THE CURIOUS CASE OF TRAYVON MARTIN

AT CLOSE RANGE

UNIVERSITY OF FLORIDA, LEVIN COLLEGE OF LAW
CENTER FOR THE STUDY OF RACE AND RACE RELATIONS
10TH ANNUAL SPRING LECTURE
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The Center for the Study of Race and Race Relations (CSRRR)

Mission
The CSRRR is committed to de-stigmatizing race. With the objective of fostering communities of dialogue, the Center embraces historically and empirically based thinking, talking, teaching, and writing on race. To this end, the Center creates and supports programs designed to enhance race-related curriculum development for faculty, staff and students in collegiate and professional schools. Of the five U.S. law schools with race centers, the CSRRR is uniquely focused on curriculum development.

Vision
The Center for the Study of Race and Race Relations (CSRRR) is an academic research and resource center. The Center's mission will be met through the work of various groups engaged in a wide range of activities. This work includes:

- Producing, supporting, and highlighting race-related scholarship within and beyond the UF community
- Gathering, analyzing, and sharing historical and contemporary knowledge about race and race relations
- Developing and supporting, through teaching, research, writing, and workshops, race-related curricula for collegiate and professional schools
- Fostering non-stigmatizing ways of discussing issues of race and ethnicity, including African Americans, Latino/as, American Indians, Asian Americans, and Whites

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**Acknowledgments**
Newspaper headlines, website pop-ups, nightly news broadcasts, and cable series constantly bombard us with images and stories of criminal activity. As a society, we are practically swimming in criminal tales. Sadly, this immersion results in a collective numbness—a “what else you got?” kind of reaction to the latest breaking news of crime. We steel ourselves and reserve our emotions for the most heartbreaking cases involving egregious acts of violence.

The Trayvon Martin case is one of the few cases that managed to rise above the din of our crime-soaked headlines. The case involved the shooting death of seventeen-year-old Martin, who was African American. He was killed by George Zimmerman, a twenty-eight-year-old White Hispanic male and neighborhood watch member in Sanford, Florida. The 2012 case struck a different nerve in different people. For me, Martin’s killing caused an emotional churning. What really unsettled me was that his killing made it clear that there was yet another layer in the fear hierarchy for young Black men and the people who love them. We need to worry about violence that Black men may face at the hands of other Black men (check). We need to worry about violence that Black men may face at the hands of the police (check). Now, here was the Martin case providing irrefutable evidence that we also need to worry about violence that Black men may face at the hands of private citizens acting as if they were police officers.

What was also unsettling was that Martin’s death was so senseless and unnecessary. There were so many other actions that George Zimmerman could have taken besides exiting his vehicle with a loaded gun in pursuit of Trayvon Martin. The flagship indignity, however, was the fact that more than 45 days passed before the State Attorney’s office filed murder charges against George Zimmerman.

The case also tapped into research I have done on perceptions of race, perceptions of crime, and the meaning of justice. This includes research that has focused on the fact that Black men are the repository for society’s image of crime and deviance, what I have labeled the criminalblackman.1

I kept wondering what would have happened had Martin been a 17-year-old White Hispanic young man and Zimmerman a twenty-eight-year-old Black man. Here’s a re-visualization of the victim and offender I found online:

Same outcome?

On March 20, 2013, the Center for the Study of Race and Race Relations (CSRRR) held its tenth annual Spring Lecture. To mark this event, the CSRRR hosted a symposium on the Trayvon Martin case. We invited scholars from the University of Florida (UF) to present research on issues raised by the case. We assembled scholars representing a range of disciplines, including political science, philosophy, history, Eng-

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lish, sociology, criminology, journalism, and education. The panel presentations were rich and provocative. Following the event, we asked the panelists to prepare articles based upon their Spring Lecture presentations. In this collection of articles, the scholars have refined and expanded their panel presentations.²

The goal for this collection is three-fold. The first goal is to highlight some of the key social issues raised by the killing of Trayvon Martin. The second is to examine these issues through a wide array of academic prisms. The third is to demonstrate that these issues have historical roots. As these essays attest, the issues raised in the Martin case are neither new nor novel. The issues however, provide an opportunity to examine how race matters in society and more broadly in the administration of criminal justice.

The symposium proceedings begin with Charles Blow's provocative and thoughtful keynote address. Blow asks us to consider how we evaluate victims and how we determine who is worthy of our sympathy and media space. His keynote is followed by nine trenchant essays authored by UF faculty. These articles address a range of topics. Some articles focus primarily on the facts and findings in the Martin case. This includes a look at how the national and international media portrayed Trayvon Martin and George Zimmerman, an empirical evaluation of college student responses to a mock case, and Florida's Stand Your Ground Law. Other articles focus primarily on structural analyses of the Martin case. This includes a look at how the Black/White binary impacts discussions of race, the educational system's role in teaching racial stereotypes, and how existing images of drugs impact public perceptions of crime victims.

We hope you find the articles in this symposium issue engaging, thoughtful, and provocative.

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² At the time the 2013 Spring Lecture was held, George Zimmerman had been charged with second-degree murder in the death of Trayvon Martin. His trial began two months later, in June, 2013. The six-member jury returned a not guilty verdict on July 13, 2013.
Today I am going to talk to you about what I call journalism and justice and how those things have coincided in the case of Trayvon Martin or overlapped in the case of Trayvon Martin. …On February 26, 2012, Trayvon Martin, a seventeen-year-old boy from Miami Gardens, is in Sanford, Florida with his father. They are there to visit the father’s girlfriend who lives in a gated community. This is a gated community not like what some people think of gated communities. This just has a gate to stop cars. It does not have a gate that has an armed body in it that stops people from coming and going, so you can walk right around the gate.

Trayvon has gotten in trouble at school again. He has been suspended from school for the third time. Before he was suspended for tardiness and graffiti, this time he is suspended for 10 days for having a bag with traces of marijuana. His father Tracy has had enough. He took Trayvon with him so he wouldn’t have to be on the streets of Miami while he was suspended and he also says he wanted to talk some good sense into that boy. You know there’s nothing like a good road trip for a good heart-to-heart, trapped in a car.

On the night of the 26th Trayvon is at the father’s girlfriend’s house with her son, his name is Chad and they are watching television and the way the story goes is that the father and the girlfriend are out to dinner. Trayvon decides that he wants iced tea from the store that’s not really a corner store but it’s kind of down the way at another corner. He asks Chad if he wants something, Chad says yes, I want Skittles. Trayvon leaves. There’s a light rain out, Trayvon has a hooded sweatshirt on. He puts the hood up on his shirt. Trayvon goes into the store, he pays for the items. On the video he seems to motion in some way. Some people say that he may have been asking for something from behind the counter. But because we don’t have the audio there we don’t know if that’s the case or not, but at that point he leaves the store. There’s surveillance footage of all this entire exchange obviously. On the way back he is taking his time.

According to his family’s lawyers, he is on the phone with a girlfriend which would make sense…(if) you know how these kids are. I have a 19-year-old; they walk slow and talk about… nothing on the phone with a girl.

He catches the attention of George Zimmerman, a resident of the gated community, a member of the Neighborhood Watch program. Now there have been burglaries in this community. Zimmerman himself arranged a neighborhood crime watch program to combat the crimes that the neighborhood has been having and they in turn - the neighbors in turn, designate George Zimmerman as the captain of this watch group. When the Sanford police come to explain the guidelines they make it very clear that a Neighborhood Watch volunteer did not have police powers, should not be armed, and should not be vigilantes. Not only is Zimmerman present, he is the person who invited them and he is like the coordinator of the watch group.

The night Zimmerman encountered Trayvon Martin he is wearing a holster on his waistband and in it is a 9mm hand gun. Zimmerman calls the police to report Trayvon, whom he describes as a real suspicious guy. He says that the guy seems to be “up to no good,” like he’s “on drugs or something.” He is in a gray hoodie and he even identifies him as being probably in his late teens. When they ask him to describe him further on a racial basis, Zimmerman submits that he looks like he’s Black. Zimmerman’s father just for the record- his background is that his father is White, his mother is Hispanic. Zimmerman asked the person on the phone how long would it take for the police to arrive because quote: “These assholes, they always get away.”

According to his family’s attorney, Trayvon tells his girlfriend on the phone that someone is watching him. The girlfriend tells Trayvon to run, Trayvon says no, but that he will walk fast. Zimmerman tells the dispatcher that the suspicious guy is running and then Zimmerman who has been watching from his vehicle exits that vehicle to follow the boy. This is beyond the bounds of what the Neighborhood Watch volunteer has been instructed to do by the police and he is the captain of that watch group and he leaves that vehicle with the gun strapped to his body which he has been told that is not something that you should do.
The dispatcher asks Zimmerman if he is following the boy. Zimmerman says that he is and the dispatcher says ok, we don’t need you to do that. The call soon ends.

What happens in the next few minutes is murky, but also the all important part of this case. Somehow Trayvon and Zimmerman encounter each other and engage in a physical altercation. It ends with Zimmerman shooting Trayvon in the chest. Witness accounts to the extent that they even exist are sketchy and in some cases contradictory. When the police arrive they take Zimmerman into custody.

Trayvon's body is tagged as a John Doe and taken to the medical examiner’s office. At the police precinct Zimmerman is interviewed. The lead investigator does not buy Zimmerman’s version of the story. He wants to charge Zimmerman with something in the boy's death. He is overruled by his supervisors and Zimmerman is released with no charge. As far as the police are concerned that is the end of that case. When Tracy Martin and his girlfriend return home, Trayvon is not there. Tracy calls Trayvon’s cell phone repeatedly but there is no answer. Now why does this case resonate so much for so much of this country?

As Juan Williams wrote somewhat snidely in the Wall Street Journal, “Nationally nearly half of all murder victims are black. In the overwhelmingly majority of those black people are killed by other black people. Where is the march for them? It is true that black-on-black crime in general, and black lives being taken by other black people is a tragedy and any life taken is a tragedy. But this case for many people wasn’t about an extraordinary death, but about the extraordinary inequity in the pursuit of justice and the misapplication of the presumption of guilt. This was about a man who was found standing over a dead body and was able to talk his way out of a police precinct. Who was deserving of the presumption of guilt or innocence in this case? The dead boy with the candy or the man standing over his body with the gun?

Furthermore on a pure storytelling level, the story had all the elements of a great story. Guns and murder, a boy and a suspicious man, racial profiling and threat responses, and in particular it raised some tough questions. Why did George Zimmerman find Trayvon Martin suspicious, which were his words when he first called 911. What about Trayvon Martin provoked what appeared to be a threat response in George Zimmerman even though he was armed and inside a vehicle? Why did he pursue the boy when a 9-1-1 operator instructed him not to? Why did he get out of the car and why did he take his gun when he did? How is it self-defense when you are the one in pursuit? Who initiated the altercation? Who cried for help? Did Trayvon's body show evidence of struggle? What moved Zimmerman to use lethal force? And another thing in the visual age and I think a kind of uncomfortable truth about what makes this particular case resonate are the images that first emerge of the both of them.

The image of George Zimmerman is not a flowery image of him and the image of Trayvon Martin is a very handsome, very young-looking boy. One way to understand this is to understand this in the context of what media critics have called “Missing White Woman Syndrome.” Right? So, “Missing White Woman Syndrome” for people who do not understand it is that in the cases of people who are either missing or dead, the extraordinary amount of coverage goes to people who are female, Caucasian, young, attractive and disproportionately upper or high income. Right? So think about for a second the last time you saw JonBenét Ramsey coverage for any woman who wasn’t young? Think about the last time you saw that kind of coverage for any man regardless of race whatsoever. Think about all the other kinds of people who exist in the world who do not fit that category and see if you can match the coverage that you get when the victim or the missing person fits, checks all of those boxes and it’s very hard to find a corollary. Right? So that’s what media critics call that phenomenon. Now obviously Trayvon's not wealthy, he's not white, he's not a woman, but what I think that phenomenon gets to is the issue of traditional ideas of beauty in society and the overlap between how beauty and value overlap and why, and our need to protect and defend that as a source of innocence. What Trayvon did represent was young, handsome and presumably innocent and in the context of that it's sort of a phenomenon.

You can call this another kind of phenomenon like black, young, innocent boy, but you know, there was another panelist who talked earlier on Emmett Till. The one thing that people don't often talk about in the Emmett Till case is that Emmett Till was a very handsome young man. When people in Jet magazine saw Emmett Till's face before the beating, he is a strikingly handsome young man, and part of what that beauty quotient does is it amplifies outrage. It doesn't substitute for it but it amplifies it within the larger media context and the larger political context and the larger social context. So if you have a base in which you already see that there is something wrong, if there's a beauty quotient that you can layer on top of it, it amplifies public response in those particular cases. So one of the bigger things in Emmett Till's case was the destruction
of beauty. This gorgeous young man is reduced to this image and that I think plays into the Zimmerman-Trayvon Martin case. Is that image of Trayvon as a young, handsome, innocent, who, in addition to the facts of the case that innocence, becomes something that we want to protect as a society. That's for you academics to toddle along and go figure out but what I think that we have to consider that as an amplifier among the public. Another issue raised is that it's about the role of social media and modern journalism.

The closest comparison to this case is and I cannot find a real comparison to this case, but the closest one may be the OJ Simpson case and that case is kind of reversed of this case. But during that case there was no social media. There was no Facebook, there was no Twitter. There were no real blogs to speak of. The environment was completely different. In fact, the way I first heard about this case was people started to tweet me and say are you going to say something about this Trayvon case? What are you going to say about this kid who got killed in Florida, and I had no idea at that point who Trayvon Martin is, I don't know what this case is, but people continued to put that into my Twitter feed and one week I thought on a fluke, I just googled his name and it seems to me to be a very interesting case but I am not sure how, what I could help to bring to this particular case.

I'm not in Florida, I'm not going to Florida. Um, and you know, what can I write from my perch in Manhattan? But there's some strange things about this case including this idea that there is absolutely no charge. I wasn't convinced that I'd write about it until I actually got an interview with his mother and I decided to just write about it on a personal parental level because I have kids about that age.

This leads to another issue raised in this particular case which is the role of diversity and the media. Aside from you know, local Florida newspaper and television coverage, the only people who seemed to be giving significant coverage on a national level were relatively young black men like me. People like Tremayne Lee at the Huffington Post, Ta-Nehisi Coates at The Atlantic, and some of those writers seem to burn with a kind of personal passion in this case. In my first column on the case I was unapologetically personal, and I hope passionate. In that column which was on March 16, 2012 I wrote:

As a father to black teenage boys, this case hits close to home. This is the fear that seizes me whenever my boys are out in the world, that a man with a gun and an itchy finger will find them suspicious, that passions will run hot and blood run cold and that it might all end with a hole in their chest and a hole in my heart, that the law will prove insufficient to solve my pain. This is the burden of black boys in America and the people that love them running the risk of being descended in the dark and being caught in the cross hairs of someone who crosses the line.

