market" solution to replace a bloated state is actually a partnership: the federal government underwrites these privatized, virtually unregulated institutions, which in turn buttresses US militarism. In 2010, 88.1 percent of Vatterot's total revenue came from the federal government: 86.9 percent from Title IV federal financial aid and the rest from Department of Defense Tuition Assistance and post-9/11 GI Bill funds. While educating veterans is an important and noble goal, Vatterot's website boasts that the school is "military friendly" and "ranks nationally in the top 15% of

34 Annette Fuentes, "Arresting Development: Zero Tolerance and the Criminalization of Children," *Rethinking Schools* 26, no. 2 (Winter 2011–2012): 18–23.

35 Nikole Hannah-Jones, "School Segregation, the Continuing Tragedy of Ferguson," *ProPublica*, December 19, 2014; U.S. Senate Committee on Health, Education, Labor and Pensions, *For Profit Higher Education: The Failure to Safeguard the Federal Investment and Ensure Student Success*, Vol. 1 (Washington DC: US Government Printing Office, 2012), 761–770.

all schools providing military educational services.³⁶ In other words, Vatterott targets veterans, redirects their meager benefits into its own coffers, and promotes US militarism in the process.

Yet veterans are not their main targets. Vatterott recruiters are instructed to pursue students like Mike Brown—Black and Brown, poor and vulnerable. According to internal documents, recruiters are told that promising enrollees are convicted felons, people in drug rehab, “Welfare Mom w/ Kids ... [and] Pregnant Ladies,” people whose “decision to start, stay in school or quit school is based more on emotion than logic ... Pain is the greater motivator in the short run.” Brown’s life was cut short, but had he lived he would have faced the prospect of a slow death, of bearing enormous debt without the prospect of a fulfilling livelihood while continuing to navigate a world of constant surveillance and harassment.

“Pain is the greater motivator in the short run” is the perfect mantra for neoliberal logic. That is to say, pain and profit. Pain, or bearing witness to pain, is also a motivator “in the short run” for ending the thuggery of the state. For every young person we bury, there are ten more driven to act against state violence, criminalization, and immiseration. We see them in Ferguson and St. Louis, Missouri, in organizations such as Hands Up United, Lost Voices, Organization for Black Struggle, Don’t Shoot Coalition, and Millennial Activists United; we see them erupt phoenix-like in Florida with the Dream Defenders, in Chicago with We Charge Genocide and the Black Youth Project 100, in Los Angeles with the Community Rights Campaign, all over the country behind the banner #BlackLivesMatter.

We see them in the form of Dreamers and 67 Suenos (the 67 percent of undocumented youth who are not college-bound and thus excluded from the Dream Act’s provisions), taking new “Freedom rides” on the Undocubus under a banner reading “No Papers, No Fear,” fighting SB 1070 in Arizona and defending ethnic studies, taking on NYPD “stop and frisk” practices and the exportation of broken windows theory around the country, and everywhere backing people around the world

who remain subject to US warfare and violence unleashed by late imperial policies, to water privatization and enclosure, to occupation and ongoing settler colonialism, to the poverty, low wages, and modes of neoliberal governance that have stripped most of the planet of any semblance of democracy.

These activists and revolutionaries are our children. They are on the front lines resisting their own criminalization, fighting to demilitarize schools and streets, and taking on the state directly. Pain may be the motivator in the short run, but love is their long-term motivation. They are trying not only to stop state thuggery, but also to create a new community dedicated to a post-racist, post-sexist, post-homophobic, and post-colonial world.

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36 US Senate Committee on Health, Education Labor, and Pensions, *For Profit Higher Education* (2012), 758, gpo.gov/fdsys/pkg/CPRT-112SPRT74931/pdf/CPRT-112SPRT74931.pdf; quotations from Vatterott website, vatterott.edu.