Many other writers followed with equally personal approaches. Two days after my column, Jonathan Capehart of the Washington Post wrote:

Reading about Trayvon Martin reminds me of the list of don'ts I received in my sheltered existence in Hazlet, New Jersey and when that was replaced with a reality in Newark when my mother remarried in the 1980s.

Here are his list of don'ts: “Don't run in public lest someone think you're suspicious, don't run while carrying anything in your hands lest someone think you've stolen something, don't talk back to the police lest they give you a reason to take you to jail or worse.

CNN's weekend anchor, Don Lemon, who covered the case extensively, told the New York Times, and I quote:

On this story there's a certain degree of understanding that comes from minorities, particularly African-Americans just because we've lived it. All of us, black men in our thirties, and forties, all of us born after the Civil Rights movement, all of us saw mass incarceration of black men up close. All of us were part of the crack epidemic and the war on drugs, all

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3 Mr. Blow is referring to Professor Amy Ongiri’s presentation. Her paper, “I am Trayvon Martin”: Visual Culture, Trauma, and the Incarceration Crisis” is included in this volume.
of us are of that age and what would have happened to this particular case if we did not have the platforms that we have.

Another issue is partisan influence-theological coverage and public perception. On March 23rd, responding to a request for comment, President Obama called it a tragedy and said that when he thought about the case he thought about his own kids and then he said, “If I had a son, he’d look like Trayvon.” Why did he say that? Um, if the case wasn’t already infused with enough rage and politics, it ensured that it would be. This was no longer a simple case of a boy and a man in Florida. This was a case about a liberal and conservative worldviews. Many liberals argued for justice for Trayvon, many conservatives warned against a rush to judgment and a Lynch mob mentality.

During the OJ trial, in addition to their being no blogs to speak of, there was also little partisan cable TV. There was no Fox News, there was no MSNBC. People got their news from newspapers, network news stations, and CNN headline news and all of those places were trying as best they could to be objective and down the middle line. That has changed and the lawyers for both sides of this case took advantage of that change and sought out sympathetic media coverage. The lawyers for Trayvon’s family hired a PR agent. When I got an interview with his mom, we went through a PR agent to get that interview and his lawyers and many liberal commentators became fixtures on MSNBC discussing the case. Zimmerman directly reached out to Fox’s Sean Hannity and gave Hannity his first interview which was a complete disaster, but that was his venue of choice and to the degree that there was different areas, different parts of the media that covered this case, they covered them in different ways, and that meant that as Pew found in a poll on April 3, twice as many Democrats were following the case closely as Republicans and more than twice as many Republicans thought the case was getting too much coverage as Democrats. Then there were the cases where the media just crossed the line completely. NBC fired a producer for editing Zimmerman’s 9-1-1 case to suggest that Zimmerman had volunteered the description of Trayvon as black rather than a response to a question.

On Fox News, Geraldo Rivera said that, “I think the hoodie is as much responsible for Trayvon’s death as George Zimmerman was.” Which is ridiculous. This is like the classic rape defense. What the victim was wearing invited the violence. There is nothing that you can wear, that is an invitation for someone to rape or kill you. A post on Redstate.com, which is a big conservative site said, “The left is in full spin mode now, that the crazies of the new Black Panther party have assumed the spotlight in the Trayvon Martin controversy. They are an in fact an arm in the Democratic party then.” I have never met a member of the new Black Panther party. I have never met anybody who has met any member of the new Black Panther member party. I have never met anyone who has ever defended anybody in the new Black Panther party. Some outlets like NPR’s news hour initially labeled Zimmerman as white. Although it is unclear if that is how he self-identified. Other people got around this description by describing his appearance, background, and leaving out the racial designation. In my column I simply put it this way. Trayvon’s black and Zimmerman is white. I had no idea [how] this guy identified himself. Hispanics can be of any race, you do not have to identify yourself as white. You can, it’s up to you. No one knows and so everybody who kept identifying George Zimmerman as a white guy was you know, playing into kind of racial constructs that are flimsy at best.

Business Insider had to publish this correction. This is an amazing correction: After posting an image from a Neo-Nazi site, the Neo-Nazi’s Storm Front that was supposed to be Trayvon, but was not him. Somebody showed this image earlier. You know, the kid without the shirt. There are images circulating online that are supposedly other pictures of Trayvon Martin. We saw one on Storm Front. We should have stopped you right there. A racist message board. It was embedded with other pictures purportedly to be Trayvon that the Miami New Times points out that it is not Trayvon Martin. One conservative website has already apologized for publishing:

We originally published the entire image found on Storm Front which originally included two photos but we took the second down when we found it wasn’t Trayvon Martin. There is also a question as to whether the other is Trayvon. We have now removed both.

Stop going to the Neo-Nazi’s websites to get your assurance. The other picture was what appeared to be Trayvon Martin with grills in his mouth. Some cosmetic dental jewelry you snap a band over your teeth or
something, and this was supposed to suggest that he's a thug. Basically you know, you have to reduce the
beauty quotient so that you reduce sympathy for the person. Like you have to create, make the person into
a monster visually. So you reduce everything. But everything, every attempt at that seemed to fall short to
me. You know, I'm from Brooklyn. Sweat shirts, saggy pants, that's a skate boarder in my neighborhood. I
don't know that doesn't say Black to me, that just says skateboard. Grills, this past summer we had a gold
medal swimmer on the stand with grills in his mouth. Nobody said, thug once. Crass maybe, but nobody
said thug. Every time they try to suggest that the way he behaved, the things that he wore suggested that
he was not worthy of life past February 26, 2012, falls short because there is nothing that you can wear that
gives someone license to shoot you in the chest.

Lastly, I want to discuss the question that this case raised about the overlaps of advocacy active in
activism and journalism. Now, I'm an opinion writer. I argue for and advocate for positions, I develop
arguments in advance existing in one's. There is no pretense of being a straight news reporter in my job. I
get paid to have an opinion. But even at the Times, views on this can differ. My colleague, Nick Kristof told
Fast Money last January and I quote:

I'm weary of the idea of being an activist or crusader. I'm an advocate as a journalist, but
there's a faint almost wandering line between advocacy and activism. One of the perils of ac-
tivism is that you become so much part of a cause that you lose your objectivity. There could
be a tendency to start speaking for a cause rather than for yourself. I try to navigate this ter-
rain, but frankly there is a lot of blurry lines especially when I'm writing about Darfur.

Which he writes a lot about. “I sometimes worry about where I am in relation to that line. That's a
tricky thing for us. How much are we speaking for ourselves and how much do we become the front per-
son for a cause, and we don't want to become the front person for a cause and that is what I think caused
a lot of consternation in this particular case because some people sought out the opportunity to become a
front person for a cause and that can be dangerous from a journalist perspective because we're very wary of
that idea. There's a stark difference between opinion writers and straight news reporters. And that I think is
relatively well understood in newspaper, but the number of people who are reading newspapers continues
to drop. According to the Pew Research Center the number of people who say they got their news yester-
day from newspapers fell from 56 percent in 1991 to 31 percent in 2010. Increasingly people say they get
their news online although not nearly in the numbers that they once got from newspapers. But online the
line between news and opinion journalism can get even more blurred. Many people don't go to a home
page and navigate from there to the opinion section. They just follow a link that somebody sent to them on
Twitter and they just land there paying very little attention to where they are. Whether they are in news, or
opinion or wherever they just know that they are on the site. And in the heavy social media environment,
news articles and opinions often live side by side. Hard news journalist, opinion journalist, advocates,
activists are equalized in social media and to many readers and viewers they begin to blend together. Many
of these people often have or have open exchanges on social media. I do this, so I am constantly talking
back and forth on social media to straight news reporters. People on the outside just see two people that
they consider to be journalists going back and forth and exchanging ideas and not understanding that in
social media world that news reporter has real constraints on what they can say and I have none. And they
may in fact re-tweet something that I’ve said not because they endorse it but because they think that it's
interesting and they want people to know it. But it seems to a lot of people like it is in fact an endorsement.
So all of this gets very blurry in the public consciousness. Add to that fact those same people sit on the
same panels on television news, so on any given day everybody's going to this panel format by the way in
the news. Any given day there's a straight news reporter sitting next to an advocate, sitting next to an activ-
ist, sitting next to somebody who worked on the Mitt Romney campaign, sitting next to somebody who
worked on the Barack Obama campaign, sitting next to somebody who is an opinion journalist and they
are all discussing things. We are supposed to as a public understand that these people are not coming from
the same place. But that's not the way people understand it when they are watching it on their televisions.

One controversy that emerged from the Trayvon Martin case was over Reverend Al Sharpton and
whether he should be leading rallies for Martin as well as covering the story on MSNBC, his MSNBC
show, Politics Nation. I don't know where that line is. You know, Al has always been an activist and he says
he always will be, but I don’t think that people understand that those are different roles and he’s switching hats. They don’t see that, and I think that that muddies the water when it comes to the public. I struggle with this line and this case as well. I try to be as transparent with my readers about that struggle as possible. In the first column I wrote, I describe that response in the way that I described to you earlier. Stephen Ward, a writer on Media Shift, the blog that tracks how the media evolution is changing the media overall, said that about the growth of opinion journalism courses in journalism schools and how that impacts the very meaning of objectivity. He said and I’ll take this as a quote:

The amount of opinion and perspective journalism in programs today is much greater than in the past and media formats for the expression of this journalism multiplied. One problem is whether the ideal of journalistic objectivity should be emphasized in these changing curricula. The new journalism tends to be more personal. It prefers transparency to objectivity or self-effacing neutrality. Across journalism programs there is a trend towards teaching a respectable journalism that draws conclusions and argues for interpretations. This challenges the previous dominance of objectivity as an ideal.

And that is a huge shift in how we get our news. There was just a Pew poll out that found – they were looking at how much of each cable news station – how much of that coverage is actually opinion, how much is actual straight news. Eighty-five percent of MSNBC’s news coverage is now opinion driven material according to that Pew report. The only place that still has about the same balance of opinion and straight news is CNN. That’s a real shift in how we’re getting our news. People are drifting away from wanting, the appetite for neutrality is changing. We want to live in a cocoon, in an echo chamber where we just hear our own thoughts reinforced over and over again and we have to say what does that say about us as a nation, and in particular, how that reflects on this particular case where people tune into particular places so they can have confirmed whether or not they believe that Zimmerman was innocent or guilty.

I love what I do, but my opining depends heavily on other people’s reporting. I often summarize news reports and formal arguments about what it all means. There’s often an original reporting interwoven there’s almost always reference to what others have reported. But people respond heavily to opinion journalism often disproportionately. I often joke that I can write you know a column about buying a new puppy. It will be on the top of the most email list. That’s just the way it works, you know. Somebody can work three months on an investigative piece about what Iran is doing to acquire nuclear weapons and it won’t make it. And I find that to be a bigger problem because I call that the rise of personality journalism. The marquee names are the columnists, the opinion writers. Reporters who do what I do would consider more important work like you know, war coverage and stuff like that. That’s more important to me. But they will never get the same kind of coverage, same response that I’m getting because it’s not personality driven. We want our news, we want our opinions to be delivered by personalities. I believe we are reaching a dangerous point in America where people want more ammunition than information. People prefer to be affirmed in their beliefs than challenged on their beliefs and I believe that that is what we have seen in the Trayvon Martin case. People know what they want to believe and only listen to sources that confirm it. A distinction between straight news reporters and opinion people is also getting blurry. So to wrap this up, whatever eventually comes of this case will certainly serve as an illustration and I think an incredibly visual vivid one, that opinionated partisan personality driven journalism is a growing force for better or worse and America is responding to it and this case will always and forevermore be seen through that prism.

Thank you very much.
The tragic death of Trayvon Martin reminds all of us, sadly, that the goal of equal justice under the law remains a distant goal of our society, in Florida and elsewhere. What is particularly striking about the Martin case is that it highlights how pervasive racial politics remain a part of our daily lives, not just in acts of violence but in virtually every activity in which We the People are engaged: education, health care, housing, employment opportunities, income and wealth distribution, public safety, civil rights, and more. The existence of a post-racial society, so loudly trumpeted after the election of Barack Obama to the Presidency in 2008, seems more remote now than ever.

This paper inquires into the status of voting rights under the law, primarily but not exclusively in Florida. It examines two areas of voting rights for African-Americans that raise issues of equity and fairness: early voting and functional disenfranchisement. Its message is clear and unambiguous: in spite of the guarantees of the 1965 Voting Rights Act and subsequent Court decisions such as South Carolina v. Katzenbach, voting rights for African-Americans remain tenuous.

Is there a link between the Curious Case of Trayvon Martin and contemporary African-American voting rights? Mr. Martin was killed as a result of an atavistic Florida statute, commonly known as the Stand Your Ground law. It allows anyone who feels threatened by actions of another to defend him or herself (e.g., shoot the supposed provocateur), essentially with impunity. It is nothing more than a permit or license for vigilante justice. And so Mr. Martin, wearing a hoodie and eating candy, was gunned down, allegedly by an individual who found him threatening.

In decades past, any number of African-Americans were also shot, blown up, beaten, terrorized, and/or tortured for having the temerity to demand the right to vote. One thinks of individuals such as Harry T. and Harriette V. Moore on Christmas Eve in Daytona Beach, Florida in 1951; Fannie Lou Hamer near Greenwood, Mississippi, in 1964; James Cheney (along with two white colleagues) in Philadelphia, Mississippi, also in 1964; Jimmie Lee Jackson near Selma, Alabama, 1965; the list goes on. These individuals were also murdered or harmed by vigilantes who wanted to protect the traditional mores of the segregated South by denying blacks their franchise.

Nowadays, killings, maimings, and beatings of blacks seeking their voting rights have gone out of fashion, but vigilantism has not. Instead, groups and individuals – almost always
connected in some way with the Republican Party – have taken on the task of disenfranchising blacks in spite of the protections of the Voting Rights Act of 1965, sometimes to the extent of defying both law and Federal judges. The effect of their actions may not be as dramatic as a murder, but the desired outcome is the same: African-Americans are denied the franchise, harassed to the extent of inconveniencing and discouraging their efforts to use it, or their franchise rendered meaningless.

Thus the distance between the death of Mr. Martin and attacks on black voting rights by vigilantes is a short one. This paper will highlight just how short that distance is.

**Jim Crow Riding High**

What does the title of this paper mean? “Jim Crow” here does not refer to the late nineteenth century period of laws and Court decisions that were imposed on African-Americans, from the Federal Government on down, to insure that they remained “in their place,” were legitimate objects of discrimination and scapegoatism, and were denied entry into the promise of the American dream.

It refers, rather, to the racial effects and consequences of political decision making, that is, the determination of who gets what, when, and how, and who does not. It assumes, with Jonathan Kozol, that these effects and consequences are a function of how we regard, or do not regard, minorities while public resources are being allocated. When there is a consistent pattern over time that repeatedly and continually makes clear that African-Americans are being short-changed from their fair share of public resources, it is reasonable and legitimate to conclude that “Jim Crow is riding high.”

**Voting Rights**

Why are Florida voting rights an example of Jim Crow riding high? Why is the African-American struggle for voting rights still going on? Isn’t the 50+ years since passage of the Voting Rights Act enough time to have cemented voting rights for all in place?

The answer, aside from the influence of Jim Crow, is how voting rights are viewed in this country. They are not guaranteed by the U.S. Constitution. Indeed, it is silent on the question of voting rights. As a result, by virtue of the Tenth Amendment, issues of voting, voter qualifications, how elections are conducted, and the like devolve to the States. As any eighth-grader knows, States felt free to trample all over them until 1965, when the Voting Rights Act was passed. It finally provided the right to vote to Americans.

But therein lies the difficulty. Because the Federal government guaranteed the right to vote legislatively, and not via the Constitution, Americans do not take voting rights as seriously as, say, those granted by the First Amendment. They seem somehow second-rate rights. In spite of the fact that the 1965 legislation is not called “The Voting Privilege Act,” Americans continue to regard the right to vote as something that has to be earned, much like a driver’s license. Hoops have to be jumped through, “standards” met, and obstacles overcome, to achieve the franchise.
Matters run even deeper. In spite of the fact that literacy and character tests were abandoned decades and more ago, we frequently hear people – including students in college classrooms – arguing that some individuals should not be allowed to vote because they are ignorant, don’t follow politics or public affairs, or just seem “stupid.” It is not unusual to learn that otherwise qualified voters were denied a ballot at the polling station because they appeared drunk or spoke loudly or wore unconventional clothing, and worse, even though none of these conditions is grounds for disenfranchisement.

Indeed, perhaps the most powerful example of the second-rate status of voting rights is the fact that they are taken from convicted felons, and not always restored after their sentence has been served. In Florida, African-Americans bear the greatest burden of felon disenfranchisement, since blacks are disproportionately represented in the felon population, and the Sunshine State imposes a staggering burden on released felons to restore their voting rights. What this means is that, for many African-Americans, character tests continue to be imposed before they have the right to vote; for those found wanting, the right is denied.

Thus those controlling access to the franchise are in a position to judge who is worthy to vote, and who is not. Whenever largely unaccountable administrative discretion is involved, rights may well be jeopardized. It is no wonder, then, that African-Americans too often find theirs denied.

**Early Voting and Long Lines**

Early voting was first used in the United States in the early 1990s. In Florida it was introduced in 2004, largely as a result of the state’s voting fiasco of 2000. Currently thirty-two states plus Washington, D.C., allow for early voting. There are wide variations in the number of days states provide for early voting; the most is forty-five, the least is two, and the average across thirty-two states is twenty-two days. Twelve of the thirty-two states require that one of the early voting days be a Saturday or Sunday.

Studies have shown that African-Americans view early voting favorably. In 2008 the Lawyer’s Committee for Civil Rights, a prominent voting-rights advocacy group, showed that African-Americans were twenty-six times more likely to use early voting than white voters.

Florida initially permitted a fourteen-day window for early voting, one that included the Sunday before the election. That day was crucial for African-Americans, who in many communities were urged by their ministers to vote following Sunday morning church services.

In May, 2011, the Florida Legislature passed HB 1355, which cut the state’s early voting days to eight, eliminating the “Souls to Polls” Sunday. While it was clear that partisanship played a major role in the change – African-Americans in Florida vote upwards of 90% Democratic – it was also certain that the reason for the change had deeper roots. The deposed former Chair of the Florida Republican Party, Jim Greer, candidly disclosed the reason: race. “The sad thing about that is yes, there is prejudice and racism in the party….” The GOP-sponsored bill truncated African-Americans’ early access to the polls, and voting rights, by 43%.
But cutting early voting was not all. There were interminably long lines as voters waited to cast ballots. They actually began in 2004, when early voting was first used. Lines of two and three hour waits were reported in major urban areas, including Miami, Ft. Lauderdale, Tampa and St. Petersburg, mainly in African-American precincts.

But 2004 was nothing compared to 2012. Long lines were reported nationwide on election day, but Florida led in waiting times. Nationally, the average waiting time was fourteen minutes; in Florida, it was forty-five, the longest. Wait times differed nationally along partisan and racial lines: white voters had shorter wait times than African-American or Hispanic voters (12.7 minutes compared to 20.2 minutes, respectively), and Democrats waited longer than Republicans (15 minutes and just over 12 minutes, respectively). Some Florida voters waited more than six hours to cast ballots. As before, most of the long lines were in African-American precincts, and those of other minority groups.

But here too matters ran deeper. Thousands of people gave up and left the lines entirely, never to vote at all. A study done at Ohio State University estimated that some 50,000 voters were discouraged from voting by long lines, about 60% of whom lived in African-American precincts. A study commissioned by the Orlando Sentinel estimated that over 200,000 voters in Florida gave up in frustration.

Analysts saw the delays in voting in Florida for what they were: political harassment designed to keep Democrats, especially blacks, away from the polls. There are several explanations for long waits to vote: a lengthy, complex, difficult-to-negotiate ballot, increased number of voters, and increased turnout are among them. But given the fact that whites and blacks, Republicans and Democrats, in the same counties had to negotiate the same unwieldy ballots, and that data consistently show that whites and Republicans waited much less time than African-Americans and Democrats, the conclusion is inescapable that the lines were a result of decisions made by state and local voting officials on how resources for polling stations were to be allocated on election day. Limiting the number of early voting days, the number of polling stations, the number of voting desks in the stations, not having enough trained personnel on hand to assist voters at the stations, “slowdown” tactics used by poll workers, in some cases voter “challenges” aimed primarily at African-Americans – all of these and more came into play on election day, 2012, and impacted the time it took to vote. The effect was to make voting far more complicated, difficult, and time-consuming for African-Americans, and Democrats generally, in Florida, than for whites and Republicans.

**Disenfranchisement by Other Means**

Placing stumbling blocks to voting in front of African-Americans or any other group is not the only way of undercutting their voting rights. They can also be assaulted by rendering their votes meaningless. We can call this “disenfranchisement by other means,” or, put differently, “functional disenfranchisement.” There are various ways to carry out functional disenfranchisement, but for this paper we need address only one: apportionment of legislative districts.
Why is apportionment a key part of voting rights? Because it determines the value and meaning of the vote. As Dr. Martin Luther King, Jr., noted as early as 1957, the right to vote has both symbolic and instrumental dimensions; with the former, it conveys first class citizenship, while the later demonstrates the power of the ballot to reflect popular will, elect preferred candidates, and foster social and political change.

But what happens when the vote loses its instrumental quality? Apportionment of legislative districts raises this possibility. It is well known, for example, that for the U.S. House of Representatives incumbency re-election rates exceed 90%. Reelection rates for U.S. Senators and state legislators may not be quite as high, but are still staggering. What this means is that most of these elections are over before they start; the winner is essentially predetermined, unless very unusual circumstances intervene.

Under these conditions, the vote is rendered meaningless, especially if one is not a part of the winning voting bloc. If the individual’s or even group’s candidate(s) of choice cannot win because the “deck” is so stacked against challengers that defeat is assured, the “right” to vote has no meaning. If the vote does not matter, is not then the election a charade, a fraud, a sham?

It is in this sense that we can say voters are functionally disenfranchised, or that they have been disenfranchised by other means than merely being prevented from voting. It is the antithesis of what Dr. King had in mind.

Florida has functionally disenfranchised African-Americans in two ways.

First, the Florida Legislature sharply limits the percentage of the minority party, and members of racial minorities, placed in majority-controlled legislative districts. Table 1 shows the data.
### TABLE 1

<table>
<thead>
<tr>
<th>DISTRICT NUMBER</th>
<th>PERCENT REGISTERED DEMOCRATS</th>
<th>PERCENT AFRICAN-AMERICAN RESIDENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>29%</td>
<td>13%</td>
</tr>
<tr>
<td>2</td>
<td>52%</td>
<td>24%</td>
</tr>
<tr>
<td>3</td>
<td>40%</td>
<td>13%</td>
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<td>4</td>
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<td>34%</td>
<td>8%</td>
</tr>
<tr>
<td>8</td>
<td>33%</td>
<td>9%</td>
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<tr>
<td>10</td>
<td>36%</td>
<td>10%</td>
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<td>12</td>
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<td>35%</td>
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<td>12%</td>
</tr>
<tr>
<td>16</td>
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<td>17</td>
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</tr>
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<td>6%</td>
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<tr>
<td>25</td>
<td>32%</td>
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</tr>
<tr>
<td>27</td>
<td>36%</td>
<td>6%</td>
</tr>
<tr>
<td><strong>MEAN</strong></td>
<td><strong>35%</strong></td>
<td><strong>9%</strong></td>
</tr>
</tbody>
</table>
The first column shows the number of the Republican-Controlled Congressional District in 2013. The middle column shows the percentage of registered Democrats which the Republican majority, dominating the reapportionment process, allowed in each Republican district: the mean is 35%. The last column shows the percentage of African-Americans residents placed in each Republican district; the mean is 9%.

Two conclusions leap from these data. One is that Democrats have essentially zero chance of electing one of their own to the U.S. House in these districts. Political scientists have shown for decades that a minimum of 40% is generally needed for a district to be competitive, unless there are unusual circumstances. Only two districts (2 and 3) reach this level, yet both elected Republicans to Congress in 2012.

The second point is that these Districts are drawn to ensure that African-Americans have no impact on electoral outcomes. In only one district (2) does their representation rise above 20%; the rest are low double and single digits.

But the situation is worse. With such a small percentage of African-Americans in the Districts, the winner is free to ignore them. True, the victor is supposed to represent all the people of the district. But as a political and practical matter, it is no secret that the winner will pay most attention to members of his winning coalition; those on the losing side get short, if any, shrift.

Some might argue that many areas of Florida just do not have enough African-American residents to create districts with significant percentages in them. It’s a bogus argument. The Republicans who were architects of the districts had no trouble drawing lines to ensure that GOP districts would be heavily white and Republican, even as they drew lines that bled Democrats and African-Americans out and forced them into the few majority Democratic districts they designed. Gerrymandering of districts by packing and diluting politically relevant (or irrelevant) groups is standard practice during reapportionment.

There are an infinite number of solutions to the problem of drawing district lines with equal numbers of people. It would be possible to create districts that offer competitive elections to the other party, and minority groups. But in Florida, the Republicans who designed the new districts chose not to do this.

There is further evidence that African-Americans have been functionally disenfranchised through reapportionment, again by sharply limiting the number of African-American legislators. Table 2 shows the data.
TABLE 2

<table>
<thead>
<tr>
<th>YEAR</th>
<th>TOTAL</th>
<th>SENATE</th>
<th>HOUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>12%</td>
<td>13%</td>
<td>12%</td>
</tr>
<tr>
<td>2003</td>
<td>14%</td>
<td>18%</td>
<td>13%</td>
</tr>
<tr>
<td>2009</td>
<td>16%</td>
<td>18%</td>
<td>16%</td>
</tr>
<tr>
<td>2013</td>
<td>17%</td>
<td>15%</td>
<td>18%</td>
</tr>
<tr>
<td>MEAN</td>
<td>15%</td>
<td>16%</td>
<td>15%</td>
</tr>
</tbody>
</table>

The first column consists of selected years for the Florida Legislature. The second column, labeled “TOTAL,” is the percentage of African-Americans in the Legislature for the year shown; the mean for the over-20 year period is 15%. Columns 3 and 4, labeled SENATE and HOUSE, show the percentage of African-Americans members of those bodies for the selected years; the means are 16%, and 15%, respectively.

Some will say this is an appropriate level of representation, because for each of the years shown the African-American membership in the Legislature is within a point or two of the proportion in the state population. Again, the argument is bogus. Nowhere in the United States or Florida Constitutions is there a statement that minorities are entitled, or limited, to their percentage in the population.

Rather, because the numbers have not moved in two decades, these data represent a quota, something which many political and judicial conservatives hold anathema. But for the purposes of African-American legislative representation in Florida, apparently quotas are acceptable. The message sent to African-Americans by those who designed the districts is: this is what you get, and that’s all. Yet, as mentioned before, it would be possible to design districts which offer the possibility that African-Americans, or other minority groups, could increase their legislative representation. But it has not happened.

Packing and diluting and limiting minority group access to potentially greater levels of representation is a direct assault on their voting rights. The practice imposes a “black ceiling,” beyond which the number or percentage of African-Americans in Congressional Districts or the Legislature cannot extend. This unsavory and unfair practice is exactly analogous to those faced by Jews wanting to become doctors in the first half of the twentieth century, and by contemporary women facing a “glass ceiling” in much of business and corporate life.

Conclusion

Examining such recent voting practices as early voting and the length of voting lines, and disenfranchisement by such other means as legislative districting, reveals how high Jim Crow rides in the political culture of Florida. We have seen that in the Sunshine State, the consistent pattern resulting from political decisions about African-American voting rights works to their detriment. Indeed, we have shown that just as vigilantism killed Trayvon Martin, so has vigilantism in the form of unfair and in some cases illegal attacks on black voting rights.
succeeded in keeping African-Americans from the full exercise and meaning of their franchise. And just as Mr. Martin must continue his search for equal justice under the law from the grave, so also must Florida’s African-American voters continue their too-long struggle for just and fair voting rights in the State.

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References


NOTES

1 In recent years, perhaps no aspect of voting rights has achieved more attention than state Voter
4 Florida Statutes 776.013, “Justifiable Use of Force.”
5 Plessy v. Ferguson, 163 US 537 (1896); President Woodrow Wilson went out of his way to segregate the U.S. armed forces, and Washington, D.C. generally; instances at state levels are too numerous and well known to mention, but see V.O. Key, SOUTHERN POLITICS (New York: Vintage, 1949); C. Vann Woodward, THE STRANGE CAREER OF JIM CROW, 2d. rev. ed. (New York: Oxford University Press, 1966); John Hope Franklin, RACE AND HISTORY: Selected Essays (Baton Rouge: LSU Press, 1992); and Franklin, FROM SLAVERY TO FREEDOM, 9th ed (New York: McGraw-Hill, 2010).
8 Even as this paper is being written, the Voting Rights Act, Section 5 in particular, is under serious attack in the United States Supreme Court.
9 Scher, p. 11.
10 Political scientists have known, since the 1930s, that the single greatest obstacle to voting, and improved voting turnout, in the United States is our continuing insistence on antediluvian, arcane, overly-complicated and arbitrary systems of voter registration, administered in different ways by different states. The effect of this administrative and policy variance is to raise questions about equity, fairness, and even whether becoming a recognized voter in a state is a federally guaranteed and protected right at all, since there is no transferability between or across states. Other democratic countries have simplified the registration process considerably with no harm to the integrity of their elections. As of this writing, North Dakota in the U.S. does not require any form of voter registration, and there is no evidence that its elections are more corrupt than in other states.
12 Full discussions of how literacy, character, and other tests were applied and used against African-Americans can be found in Key (1949), Woodward (1966), Lawson (1976), Franklin (2010), and many of the other sources listed below. Discussion of the
discretionary and usually non-accountable power of local voting officials to disenfranchise fully registered voters for weird or aberrant behavior at the polling site can be found in Scher (2011).


20 The bill was signed by recently-inaugurated Tea Party GOP Governor Rick Scott.


Scher, 2011, Chapter 6.


Space only allows us to look at Congressional districts, but it is more than a reasonable supposition that the same would be true for State Senate and State House districts.

In 2010 Florida voters approved two Fair District Constitutional Amendments which were supposed, among other things, to disallow partisan gerrymandering and incumbency protection...
in drawing Congressional and legislative districts. Although the new standards were approved by the Courts, the Legislature did not allow them to affect its usual way of engaging in reapportionment through gerrymandering of politically undesirable groups, in this case Democrats and African-Americans.

34 As measured by US Census data for those years.
35 In 1992 Democrats still controlled the Florida legislature. Nonetheless, in a political stroke of Machiavellian proportions, the Republicans managed to split white and black Democrats on the issue of how many “majority minority” districts would be allowed, thereby determining how many black legislators would be elected. GOP members, who by 1992 constituted a sizeable plurality in the legislature, held the balance of power and were thus able to broker the final number of “black” districts. The results are shown in Table 2.
Racism in a Black White Binary:  
On the Reaction to Trayvon Martin’s Death

PETER WESTMORELAND  
University of Florida

Charles Blow, visual Op-Ed columnist for the New York Times, illuminated the significance of Trayvon Martin’s death in his piece “The Curious Case of Trayvon Martin” through one question in particular: Why did George Zimmerman find Trayvon Martin ‘suspicious’? He writes of his own worry “that a man with a gun and an itchy finger will find [Blow’s own two black teenage sons] ‘suspicious.’” Blow names race as the salient concern: “One other point: Trayvon is black. Zimmerman is not.” Notice that Blow’s claim explicitly relies on a binary conceptualization of race and racism: black and non-black. Thinkers have recently paid critical attention to this idea. In this paper I examine how a black-white binary paradigm, which conceptualizes blacks and whites as the two predominant races and conceives all racism according to anti-black racism, determines the race discourse surrounding the Trayvon Martin case for its first three weeks. This binary has great force, and while it seems like it cannot circumscribe everything that we mean when we use the discourse of race, there is a compelling argument that race and racism are essentially binary structures. By dealing with that argument I work to free thinking about oppression from binary race discourse so as to address victims better.

I first describe race binary in general through a position derived from Foucault. I then appeal to work by authors who agree that, while important especially for understanding anti-black racism, race binary constrains discourse about other forms of racism by either assimilating them into forms associated with anti-black racism or silencing them. Accordingly, these authors, who I call racism pluralists, wish to deconstruct the binary: by treating racism as operating differently in regard to different social groups, we can provide more specific and effective resources against these various forms of racism. However, the Foucault position indicates that racism is essentially binary: a challenge to the pluralist view. Though this reading of Foucault is not decisive, it is instructive because it allows us to see that some attempts to expand the concept of racism beyond the binary and distinguish many forms of racism may actually yield impediments to recognizing the multivalent nature of oppression. To conclude I offer another option which requires delineating myriad racial and nonracial forms of oppression and recognizing the force of race binary so as to use it as a productive tension.

Foucault’s Race War

In his “Society Must Be Defended” lectures, Foucault tracks a mode of historical discourse, emerging in the early modern era, that treats race war as a binary structure fundamental to conceptualizing some European societies (Foucault 18-9, 60). “Race” in
this context “designates a certain historico-political divide,” he explains (77). The division is of a nation into two races with different origins and practices. Various concepts can be used to articulate the racial divide: differences in geographical origins, ethnicity, language, or savagery and barbarism, for example (60). Regardless, the link between the two races is “a link established only through the violence of war” whose form is a “permanent confrontation” (77, 69). The “us versus them” war structure, about which Foucault is cautious but which he ultimately seems to endorse, indicates that race discourse, at least in this early formulation, essentially operates as a binary and that racism is an inevitable part of that discourse. Foucault calls this early modern race discourse “external racism” because the races are defined as populations exterior to one another, separable in theory although perhaps mixed in the same territory. Its contrast, internal racism, is a historically later phenomenon in which one race exists as a constant social threat interior to the social body. This race is a deviation from the “superrace” or “one true race” that is “entitled to define the norm[s]” that govern society. In the analysis of internal racism Foucault modifies his schema from a binary of two races to a monism of one population with multiple elements potentially identifiable racially (61). On either account, race is a way of conceptualizing a division between somehow distinguishable social groups in perpetual conflict.4

Is the monism of internal racism still a kind of binary? I think it is: let us briefly tease out some reasons for the shift in conceptualizing race discourse from binary to monism. The shift indicates a difference in how a population is conceived: the binary of races “exterior to one another” (deux races extérieures l’une à l’autre) conceives races to be fundamentally distinct from each other, whereas the monism of “internal racism” (un racisme interne) signifies a social body admitting differentiation of its own parts. The shift also delivers a difference in tactics: in monism, multiple, heterogeneous elements of the state may bear the title of deviant from the one true race and may remain dissimilar in their deviant acts yet similar in classification as deviants; the binary distinction, to the contrary, paints all combatants into one specified camp or another. Most importantly for Foucault, monism lends a conception of biological sameness to all members of the population that can then be used in a discourse of purity so that deviant elements may be identified and extracted to “purify” the race; purity is a value concept absent from the binary. Despite these differences in articulation of the theory of races, however, almost all of the most important qualities of the binary remain present in the monism. In particular, the race discourse in its racism maintains the “us versus them” war structure (Foucault 257). Furthermore, Foucault’s monism continues to describe race according to duplication (le dédoublement) and to refer to “one true race” and “the other race,” the one and the other (61-2).5 No doubt, Foucault is not perfectly clear on this matter, but his continued conceptualization even in his monism of a division into two races allows us to extend analysis in terms of binary through contemporary race discourse.6

Foucault’s race project (as all critics recognize) is radically incomplete, wrong and misleading in parts, and not the primary emphasis of “Society Must Be Defended.” Given space constraints, I leave the soundness of the argument aside (like other philosophers I find it compelling, but under-argued). Nevertheless, we face an intriguing idea with some prima facie plausibility. Race binary is no accident: it is part of the basic
structure of the state. While Foucault’s analyses do not define the race binary in terms of black and white, they do provide a conceptual nexus that allows us to fix a model of race thinking that enables the contemporary black-white binary paradigm. As we shall see, conceiving race as binary, the races as permanent, the relationship between the races as antagonistic, and one race as defining social norms and the other as deviant are all hallmarks of the black-white binary; all that is missing is a theory of visible identity to define the particular differences that this binary form takes to be the relevant differences for the establishment of races. Moreover, this history of race explains the prevalence of race binary throughout early modern and contemporary discourse. It also provides reasons for why it has been and continues to be difficult to think race discourse otherwise than in binary terms. Race binary is not arbitrary to contemporary America, but is a deeply entrenched feature of our understanding of our social structures, implicit or not.

Perea’s Account of the Black-White Binary Paradigm

Let us turn specifically to the black-white binary paradigm through the work of racism pluralists Juan Perea and Linda Alcoff. Perea utilizes Kuhn’s concept of a paradigm to characterize race discourse in the United States. He describes a paradigm as “a shared set of understandings or premises which permits the definition, elaboration, and solution of a set of problems defined within that paradigm.” Put differently, paradigms “define relevancy” and “control fact-gathering and investigation” (Perea 1216). A related feature of paradigms is that they determine what counts as normal (or “normal science”) or anomalous. What is normal is integrated into the paradigm, and what is anomalous is discarded or suppressed (1217).

Perea argues convincingly that normal science for race discourse in the United States consists of a black-white binary paradigm. Perea defines this paradigm as “the conception that race in America consists, either exclusively or primarily, of only two constituent racial groups, the Black and the White” (1219). In other words, only blacks and whites count in race discourse in America. Other groups are either assimilated into blacks or whites or silenced altogether; as Perea writes, “the paradigm dictates that all other racial identities and groups in the United States are best understood through the Black/White binary program” (1220). This paradigm has severe consequences for understanding racism. In brief, it presents the idea that racism only occurs against blacks by whites and that anti-black racism is the best way to understand racism in general.

The black-white binary paradigm fits the discourse around Trayvon Martin’s death like hand in glove. The Orlando Sentinel described Zimmerman as a “white community watch member” and framed public outcry with a quote of an unnamed member of “Sanford’s black community.” After claiming that Martin’s family’s attorneys have portrayed Zimmerman as confronting Martin “simply because he was black and wore a hoodie,” an article quotes family attorney Natalie Jackson saying that “Racism is too simple. It may have been a factor,” thus connecting the shooting to anti-black racism. Yet another article recalls “the slaying of the unarmed black teen by a white crime-watch volunteer.” It quotes Rev. Jamal Bryant’s concern that “any racist who has a gun and thinks it’s a license to kill our children” may do so. The black-white
binary and anti-black racism underlie all of these depictions of the case. Nobody was questioning whether Zimmerman was white (or if Martin was black, for that matter). In many of the accounts from early March 2012 Zimmerman’s race is presumed rather than specified (as in the quote from Bryant), as if the charge of racism and the perception of Martin’s blackness make Zimmerman’s whiteness clear.\footnote{12}

One further feature tells us how powerful the binary was in this case. George Zimmerman’s father, Robert, asserted that his son is Hispanic and grew up in a multiracial household.\footnote{13} His intent, I believe, was to insulate his son against charges of racism by disrupting the power of the black-white binary. If George is not white, then the binary is inapplicable. In response, it seems Blow and others refined the binary to an anti-black form: black and non-black.\footnote{14} Notice that this is not a rejection of the binary structure of racism, perhaps not even a real rejection of the black-white binary, but a subtle shift in its form.

**Alcoff’s Extension of Perea’s Argument**

Linda Alcoff extends Perea’s line of argument. She divides her discussion into descriptive and prescriptive claims. As a descriptive claim, the black-white binary characterizes “the fundamental nature of racializations and racism in the United States.” As a prescriptive claim, it “intends to enforce the applicability of the paradigm by controlling how race operates” (Alcoff 248). Her arguments indicate that, while they have some region of application, the descriptive claim is inadequate to construct racialization in the United States, and the prescriptive claim does not achieve hegemony (249). On the one hand, she develops an account of how races outside of black and white have been shuffled around the legal system and classified as black or white in order to maintain white privilege; this argument reinforces the binary. On the other hand, Alcoff recounts forms of oppression that are prominent in racism against non-blacks, but are largely absent from anti-black racism. She thus finds a line of argument that disrupts the black-white binary. The position is a tensive one: the black-white binary does significant interpretive work for understanding some forms of racism while at the same time obscuring others.\footnote{15}

Alcoff’s definition of racism is “a negative value or set of values projected as an essential attribute onto a group whose members are defined through genealogical connection, as sharing some origin, and who are demarcated on the basis of some visible features” (259). With this definition we can open up racism beyond binary forms associated with anti-black racism. Alcoff identifies four “axes” of racialization that have lent themselves to racism: skin color, physical features other than skin color, cultural origin, and nativism (discrimination against immigrants) (259).

By distinguishing diverse forms of racialization and race-based oppression we should be better able to identify victims which in turn should lead to improvements in alleviating oppression. For example, discrimination against immigrants certainly has anti-black forms but is more than this and varies regionally, especially in the southwest and on the west coast. Similarly, Alcoff argues that Asian Americans face discrimination.
based on “covert quota systems” in many universities despite the seeming prominence of Asian American students in universities. Moreover, she believes that Asian Americans are seen as “unassimilable” and “are suspected of retaining loyalty to Asian countries” (262-3). Such forms of racism seem beyond the concerns of, or at least are not prominent features of, anti-black racism and the black-white binary.

This apparatus provides the opportunity for a plural account of racism which allows us to separate out some of the issues involved in the racialization of Martin’s death. For example, we can drop “whiteness” as an identity that must be established for the killing to count as racist. The idea that the “hoodie” motivated Zimmerman could be placed under a cultural origins form of racism. We could ask about racism between members of minority groups. Anti-black racism still has its place here; we have merely opened up the discourse to enable the search for myriad forms of oppression.

Concerns

We do not have time here to engage in detail the specific arguments Perea and Alcoff generate. I hope instead that the position they motivate has some intuitive plausibility or resonates with the reader’s own lived experience of how race and racism operate in general and were deployed in the aftermath of Martin’s death. Nevertheless, we can see the general contours of the position. A black-white binary serves as the paradigm through which race and racism are understood in the United States. This paradigm has some use in this regard, but it also holds dangers like covering over other forms of racialization and racism. Thus, to better diagnose and respond to oppression, we must deconstruct or open up the binary structure.

There are many possible lines of response to the racism pluralist position. We might think, for example, that forms of oppression such as nativism do not count as racism because they do not necessarily trade on visible identity, as Alcoff’s definition of racism requires; thus nativism should be analyzed along altogether different lines. Alternatively, we might think that we can keep a binary structure for racism and incorporate into it other forms of oppression. Or, we might complain that conceiving some forms of oppression in terms of racism will ineluctably lead to binary thinking that can never be adequately opened up to address a variety of concerns.

This last line of criticism becomes significantly problematic given the position I have derived from Foucault. Importantly, the war model indicates how race binary perpetuates itself. In an “us versus them” model all races can be assigned to either “us” or “them” and thereby assimilated into the binary. On this analysis, then, it will never be enough merely to claim that some action or another is racist toward some unrepresented group, because that group can be assimilated into the binary. It will not be enough to claim that some specific form of oppression is not represented, for that form will either be assimilated into the binary as a mode of some other represented oppression or excluded altogether from counting as oppression. Speaking of racisms in the plural will be difficult if not impossible.
It is here that the claim that George Zimmerman is Hispanic really cuts its teeth. If Zimmerman is Hispanic, then he can be assimilated into the “them” group and thus the killing cannot count as racist murder. At the same time, the killing itself has become an action that is not represented in the race binary. In other words, once the fact of non-white origin is established, the very structure of racism eliminates the possibility that racism was present in Martin’s death, unless the binary shifts to black and non-black.

Three Proposals

Can this outcome be right? Does racism require a binary structure? Let us consider three proposals. First, we may make choices to reject the binary (as Perea and Alcoff do). We can attack it in at least two ways philosophically. First, we can recognize that Foucault’s argument is subject to rebuttal. One approach would question whether the texts he examines are representative of the dominant race paradigm of the time. In the philosophical discourse on the formation of the race concept, for example, we have influential thinkers such as Kant, Hegel, and de Gobineau who reject binary thinking. Rousseau, on whom Foucault relies, models the people as sovereign-subjects in an explicit attempt to subvert binaries in the state’s structure. We could perhaps write a counter-history of the relationship between race and the state that eschews the binary; possibly it shows up but does not have the influence Foucault suggests.

Another version of the first proposal would emphasize the black-white binary’s arbitrariness and contingency. Once we diagnose the paradigm, distinguishing races outside its terms according to their own voices and concerns can mitigate the binary’s force. Similarly, I would note that the binary structure is a contingent feature of our race discourse’s history, even on Foucault’s scheme, and we can move against binary race thinking through practical advancement of the concerns of races outside the terms of the binary. This response assumes that the binary, while powerful, is not incontrovertible and can be separated from the “us versus them” war structure.

Let us now pursue a second proposal: we accept the binary structure of racism. We have seen there are positions, evidence, and arguments indicating that race discourse has a binary paradigm and that this has been the case since the origins of modern racism. If race discourse is binary and we act to destroy the binary, then, we may not be opening the door to identifying new forms of racism. Instead, we destroy the historical meaning of race altogether with the result that all oppression is detached from racialization (for better or worse). Conversely, we may rigidly circumscribe the boundaries of racism to one binary structure or another, which allows us to think some oppression outside of racialization. Either way, we may then move beyond thinking oppression predominately in racial terms. We may ask whether some forms of oppression, although taken as forms of racism, may be better addressed through nonracial discourses. (I have already indicated that nativism may not fit the concepts of racial oppression.)

Now, though, we may uncover a new conceptual tension. The first proposal lets race remain a hegemonic concern (as it is for Perea and Alcoff), which means that forms of oppression that do not suit the race model of discourse may be covered over. The
second proposal protects nonracial oppressions from racialization, but it deemphasizes race discourse and the binary so that actually racist oppression may be overlooked.

I do not believe there is a resolution to this tension. However, I also do not believe that we need one. Thus, a third proposal: What we need to do is recognize that there is a tension. Rather than empowering the reduction of forms of oppression to racisms or rejecting the binary or tightly limiting its scope, we realize that there are many forms of oppression. Some will suit racial analyses completely or partly; others will not. We must actively reflect on sites and instances of oppression to determine which modes of oppression are in operation and provide the best resources we can manage. We have many possible modes of analysis for the Trayvon Martin case: anti-black racism, racism between minorities, cultural insensitivity, Stand Your Ground laws, the culture of fear, the culture of policing, the voicelessness of children, and so on. All of these topics and others deserve our consideration if we are truly to generate justice for Trayvon Martin and other victims. Some concerns may merit racialization and others may not. Reflection on such diverse concerns is not easy or failsafe, but at the least it means that we may take advantage of all available resources to identify effectively victims, modes of oppression, and options for relief.

The third proposal is a significant advance beyond previous positions. If pursued rigorously it has the potential to delimit what counts as racial and nonracial oppression so that we may recognize and pursue proper responses. The racism pluralist’s move to expand the concept of racism does not give nonracial oppressions focused consideration, which leaves open the problem of giving race hegemonic status; that is, pluralist analyses raise the fear that all forms of oppression may be coded as racial. At least, the third proposal requires us to consider strategically where race begins and ends so that we do not overlook or crush into the discourse of race nonracial oppression. What proposal three does, in effect, is open the air for the voices of victims to speak and be heard with more clarity, which I believe is the intent of racism pluralists. What proposal three does not do is concretely demarcate racial and nonracial forms of oppression, which is both a strength and a weakness. Salient details will vary case to case. Firm determinations may not be possible in many cases, but recognizing that difficulty is itself something that the third proposal helps to enable by calling our attention to the multivalent nature of oppression.

As thinkers have recognized that race discourse in the United States is pluralistic, the black-white binary paradigm has become both untenable and common. By taking the binary seriously, the structure of race and racism will fundamentally change. What comes is uncertain, and may not be for the better, but if we are sensitive to both racial and nonracial considerations we have a chance to attend to once hidden modes of victimization. We owe this to all victims, including Trayvon Martin.20

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NOTES


2 A recent survey of the philosophical literature on this topic can be found in Katherine T. Gines, “Introduction: Critical Philosophy of Race Beyond the Black/White Binary,” Critical Philosophy of Race, vol. 1, no. 1 (2013), pp. 28-37. In fact, the essays in this volume represent the cutting edge of philosophical discourse on the binary.


5 Binary thinking also occurs in Foucault’s treatment of the monism of Nazi internal racism. See pages 82, 255, and 257.

6 My thanks to David Gougelet for leading me to clarify this point (with which he may not agree).

7 I do find race binary to be prevalent and important, though not hegemonic as Foucault’s analysis indicates, and probably not even dominant. More on that topic below.


12 It is worth noting in passing that the black-white paradigm informs discourse by both blacks and whites.
14 See also Darryl E. Owens, “Here’s why people are so angry over Trayvon Martin’s death,” The Orlando Sentinel, March 17, 2012. 
16 For example, Alcoff references a California Supreme Court case wherein the Justice “concluded that black must mean nonwhite and white must exclude all people of color” (249-50).
17 For example, Perea describes Feagan and Vera’s White Racism as asserting “that normal, paradigmatic research is the key to solving pervasive, multiple racisms.” In other words, black-white binary racism is the lens through which all other racism can, perhaps should, be understood (Perea 1236-7).
18 We may be reminded here of Alcoff’s concern that moving to an ethnicity paradigm from a race paradigm is difficult because ethnicities are reduced to races (Alcoff 241).
19 Sundstrom (2008), op. cit., especially chapter 3, seems to take this view. He also argues that nativism and xenophobia are deeply conceptually linked to black-white binary racism. His position is especially germane to Mexican Americans; I do not disagree that this form of nativism is often racialized, but it seems to me that there are nonracialized forms of nativism also and we must be careful not to conflate them.
20 My thanks to Marcus Battle, Robert D’Amico, and David Gougelet for comments on early drafts of this paper. My thanks also to the Center for the Study of Race and Race Relations at the Levin College of Law at the University of Florida whose staff reviewed the article and whose 10th Annual Spring Lecture, “At Close Range: The Curious Case of Trayvon Martin,” gave an occasion for the writing and presentation of this paper.
Marijuana’s “Dark Side”: Drugs, Race, and the Criminalization of Trayvon Martin

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“They’ve killed my son and now they’re trying to kill his reputation.”
- Sybrina Fulton, mother of Trayvon Martin, March 25, 2012.1

It may seem at first blush that, when she called out those vocal media members who questioned her son’s character, Sybrina Fulton was merely engaging in the sort of hyperbolic catharsis one might expect from a grieving parent. Her contention, however, was hardly an exaggeration. In the weeks following Martin’s shooting death at the hands of George Zimmerman in Sanford, Florida, a multitude of traditional and online media outlets levied a counter-offensive against the public hostility facing Zimmerman,2 renewed discussions of racial profiling in American life, and, most importantly, the gun culture and racial profiling that many commentators claimed facilitated Martin’s shooting.

Some of Martin’s defenders would later claim that the aspersions cast upon the seventeen year-old’s character were simply a transparent and self-conscious form of racism, though this claim is a half-truth at best. Such explanations ignore the possibility that the criticisms emanating from Martin’s critics were also cynical tools of necessity, employed toward wholly utilitarian ends. The most vigorous defenders of Florida’s now-infamous Stand Your Ground laws, one could reasonably argue, were simply countering critiques of the policy the most effective way possible, beginning by discrediting Martin’s reputation and, in turn, his status as a victim. This allowed Stand Your Ground’s defenders to deflect public discussion away from the embattled policy, keeping it safe from state and federal interference.

Regardless of what Martin’s critics’ true motivations were—and granting that their motives may not be rational or clearly articulated in the first place— one still confronts a pair of plainly obvious points about the nature of Martin’s media vilification. First and foremost, the omnipresence of the “Trayvon Martin was a drug dealer” rumor has its roots in five decades of popular political rhetoric, being most dynamically shaped by the ongoing federal wars on drugs and crime, as well by the accompanying rise of the Prison Industrial Complex. Secondly, debates about Trayvon Martin’s morality should be understood as part of a common present-day political language that binds together a variety of social, cultural, and racial biases. One finds in popular discourse on drugs that members of the American public tend to harbor strikingly divergent perceptions of marijuana use and abuse in the black and white communities respectively. This fact is
highlighted by the rapid metamorphosis of the Martin-Zimmerman affair from a story merely involving drugs into being a story that, in some important ways, was about drugs.³

To understand how and why the popular press turned the Martin case into a story about marijuana use, drug dealing, and black male deviance, one must look back to a historical lineage of racialized public discourse on law and order, drugs, and race. When brought together, careful readings of Barry Goldwater’s campaigning, the 1968 Safe Streets Act, the Republican Party’s successful “Southern Strategy,” President Reagan’s “War on Drugs,” and the rise of warehouse imprisonment policies show not only why, in 2012, George Zimmerman’s defenders had, through employing the racialized language of national drug debates, some success in branding Trayvon Martin a “gangsta,” but also why historians might not find the success of this particular form of demonization surprising in the least. It is, as Michelle Alexander explains in her influential monograph The New Jim Crow, simply another example of the employment of the “criminal justice system to label people of color ‘criminals,’” a practice used to validate “all the practices we supposedly left behind” with the formal outlawing of racial segregation.⁴ The willful mischaracterization of Trayvon Martin as a drug dealer is a direct legacy of that continued racist anachronism, Jim Crow.

Moral Panic Strikes

Within a fortnight of his death, a pair of revelations regarding Trayvon Martin’s exposure to, and involvement with, drugs gave way to Zimmerman’s defenders’ open questioning of Martin’s morality and innocence. The first revelation was that, on the night of his death, Martin was serving a school suspension for possession of a bag that contained trace amounts of marijuana.⁵ The second revelation, which turned out to be even greater fodder for Zimmerman’s defenders, was that an autopsy revealed trace levels of tetrahydro-cannabinol (THC), the primary medicinal agent found in marijuana, in Martin’s blood. The latter finding led reams of journalists and pundits to cast suspicion upon Martin’s character, supposing that Zimmerman’s lethal actions were, perhaps, just defense against an abusive “druggie.” It must be noted, however, that these were intellectually dishonest and fatuous claims, as the 1.5 nanograms of THC and 7.3 nanograms of THC-COOH present in Martin’s system may have been weeks old and were of such low levels that they would not even have affected Martin’s character in the first place.⁶ There is every reason, in fact, to believe Martin had not been “toking” the night of his death.

That there is little or no reason to believe the THC in Martin’s system would have effected his behavior – or that marijuana would tend to make anyone violent for that matter – is beside the point. The argument that Trayvon Martin was a drug user was merely the entrée to a more general and baldly cynical attempt at character assassination, part of a larger argument about Martin’s deviant identity. Following the drug-related “revelations,” attacks expanded into other fronts, frequently concerning Martin’s looks, the presumed character of his friends, and a number of other unrelated behavioral transgressions.⁷ A pointed example of this sort of discourse comes from Wagist.com, which published the widely-circulated anti-Martin conspiracy piece “Was Trayvon
Martin a Drug Dealer?” Article author Dan Linehan speculates that yes, in fact, Martin was likely a dealer, as evidenced by the fact the seventeen year-old seemed like a troublemaker. At seventeen, Linehan explains, “he was already sporting gold teeth, and several large tattoos.” Linehan stops there, however, neglecting to explain how tattoos and gold “grills” indicate anything about Martin’s culpability in his own death. This ambiguity in reasoning does not prevent Linehan from insisting, however, that “Zimmerman was very good at this job” and “this is a textbook self-defense case.”

While the presumption of Martin’s guilt being related to his appearance has clear and troubling racist elements, Linehan’s piece does not provide satisfactory evidence that the many pundits who echoed the views found on Wagist knowingly practiced racial profiling. Presumably, many of Zimmerman’s defenders were merely describing a conception of Trayvon Martin that, while undoubtedly chauvinistic and racist in practice, legitimately jibed with their understanding of what “sort of person” constituted America’s “criminal class.” For many Americans, Martin must have “seemed” like a criminal, with his race playing one (albeit critical) role, along with his age and appearance, in creating such a feeling.

The nadir of the drug-based Trayvon Martin vilification came at the end of March when a white supremacist, going by the handle ‘Klanklannon,’ hacked into Martin’s personal e-mail, Facebook, MySpace, and Twitter accounts and re-packaged Martin’s private information and messages in such a way as to present him as a drug dealer with many criminal acquaintances. Posting on a 4chan message board, Klanklannon posted a series of slides featuring titles like “Trayvon Martin Used Marijuana Habitually” and “Trayvon Martin was a Drug Dealer.” The neo-Nazi website Stormfront was quick to pick up these pieces and re-publish them as “news.” Lastly, Klanklannon changed Martin’s account passwords to a series of racial epithets. While Klanklannon’s actions were egregiously racist, however, it must be noted that the hacker’s neo-Nazi affiliations are not necessary to understanding, in a macro sense, the racial underpinnings of the Martin-as-deviant-and-criminal rumors. By the time George Zimmerman shot and killed Trayvon Martin, the racist language of drugs, crime, and deviance had been embedded into the fabric of mainstream American politics for quite some time, and it was popularly-elected American politicians, not radical hate-mongers, who had made it so.

A New Alliance: Drugs, Politics, and the Law, 1946 to the Present

Historical commentary on America’s mid and late-twentieth century attitudes toward drug crime is broad in scope and rich in insight, as decades of research have uncovered reams of telling, and often troubling, patterns in law and corrections. The extensive documentation of the post-New Deal political order, including the nation’s adoption of hyper-punitive correctional policies, has shown not only that the fierce anti-drug legislation and enforcement of the past three decades is unprecedented in American history, but that it was undertaken by power elites who understood full well its racist and classist implications.
As Michael Tonry explains in the introduction to his recent monograph on the Prison Industrial Complex *Punishing Race: A Continuing American Dilemma*, “long before open appeals to racism disappeared from American politics, conservative Republicans fashioned the Southern Strategy,” a deliberate attempt to “focus on issues – initially states’ rights and later crime, welfare fraud, busing, and affirmative action” that the public generally understood as “coded appeals to whites’ antiblack animus, anxiety, and resentment.”14 Tonry acknowledges that the coded racist language of “Law and Order” policy did not originate in Republican Party spin rooms, as segregationist Democrats had considered joining like-minded Republican conservatives in a concerted effort to criminalize the disobedience borne of the Civil Rights movement as early as the 1940s.15 It was, however, the dramatic rightward political shift undertaken by the Republican Party under the leaderships of Barry Goldwater and Richard Nixon that ultimately allowed politicians and state and federal judiciaries to institutionalize a new language of racialized legal discourse.

As the Civil Rights movement made significant legal and social gains throughout the mid-1950s, white supremacists felt (understandably, when seen from their perspective) an increasing frustration and anxiety about the country’s future. Southern segregationists fought the rising tide of black civil rights by not only characterizing equal rights legislation as “rewarding lawbreakers,” but by pointing to high crime rates in northern industrialized cities as evidence that segregation was a necessary crime prevention measure.16 The discourse of civil rights as a criminal threat to white freedom found such sympathy with conservative whites throughout the nation that, by the time Barry Goldwater ran against Lyndon Johnson for President of the United States, the Republican Party was openly discussing the evils of racial equality on the national stage. Attending the 1964 Republican National Convention, lifelong conservative and civil rights icon Jackie Robinson, the man who famously “broke the Major League Baseball color barrier,” remarked “that convention was one of the most unforgettable and frightening experiences of my life. The hatred I saw…embodied a revulsion for all [Lyndon Johnson] stood for, including his enlightened attitude towards black people. A new breed of Republicans had taken over the GOP. As I watched this steamroller operation in San Francisco, I had a better understanding of how it must have felt to be a Jew in Hitler’s Germany.”17

Though Goldwater lost the general election, his racially regressive message seemed ever more attractive to the White American electorate throughout the second half of the decade. By the late 1960s, federal crime rates were skyrocketing, with particularly high rates of robbery and stranger murder, the sort of offenses the public finds most terrifying. The combination of exceptionally high violent crime rates and the perceived social and political instability of the era led an embattled President Johnson to push through the Omnibus Crime Control and Safe Streets Act of 1968, a measure creating sweeping new federal-level provisions regarding arrest and punishment.18 Ironically, it was this measure that, though passed by perhaps the most civil rights-minded President in American history, enabled and entrenched the political language of the racially discriminatory War on Drugs.
The Safe Streets Act made law-breaking a unifying national concern, providing a national, bipartisan vocabulary for crime prevention that, while not consciously discriminatory, left ample room for regressive racial philosophies in its execution. Among many other policies, it gave birth to prosecutorial policies and police practices that, through their selective targeting and draconian scope, devastated urban inner-city neighborhoods. It also encouraged politicians to, in an effort to create a post-New Deal language of political unity, engage in a full-on assault on the supposedly non-partisan, non-racialized issue of drugs. The antecedents of the federal War on Drugs can be traced back to the Nixon Administration, though the policy began in its current form under the leadership of President Ronald Reagan who, in 1982, declared a determined national assault on drug traffickers, traders, and users. By 1985, Reagan’s administration would announce the emergence of crack—a low-grade form of cocaine commonly found in black inner-city neighborhoods—as yet another threat to America’s moral fabric and justification for a further expansion for the Drug War.

The Reagan Administration paired the war, which saw police and judges doggedly incarcerate drug users and sellers, with an extraordinarily effective mid-decade media offensive that, for the majority of Americans, validated the federal government’s new crusade. Certainly one can understand why many Americans felt, as violent crime shrank steadily and dramatically throughout the 1980s and 1990s, that the War on Drugs was working. The problem with such reasoning, of course, is that Reagan’s policies—which were too recently-passed to have a significant effect on national crime rates in the first place—did not even target violent offenders, but rather sent legions of young, disproportionately black men to prison for drug trafficking and possession. Drug warriors’ enthusiasm led police to focus their attentions on “high risk” populations, mainly those located in high-density urban neighborhoods where they had the best chance to catch crack, cocaine, and heroin users. This created and perpetuated a cycle of racial profiling that ultimately bloated American prisons with record numbers of African Americans. As Ruth Gilmore points out, “drug commitments to federal and state prison systems surged 975 percent between 1982 and 1999.” By the early 1990s, 50% of state and federal prisoners were black, an all-time high.

Not only did the 1990s see the Clinton administration continue the racially regressive War on Drugs, but the White House expanded the project, making public schools a major battleground for new, often merciless, public safety initiatives. Jonathan Simon draws out this development in depth in Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear (2009). Simon documents the period’s growing conservative movement against public school systems, noting the eagerness of right-wing anti-union groups to frame public schools as “rife with crime” and generally unfit to educate. This message, repeated ad nauseum in conservative political circles, led both Presidents George H.W. Bush and Bill Clinton to pass “safe schools” initiatives that focused far more on keeping institutions of education drug-free than on providing students and teachers with sufficient anomie-fighting academic and extracurricular resources.
Befitting the general ethos of the War on Drugs, mid- and late-decade discussions of drugs in school became increasingly hyperbolic and punishments grew ever more extreme, leading to policies like the one that saw Trayvon Martin suspended from school for holding an amount of marijuana that was all but invisible to the naked eye. Martin was one of the hundreds of thousands of African-American youths targeted and marginalized by the War on Drugs, being handed an unsuitably harsh penalty for an ultimately insignificant transgression. The severity of drug-related “zero tolerance” policies, combined with well-established inequities in the levying of school suspensions, have only exacerbated class and race divides, transforming school safety “from a set of expectations for administrators to a zero-sum game between aggressors who are criminals or criminals in the making, and their victims – a shifting group consisting of everyone not stigmatized already as criminal.” The politics surrounding the holding of a baggie with trace amounts of marijuana both led to Martin’s suspension from school and gave George Zimmerman’s supporters a means of framing Martin not as a victim of senseless violence, but as a member of America’s criminal element.

Policy Proposals and the Future of “Black Dealer” Archetype

One of the unfortunate realities of racial profiling in popular political culture is that many ideas that derive from stereotyping gain an ethereal-yet-believable quality. Perceptions of the nature of black (and white) culture, deviance, and criminality tend to gain general acceptance over time as being axiomatic, no longer needing to be “proven.” If American culture on the whole – from the popular press to network television to internet memes – stresses the idea, even implicitly, that blacks are more likely to commit drug crimes, one can understand why the general population would have trouble shaking that feeling, regardless of how problematic or factually inaccurate such a simplistic view may be. Heavy social conditioning is monumentally hard to undo, as recent historical scholarship has explored just how deeply (and chemically) anxieties about black criminality run, showing that most Americans, including most African-Americans, are more likely feel suspicion and distress upon encountering blacks than whites. For that reason, the wisest course of action may be to raise awareness of these pervasive racial double standards in society in the hopes that both the media and the public will actively and thoughtfully rebel against regressive learned behaviors. Certainly institutions like the Southern Poverty Law Center and Media Matters, as well as both major organized political parties, could be effective lobbyists for greater sensitivity in popular representations of racial inequality and deviance.

The most important act legislators may take on a federal or state level is the immediate de-escalation, and then unequivocal end, to the War on Drugs. The vilification of Trayvon Martin is facilitated by two stances: (1) the continued racial profiling of black marijuana users and dealers and (2) the justification and entrenchment of such attitudes in policy and enforcement. Like a snake swallowing its own tail, popular and political culture justify each other, with images of black drug crime giving continued justification to drug warriors who target the most likely areas in which to find drug crime, all at the expense of hundreds of thousands of imprisoned, and subsequently disenfranchised, American citizens’ freedom. By declaring an end to the War on Drugs and, in essence,
freeing a legion of black men from the “felon” stigma that makes them second-class citizens in all but name, the popular media would lose much of the impetus for promoting the “black drug dealer” stereotype.27

Furthermore, such measures could reintroduce a generation of ex-cons back into society. As Alexander notes, “once you’re labeled a felon, the old forms of discrimination – employment discrimination, housing discrimination, denial of the right to vote, denial of educational opportunity, denial of food stamps and other public benefits, and exclusion from jury service – are suddenly legal.”28 Perhaps ending the drug war might result in a measure of economic equality, as a generation of felons could be made eligible for welfare, social insurance, and student loans, and might even find themselves less hampered by the exceptional limitations on earning power placed upon black ex-convicts.29 If nothing else, the restoration of suffrage rights for this group would give former inmates the chance to live out the penal system’s rehabilitative ideal.

Granted, “changing popular culture” and “ending the War on Drugs” are broad solutions that provide few directives for immediate action. This is because the problem or racial profiling and stereotyping, is so broad and runs so deep that it seems overly ambitious to begin the search for solutions with anything more than general progressive-minded goals for the future. Academics, politicians, and the public are best served by deciding, on an individual level, how best they can contribute their talents to these macro goals.

Discussions of the Martin-Zimmerman incident are emblematic of 21st century American race politics. Within the superstructure of Barack Obama’s supposedly post-racial America, animosities not only remain but thrive, stoked by the continued power of the coded language of crime and punishment. There is, therefore, no better way to understand the culture that gave rise to the vilification of Martin as a drug dealer than as a product of deeply entrenched, and often subliminal, racism. As Alexander so presciently notes, racialist discourse has led the United States to imprison “a larger percentage of its black population than South Africa did at the height of apartheid,” an unsurprising fact given that “no other country in the world imprisons so many of its racial or ethnic minorities.”30 This suggest that the debate left to have on the issue of race and corrections is not whether this issue is plagued by racist impulses, but whether the time has come for the American people to end the War on Drugs and choke the life out of the industrialized West’s last functioning gulag.

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References


NOTES


2 One could point to any number of articles that subtly suggest Martin was responsible for his own death, but two of the more notorious examples of this tendency include the March 26, 2012 *Miami Herald* article “Multiple Suspensions Paint a Complicated Portrait of Trayvon Martin” and the March 24 *Daily Mail* piece “Trayvon Suspended THREE Times for 'drugs, truancy, graffiti and carrying burglary tool' and did he Attack Bus Driver Too? New Picture Emerges of Victim as
Parents Claim It's all a Smear.Ó

The extent to which ÒdrugsÓ served as a master theme for the Martin case can be seen in the sheer mass of reporting on the case through that lens. A simple Google News search for the leading stories on “marijuana” between the beginning of 2008 and the end of 2012 show that the Martin case was the second-most widely reported “marijuana” story of that five year span, outpacing the Michael Phelps bong use “scandal” and following only the revelation that, prior to his death, Osama Bin Laden had grown marijuana on his private Afghani compound.


This suspension was not due to any reasonable suspicion that Martin was using or trafficking drugs on school property, but rather was merely in possession of a detectable quantity of marijuana, thus exposing him to the school’s “zero tolerance” policy.

M. Szalavitz, “Traces of Marijuana Found in Trayvon Martin’s Body: Does it Matter?”


Such as the Daily Mail’s aforementioned discussion of “burglary tools.”


The most famous example of this came on the morning of March 23, when Geraldo Rivera, appearing on the Fox and Friends morning show on Fox News, proclaimed that Trayvon Martin was as responsible as George Zimmerman for his death, having worn a hooded sweatshirt, a garment that Rivera claimed constituted “thug wear” and thus invited vigilante violence.

There was, of course, no shortage of outwardly racist rhetoric online. On a Yahoo! Answers discussion board entitled “Trayvon Martin, drug dealer or just user?”, for instance, saw ‘robzuc97’ opine “‘Skittles’ must be Ebonics for drugs... I suppose then the "Arizona Ice Tea" is some sort of malt liquor?”

4chan is an imageboard website that allows users to post anonymously. While it is most popular as a site for planning pranks and memes, it has also recently been a popular online meeting space for political activists of the extreme right and left.

Tellingly, Stormfront editors presented these slides along with a picture of a menacing-looking black youth who was not, in fact, Trayvon Martin. Michelle Malkin’s arch-conservative website Twitchy.com then picked up the Stormfront photos, only to sheepishly retract the story, downplaying the seemingly-racist instincts of the site’s coverage of the case.

There is not enough space to outline even a significant fraction of the important work in this field, though the author would be remiss in not mentioning David Courtwright’s Forces of Habit: Drugs and the Making of the Modern World (2001), Joseph Gusfield’s Symbolic Crusade: Status Politics and the American Temperance Movement (1986), Joseph Spillane’s Cocaine: From Medical Marvel to Modern Menace in the United States, 1884-1920 (1999), and Eric Schneider’s Smack: Heroin and the American City (2008).


Tonry, Punishing Race, p. 106.


Tonry, Punishing Race, p. ix

Alexander, The New Jim Crow, p. 5
The implementation and subsequent ubiquity of Nancy Reagan’s *Dare to Resist Drugs and Violence* (D.A.R.E.) campaign showed the power of the Reagan administration to control the terms of the War on Drugs debate.


According to the U.S. Department of Education’s study “Revealing New Truths About Our Nation’s Schools” ([http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf](http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf)), black public school students are 3.5 times more likely to face suspension than their white counterparts.


The greater fear of blacks than whites among blacks is, in part, a product of the intraracial nature of most violent crime. As recent research on cognitive functioning suggests, however, race bias may be so ingrained in American culture that it can even subsume rational thought and stimulate immediate, unthinking emotional anxiety through stimulation of the amygdale. For an overview of this research, see Jeffrey Adler’s “Cognitive Bias: Interracial Homicide in New Orleans, 1921-1945” *Journal of Interdisciplinary History* v. 43 no 1 (Summer 2012).

The claim that the systemic racism of the War on Drugs can be addressed through institutional reform is a compelling point. I sincerely doubt, however, that the state would have any more success in with ending the racist elements of the War on Drugs than it has had when dealing with similar issues within capital punishment (which is to say, very little). Moreover, both the conception and enforcement of drug laws are bound to have highly classist implications, as that has been the case with most status offence-related public policies throughout American history. Aside from being morally and legally unjust, the class dimensions of drug law enforcement would undoubtedly affect Black Americans disproportionately, creating an unavoidable form of *de facto* racism.

Alexander, *The New Jim Crow*, p. 2

In her tremendously powerful work *Marked: Race, Crime, and Finding Working in the Era of Mass Incarceration* (Chicago: University of Chicago Press, 2007), Devah Pager quantitatively measures the trouble black convicted felons face in finding work. Her studies – all of which are statistically significant – show that 38.2% of polled employers were not likely to hire a convicted drug offender who had been sentenced to prison (p. 124) and that black males not convicted of a felony have approximately the same prospects (14%) as white men convicted of a felony (17%) of receiving a job call-back (p. 92).

“I am Trayvon Martin”:
Visual Culture, Trauma, and the Incarceration Crisis

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On February 15 2013, George Zimmerman’s brother appeared on an episode of the television show “Real Time with Bill Maher“ to exonerate his brother. He did so on the basis that his brother, as a Latino, was not capable of racism because he and his family were not only descendants of slaves but were also victims of and sensitive to anti-Latino racism. In an age of “colorblindness” that seeks to put a history of anti-Black violence under constant erasure, we have to be very clear that the case of Trayvon Martin is not simply about racism. Instead we must view it in the context of a history of anti-Black violence in the US that is very long and continues to be incredibly pervasive. In order to fully understand the ways in which anti-Black violence has been and continues to be a fixed component of American life, even in an era of “colorblindness,” it is necessary to consider the ways in which visual culture helps to create an ideological environment that can transform an unarmed, baby-faced teenage boy into a criminal so dangerous that his mere presence justifies the use of deadly force.

Noting that the earliest films created by Thomas Edison Studios “included footage of the darkest recesses of the prison,” Gina Dent has argued, “the prison is wedded to our experience of visuality.” In the US, Blackness is a marker of social, cultural, and political standing whose very truths are seemingly made self-evident through visuality. Situating the violence at the heart of the Trayvon Martin case alongside history of anti-Black violence necessitates a return to an earlier moment in US history in which the visual also played a defining role in creating collective notions of the relationship between African American youth, racism, violence and the justice system. Visual representations of the murder of Emmett Till played a key role in constructing notions of youth, justice and the truth in the early civil rights era and were also an important catalyst for action among African Americans.

Emmett Till was a fourteen-year old boy from Chicago who went to spend the summer with an uncle in Money, Mississippi, a small Delta town, in 1955. During that visit, the boy reportedly took a dare from his cousins to speak to a white female store clerk. He reportedly said “bye, baby” on his way out of the small country store. Adult male relatives of the woman came later in the week at night to the house where Till was staying and took him away to be beaten and tortured to death, his now disfigured body tied to a 70 pound cotton gin fan and tossed in a nearby river. Emmett Till was not the first Black child to be brutalized in this manner in the state of Mississippi, a state with a long history of anti-Black violence, but his alone case helped launch the civil rights movement and recast African Americans as the victims rather than perpetrators of
violence. This is largely attributable to the actions of his mother, Mamie Till, and her keen sense of the power of visual culture to impact the cultural and political realities of the US.

In order to claim the body of her son, Mamie Till had to fly to Mississippi and meet with the local sheriff who would release the body to her mortician only on the condition that they sign a statement saying that they would not open the casket for the funeral. Till signed the statement and promptly returned to Chicago to speak against her son’s violation and to plan his funeral. Mamie Till not only invited the press but also insisted on having an open casket funeral so that the world could witness the violence that had been done to her son. When the images appeared in the African American press they caused a sensation. They provided a searing and seemingly irrefutable visual testimony to the history of racialized violence in the US.

The images of Emmett Till, like later images of Trayvon Martin, were caught in “overlap of value and beauty and our need to protect and defend that as a source of innocence,” according to New York Times columnist Charles Blow. Martin and Till’s ability to be presented in images as “young, handsomeness and presumably innocent” had the effect, according to Blow, of “amplifying outrage” at the social question of anti-Black violence. The impact of Till was in his ability to provide visceral visual evidence of violation. In the words of Fred Moten, “Emmett Till’s face is seen, was shown, shone” (198). Lynching was such a common practice in the US into the 1950s that the New York offices of the NAACP made it a practice to hang a banner that read “A Man was Lynched Today” whenever they would receive word of a lynching in the South. Emmett Till’s death, however, coalesced a feeling that the already fragile and insecure Black youth should be protected from the random ugliness of racial violence.

Till’s image, both alive and dead, especially as it appeared in a Jet magazine photo spread in 1955 created a vector for sympathetic identification for African Americans across a wide variety of regions, contexts and social classes. Boxer Muhammad Ali writes of the Till tragedy as a moment of coming to racial conscious as a young teen in his autobiography The Greatest: My Own Story. For Ali, Till’s murder is a moment framed in narrative by competing images. The young Ali views images of Till’s disfigured body as contestatory to another image that he encounters at the same time. These images catalyze him into decisive action. He writes:

Emmett Till and I were about the same age. A week after he was murdered in Sunflower County, Mississippi, I stood on the corner with a gang of boys, looking at pictures of him in the black newspapers and magazines. In one, he was laughing and happy. In the other, his head was swollen and bashed in, his eyes bulging out of their sockets and his moth twisted and broken. His mother had done a bold thing. She refused to let him be buried until hundreds of thousands marched past his open casket in Chicago and looked down at his mutilated body. I felt a deep kinship to him when he learned he was born the same year and day I was. My father talked about it at night and dramatized the crime.
I couldn’t get Emmett out of my mind, until one evening I thought of a way to get back at white people for his death. That night I sneaked out of the house and walked to Ronnie King’s [house] and told him my plan. It was late at night when we reached the old railroad station on Louisville’s West Side. I remember a poster of a thin white man in stripped pants and a top hat who pointed at us above the words UNCLE SAM WANTS YOU. We stopped and hurled stones at it, and then broke into the shoeshine boy’s shed and stole two iron shoe rests and took them to the railroad track. We planted them deep on the tracks and waited. When a big blue diesel engine came around the bend, it hit the shoe rests and pushed them nearly thirty feet before one of the wheels locked and sprang from the track. I remember the loud sound of ties ripping up. I broke out running, Ronnie behind me, and then I looked back. I’ll never forget the eyes of the man on the poster, staring at us: UNCLE SAM WANTS YOU. (34-35)

Emmett Till’s murder was formative to a generation of young African Americans. For writers such as Anne Moody, who records the incident in Coming of Age in Mississippi, the murder of Till represented not only a burgeoning racial consciousness forged in collective trauma but also a significant loss of innocence and youth. The images of Emmett Till’s murder were a spark to action for adults as well as youth. Rosa Parks would later write that it was of Emmett Till she was thinking when she performed her famous refusal to give up her seat to a white bus passenger, an action that sparked the Montgomery bus boycott. She writes: “I thought about Emmett Till, and I could not go back. My legs and feet were not hurting, that is a stereotype. I paid the same fare as others, and I felt violated. I was not going back.”

So how do we get from anti-Black violence as a loss of innocence as seen in the case of Emmett Till in 1955 to death of Trayvon Martin in 2012 in which the presumption of guilt lay not with the person who pulled the trigger but rather with the dead boy? What has happened to turn Black boys who are victimized by anti-Black violence from being seen as the victims of that violence to being seen as the perpetrators? The answer is simple: Black mass incarceration and the resulting criminalization of African American youth. Black representation has increasingly been reoriented around the realities of Black mass incarceration. While mass incarceration is increasingly becoming understood as “the New Jim Crow” for African American political organizing, Black criminality has become the key lens through which questions of masculinity, class exclusion, gender, and self-hood get negotiated in US visual culture. From the murder of Trayvon Martin to television shows like The Wire and Oz even to Tyler Perry’s 2009 comedy Madea Goes to Jail, the public perception that criminality and African American cultural identity are inextricably bound together continues to be both a shaping and contested arena for visual culture.

Criminality has increasingly, since the seventies, becomes the major lens through which Black subjectivity is understood. As the prison population grew exponentially and became darker, criminality and incarceration became the most common matrix through
which cinematic notions of “the real” and Black authenticity have been constructed. The primary framework through which popular culture engages with the question of mass incarceration is visual violence. In her groundbreaking treatise on prison abolition Are Prisons Obsolete?, Angela Y. Davis has noted the intrinsic linkages between images of prison and “common sense” about the very necessity of prison itself. She writes:

> It is virtually impossible to avoid consuming images of prison….The prison is one of the most important features of our image environment. This has caused us to take the existence of prisons for granted. The prison has become a key ingredient of our common sense. It is there, all around us. We do not question whether it should exist. It has become so much a part of our lives that it requires a great feat of the imagination to envision life beyond the prison. (18-19)

Davis’ work is suggestive of the symbiotic relationship between images of prison in the popular imaginary and the reality of prison as it is made manifest in public culture. With nearly 40% of the US federal prison population being African American, it is clear that prisons could not exist without the African Americans that fill them. But can African Americans exist without prisons that consistently construct them as subjects in visual culture?

In the case of Trayvon Martin, the ever-present threat of the Black male body as lawbreaker was made manifest in a baby-faced teenager. The body of the dead teenager was made to disappear under a discourse of “the hoodie,” which became a symbolic shorthand for Black male criminality. The iconography of “the hoodie” stood as both a replacement and containment of the threat of the black body as well as an enactment of its erasure at the site of its violation. This erasure of Black male victimhood was most tellingly illustrated in the creation of the gun target that was made available for commercial sale with the image of a hoodie sweatshirt skittles and a can of iced tea at its center. An imaging of the body of the dead teenager was made absent from the target thus making the idea of shooting at an unarmed teenager with candy in his hand palatable for a more general public. The move to cast Martin as a dangerous criminal was followed by a recasting of George Zimmerman as not only innocent of perpetuating any violence but also as the actual victim of Black violence. Furthermore, the idea that it was actually Zimmerman who had been violated rather than the dead teenager was often oddly cast in the language of anti-Black violence, including most prominently the repeated reference to his arrest and treatment in the media as a “lynching.” The visual and narrative language of anti-Black violence that had been such a catalyst for the action of the civil rights movement was now made to work against African Americans themselves.

In response, Trayvon Martin’s supporters played to the visual and narrative language of violation and affiliation that had been the impetus for action in the Emmett Till case. “I am Trayvon Martin” became a rallying cry that united disparate supporters in a unifying language of shared violation. Even President Barack Obama offered a statement that captured in words the visual narrative of racial violation and affiliation: “If
I had a son, he would look like Trayvon Martin.” In a counter-discursive move, supporters reasserted the visual primacy of the Black body removed by the discourse of “the hoodie” by posing in hooded sweatshirts across social media and in public protests. In replacing Trayvon Martin’s absent body with their own, supporters insisted on the primacy of the body of the dead teenager in the discussion of the case. These actions challenged the erasure of a history of anti-Black violence from the wider discourse of the case and asserted the primacy of African American violation rather than white victimhood.

Over seventy percent of prisoners in the federal prison system are Latino and African American though African Americans constitute only around 13% of the total US population and Latinos around 16%. In the state of Wisconsin, where African Americans constitute a mere 6% of the state population, they constitute over 50% of the state prison population. Created as a faith-based initiative by a multiracial coalition of churches, synagogues, mosques and other congregations called WISDOM, the “11 X 15” campaign seeks to address mass incarceration by a campaign demanding a 50% cut in the state prison population, to 11,000, by the year 2015. The “11 X 15” campaign decries mass incarceration as a strategy to make Wisconsin communities safe or healthy. Beyond noting that the racial makeup of the Wisconsin state prison system points to the manner in which “the system is deeply flawed and unfair,” the campaign notes: “There is a growing consensus that our current criminal justice system is an expensive failure. It is expensive in terms of money, lives and opportunities wasted. It is a failure because it does not achieve the goals of public safety or rehabilitation.”

Campaigns like “11 X 15” are visionary in beginning to address the ways in which public policies of mass incarceration have been injurious to communities. However, the prison abolition movement would caution us to give careful consideration to the ways in which our construction of categories such as “criminal,” “crime” and “punishment” evolve from a matrix of historical investments deeply entwined with systems of racial and class inequity. Social justice campaigns such as the “11 X 15” campaign that seek to reduce the numbers of incarcerated people in the US would thus be wise to pay attention to the ways in which racial and income disparities are constitutive not only of those who break the law, of which the category is quite big, but rather those that are deemed “criminal” as a result. Angela Y. Davis writes:

Radical criminologists have long pointed out that the category “lawbreakers” is far greater than the category of individuals who are deemed criminals since, many point out, almost all of us have broken the law at one time or another. Even President Bill Clinton admitted that he had smoked marijuana at one time, insisting, though, that he did not inhale….Thus, if we are willing to take seriously the consequences of a racist and class-biased justice system, we will reach the conclusion that enormous numbers of people are in prison simply because they are, for example, black, Chicano, Vietnamese, Native American or poor, regardless of their ethnic background. They are sent to prison, not so much because of the crimes they may have indeed committed, but largely
because there communities have been criminalized. Thus, programs for
decriminalization will not only have to address specific activities that have
been criminalized—such as drug use and sex work—but also criminalized
populations and communities. (112-113)

Without close attention to the particular racial dynamics of mass incarceration and the
specific criminalization of African Americans, the 50% of the state prison population that
the “11 X 15” campaign would liberate could potentially be the 50% that is not African
American.

Black mass incarceration has become a major shaping factor in African American
life, guiding everything from public policy to “common sense” expectations of freedom,
wealth accumulation, and life expectancy. The murder of Trayvon Martin demonstrates
the ways in which public perceptions of crime and perpetual expectations of Black
criminal wrongdoing shape the outcomes of even random and seemingly inconsequential
encounters in the public sphere to tragic consequences. It suggests that crime is as much
an invention in discourse as it is a chartable social phenomenon. The widespread
designation of African Americans as pathologically criminal and constantly dangerous in
visual culture sits in a symbiotic relationship to the stark realities of Black mass
incarceration. If the case of Trayvon Martin teaches us anything it is that the visual
transformation of African Americans into perpetual lawbreakers, a transformation that is
created through image culture, actually costs lives.

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NOTES

1 Thomas Edison was extremely influential in early cinema culture not only as an inventor of film technology but also as a film director and creator of the business practices of the film industry. Gina Dent specifically talks about “the reenactment presented as newsreel” in the 1901 Edison film Execution of Czolgosz with Panorama of Auburn Prison. As quoted by Angela Y. Davis in Are Prisons Obsolete? (New York: Seven Stories Press, 2003).

2 There are many accounts of what happened the night of the murder of Emmett Till, including an account given of the murder by the acquitted murderers in 1956 to Look magazine. I am relying on the account of the events written by Juan Williams (with the Eyes on the Prize Production Team) in Eyes on the Prize: America’s Civil Rights Years 1954-1965 The Companion Volume to the PBS Series (New York: Penguin Books, 2002).


6 Anne Moody’s influential autobiography became one of the definitive accounts of the political formation of young people who became involved in the civil rights movement.
8 This idea has gained popular currency after the publication of Michelle Alexander’s The New Jim Crow: Mass Incarceration in the Age of Colorblindness (New York: The New Press, 2010).
9 The Federal Bureau of Prisons cites the Black prison population at 37.1%.
11 The conservative and far right websites such as American Thinker, Chronicles, PJ Media, Occidental Dissent, Western Journalism, Before Its News and Stormfront among others all ran stories about the Trayvon Martin case with the title “The Lynching of George Zimmerman.” http://www.cnn.com/2013/04/13/us/florida-trayvon-martin-targets/index.html
13 The Federal Bureau of Prisons breaks down the prison population by race under categories that include “White, Black, Native American, and Asian” and records Hispanics under the category heading of “ethnicity.” They cite the Black prison population at 37.1% and the Hispanic population at 34.9%.
Racial Socialization, Fear, and Expected Reactions to a Suspicious Person

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Abstract

Several studies have found a link between ethnocentric attitudes and fear of crime. Specifically, negative attitudes toward other races are associated with fear of crime. In the fear literature, the “subcultural diversity” perspective argues that people are more afraid of people who look and act different because they do not understand their mannerisms and behaviors. It may be that people fear others who are racially and ethnically different because they are socialized by their parents and others to fear them, which may affect how they respond in interactions with people who are racially or ethnically different. That is, some may be more likely to respond to perceived threat with violence in an effort to protect themselves. In this paper, we consider the idea that racial socialization and fear of crime might have played a part in the killing of Trayvon Martin. Specifically, using a sample of undergraduate students, we examine the presence of parental racial socialization (cultural socialization, preparation for bias, and promotion of mistrust) and fear of crime and then examine how these factors affect responses in a situational scenario similar to what apparently occurred in the Trayvon Martin case.
Trayvon Martin Case: Real Fear or Racial Profiling?

On February 26, 2012, Trayvon Martin, a 17-year-old African-American teen, and George Zimmerman, a 28-year-old, Hispanic neighborhood watch member, had an interaction in a Sanford, Florida neighborhood that would change both lives forever. Martin would die after being pursued and shot. Zimmerman would find himself in the middle of a national media and political debate about his justification for shooting Martin and eventually be charged with second-degree murder (Stutzman, 2012). Zimmerman called police after seeing Martin, claiming he looked “suspicious.” While the police were en route, there was a scuffle, and Martin was shot. Zimmerman claimed self-defense. He was carrying a gun. Martin was unarmed and reportedly walking back to the home of a family friend from a local convenience store. Debates continue about what really happened, the validity of Zimmerman’s self-defense claim, the possibility of racial profiling and racism, and even more troubling the real state of race relations in America. People continue to argue about the use of Florida’s broad Stand Your Ground law as a defense for murder, since it specifies no duty to retreat in threat situations (Kuo, 2013; Thompson & Cohen, 2012).

Two embedded issues in this debate are 1) how much fear did George Zimmerman really have of Trayvon Martin during the situation, and 2) was he acting based on a real fear for his own life or rather on his own racial biases about the criminality of young, black men. While we cannot get into George Zimmerman’s mind, we can examine more broadly the implications of this case. This paper sets out to examine these two issues by reporting results of a survey designed specifically to ask undergraduates what they would do when faced with a situation very similar to that faced by George Zimmerman. First, we ask if racial socialization and fear of crime influence how the respondents think they would act in a scenario similar to the Trayvon Martin case. Second, we ask if the relationship between these variables changes depending on the race and gender of the “suspicious person” in the hypothetical scenario. That is, does it matter if the “suspicious” person is a male or female or is African-American, Hispanic, or White?

Racial Socialization Research

The psychological literature proposes three ways in which parents share messages about race and ethnicity. These are termed cultural socialization, preparation for bias, and promotion of mistrust (Hughes & Chen, 1997). Messages regarding cultural socialization and preparation for bias are meant to increase cultural pride and teach children how to cope with discrimination (Hughes et al., 2006). Yet, promotion of mistrust messages teach children to be wary of other races and more alert of other racial groups (Hughes & Chen, 1997).

Most research has found promotion of mistrust messages are associated with negative outcomes, including depression (also over time), deviant behavior, and lower social competence (Granberg et al., 2012; Hughes et al., 2006). Studies overwhelmingly focus on African-American families and show that youth given racial mistrust messages are more likely to engage in deviant behavior, violate the law, and react outwardly to others (Taylor, Biafore, & Warheit, 1994; Biafore et al., 1993). A few studies have examined effects on people of other races and cultures. For example, studies have found more promotion of mistrust messages are related to lower levels of
social competence among Asian Americans (Tran and Lee, 2010) and lower academic achievement among Chinese, Hispanics and Whites (Huynh and Fuligni, 2008).

Racial and Ethnic Diversity and Fear of Crime

The criminological literature has found an association between ethnocentric attitudes and fear of crime, where negative attitudes about people of other races in one’s community are associated with more fear (Lane & Meeker, 2000; 2004). Specifically, one theoretical model is “subcultural diversity,” which argues that a primary reason people fear crime is that they do not understand people who are culturally, ethnically, and racially different from themselves (see Merry, 1981). Both qualitative and quantitative research shows support for this theoretical argument. Anderson (1990) noted that in urban environments, whites and minorities assumed that criminals were young minority males and were suspicious of those they did not know. Madriz (1997) found that women, regardless of race, saw young minority males as “a dangerous class.” She argued that women thought of criminals as “the dark-skinned man who haunts us from the shadows of alleys and public parks” (Madriz, 1997, p. 97). Statistical analyses have also shown support for the subcultural argument (e.g., Covington & Taylor, 1991; St. John & Heald-Moore, 1996; Lane & Meeker, 2000, 2004, 2011).

The impact of diversity and prejudice on fear is concerning if people who are afraid are more likely to take actions to protect themselves, which some research indicates they are. These actions can include avoidance behaviors (e.g., staying in their home, not going to certain neighborhoods) and defensive behaviors (e.g., carrying weapons, including guns or mace, joining a gang, or adding bars to their windows) (Rader, May, & Goodrum, 2007; Warr & Ellison, 2000). Avoidance behaviors matter for quality of life if they keep people from doing things they would normally do. Defensive behaviors matter if they result in more problems, such as people being hurt by weapons (including both those carrying weapons and innocent, “suspicious,” or offending others). Prior research has shown that avoidance behaviors, such as steering clear of some areas of town, are much more common than defensive behaviors, such as buying or carrying firearms (Lane & Meeker, 2004). Yet, we expect that people who are socialized to fear other racial and ethnic groups may be more likely to respond with violence to people who look different, including shooting if they have a gun (as George Zimmerman says he did).

Current Study

This study examines the impact of racial socialization and fear of crime on violent and non-violent reactions in a situation similar to the Trayvon Martin case. We also examine whether the impact of racial socialization and fear of crime differ by gender and race of the suspect in the scenario. Our research questions are 1) do racial socialization and fear of crime influence how the respondents think they would act in a scenario similar to the Trayvon Martin case? 2) Does the relationship among these variables change depending on the race and gender of the “suspicious person” in the hypothetical scenario? That is, does it matter if the suspicious person is White, African-American or Hispanic or a man or woman?
Method

Data Collection

Data were collected during the 2013 spring semester at the University of Florida, using a convenience sample recruited through the Department of Sociology and Criminology & Law’s participant pool. In an anonymous online survey, participants answered questions about their personal characteristics, racial socialization, and fear of crime. Then, participants were randomly assigned a hypothetical situation (similar to the Trayvon Martin case but varying the race and gender of the “suspicious person”) to read and then answer related questions.

Participants

The sample consists of 234 undergraduate students (see Table 1 for descriptive statistics). The majority of the sample is female and White. About 16% were Black, 20% were Hispanic, 3% were Biracial, and 6% were “others.” Ages ranged from 18 to 39, but most were young (mean = 20.43 years old). Most said they were majoring in the social sciences.

Measures

Racial socialization. Participants were asked how often their parents engaged in the racial socialization behaviors when they were growing up1. Response options included: never (1), sometimes (2), regularly (3), and all the time (4). A principal component factor analysis using Varimax rotation of the racial socialization items revealed three constructs (Eigenvalues greater than 1.0), and the included items were used to create three racial socialization scales: cultural socialization (7 items), preparation for bias (6 items), and promotion of mistrust (2 items).

Fear of crime. Participants were asked how personally afraid they were of multiple crimes. Response options included: not afraid (1), somewhat afraid (2), afraid (3), and very afraid (4). The fear items represented a variety of personal and property crimes2 (Lane, 2006; Lane, 2009). A principal component factor analysis (using Varimax rotation) of the fear of crime items revealed two constructs (two Eigenvalues greater than 1.0), from which we created two fear of crime scales: fear of property crime (2 items) and fear of violent crime (5 items). Conditions. Participants were assigned to read one of six hypothetical scenario conditions. The conditions varied by two levels of the gender of the suspect (male and female) and three levels of the race of the suspect (White, Black, and Hispanic). Therefore, there were six conditions total (White male, White female, Black male, Black female, Hispanic male, and Hispanic female). The following is an example of the scenario (underlined words changed based on condition).

It is about 7:00 P.M., dark, and raining. You are returning home in your car from a personal errand and see a suspicious man walking around in your neighborhood. The man looks like he is up to no good and may be on drugs. You’ve had a string of break-ins in your neighborhood, so you are alerted to it because he is walking around the area staring at all the houses. The man is white, in his late teens, and wearing a sweatshirt, pants, and tennis shoes. You put a call into the police to get an officer over to the area. When you are on the phone with the police dispatcher, the man begins to run toward the back entrance of your neighborhood. The dispatcher tells you not to follow him and there is an officer on the way. However, you get out of your car and follow the man so he does not get away before the police get there. You confront the man and a struggle ensues.
After they read the scenario, students answered the following question, "In order to protect yourself during the fight described in the previous situation you read, what would you consider doing?" The answer options were: scream for help, run away, fight back, pull a gun, pull a weapon other than a gun, shoot at them with a gun, and use a weapon other than a gun. For each answer option, the respondents could indicate yes, no, or don't know.

Results

Percentages

We first examined the percentage of respondents who said they would consider reacting in each of the different ways listed (see Table 1). Recall that each person got only one scenario presented to him/her, varying only gender and/or race. A majority of respondents said they would consider screaming for help (86.3%), running away (76.8%), and/or fighting back (79.5%). About 1/3 said they would be willing to pull a weapon other than a gun (35.5%) or use a weapon other than a gun (32.1%). Much fewer said they would consider pulling a gun (14.1%) or shooting a gun (7.9%).

Bivariate Correlations

Table 2 shows a bivariate correlation matrix with personal characteristics, fear of crime, racial socialization, and reactions to the hypothetical situation. Some factors were not significantly related to how people would consider reacting to the situation. However, results show that females were more likely to say they would react by screaming for help and running away. Males and older students were more likely to say they would react by pulling and shooting a gun. People who were afraid of both violent and property crime were more likely to say they would scream for help. Those who feared property crime were more likely to say they would run away or would pull a gun. Participants that were given more cultural socialization messages are less likely to say they would react by fighting. People who reported that their parents taught them to distrust other races (promotion of mistrust) were more likely to say they would consider shooting.

Table 3 shows a bivariate correlation matrix showing the chosen reactions based on the characteristics of the suspect. Interestingly, there were no significant differences in responses across conditions. That is, the race or gender of the "suspicious person" apparently did not matter in terms of how these students thought they would react if faced with a situation similar to the Trayvon Martin case.

Multivariate Logistic Regression

Table 4 shows the multivariate regression models predicting people's choice to scream for help, run away, pull a gun, and shoot a gun. The models include only the independent variables that were significant at the bivariate level. For the first three models, these were sex, violent crime, and property crime (see Table 2 for details). Column 1 shows the model predicting "scream for help." The overall model is significant ($X^2 = 48.86, p < .001$). However, after controlling for sex, fear of violent and property crime are no longer significant predictors of screaming. Females
are over 18 times more likely to say they would react by screaming for help than males \( (b = 2.92, p < .001; O.R. = 18.49) \).

Column 2 in Table 4 shows the model predicting the “run away” reaction. The overall model is again significant \( (X^2 = 33.73, p < .001) \). As in the scream model, after controlling for sex, fear of violent and property crime are not significant predictors of running away. Yet, women were 7 times more likely to run than males \( (b = 1.95, p < .001; O.R. = 7.02) \).

Column 3 shows the model predicting the “pull a gun” reaction. The overall model remains significant \( (X^2 = 14.32, p < .01) \). As in the scream and run models, once we controlled for sex, fear of violent and property crime drop out. Males were four times more likely to say they would pull a gun than females \( (b = -1.35, p < .01; O.R. = 0.26) \).

The final model in Table 4 shows a multivariate regression model predicting the willingness to shoot a gun in a situation similar to the Trayvon Martin case. The model again only includes variables that were significant at the bivariate level: sex, age, and promotion of distrust (see Table 2 for details). The overall model is significant \( (X^2 = 18.25, p < .001) \), and all variables remain significant. Males were four times more likely to say they would react by shooting a gun than females were \( (b = -1.41, p < .05; O.R. = 0.24) \). Older students were significantly (1.19 times) more likely to say they would consider shooting a gun than younger ones \( (b = 0.17, p < .05; O.R. = 1.19) \). People who heard more promotion of distrust messages as children were almost twice as likely (1.86 times) to say they might react by shooting compared to those who did not hear those messages \( (b = 0.62, p < .01; O.R. = 1.86) \).

**Discussion and Directions for Future Research**

We set out to determine if racial socialization and fear of crime predicted reactions to a hypothetical situation very similar to that George Zimmerman described in his experience with Trayvon Martin. We expected that they would matter, and that people faced with a minority male “suspicious” person would be more likely to react with more defensive reactions (e.g., pulling a gun or other weapon or shooting). The results were contrary to these expectations. We found that the race and gender of the suspect was not correlated with the chosen reaction to the situation. Of course, this was an educated, college student sample who may either be more open-minded than the general populace might be or may be reluctant to admit a they would have a negative reaction to someone of color. Or, it may be that the respondents had heard so much in the news about the Trayvon Martin shooting and the debate that they were afraid to indicate that they might do the same if put in the same position (92% had heard of the Trayvon Martin case). This study is just a first step in examining these issues, and more studies will shed more light on the issue.

Yet, we did find some interesting results. First, gender of the person reacting mattered. Females were more likely to say they would scream for help and run away, but males were more likely say they would consider pulling a gun and would be willing shoot. This finding supports findings in the fear of crime literature, which also finds that females are more likely to avoidance behaviors (e.g., stay in their home, not go to certain neighborhoods), while males are more likely to use defensive behaviors (e.g., carry weapons or mace, join a gang, add bars to their windows) (Rader, May, & Goodrum, 2007; Warr & Ellison, 2000).
Interestingly, we found that after controlling for gender of the rater, fear of violent and property crime no longer predicted type of reaction. Given the finding in the fear literature that women are much more afraid of crime, this finding makes sense. Gender socialization, which much fear of crime research has examined, may be more powerful than racial socialization. The gender socialization argument focuses on messages that women and men receive about their relative physical power to ward off attack and appropriateness of expressing emotions, such as feelings of weakness. From this perspective, women are socialized to be weak and submissive while men are socialized to be strong and powerful (see Lane, 2013 for a summary).

Racial socialization messages were not predictive, except for “promotion of mistrust,” which was a significant predictor of willingness to shoot a gun. This finding is interesting because this points to the possibility that when one mistrusts other races, (more often) he is more likely to choose to shoot a gun if it is available. This brings us back to the core issue that prompted this analysis—was it racial profiling (or mistrust) that led George Zimmerman to shoot Trayvon Martin? We cannot answer this question, but these findings do not point to a different conclusion.

As with any study, there are limitations to inherent in this project. Data were cross-sectional and from an online convenience sample of undergraduates at one university, but in Florida where the Trayvon Martin case occurred. Because this study was not designed to draw causal conclusions, these data cannot answer causal questions about the connection between racial socialization, fear of crime, and reactions to a hypothetical situation very similar to the Trayvon Martin case. Yet, the results are interesting and unexpected in some cases, meaning that a similar study in different locations with larger and more diverse samples would be useful to better understand these findings. Adding a qualitative component may also help to understand the thought process people might have in these situations and may allow researchers to gauge whether people are responding in a politically correct way or based on their true feelings. Unfortunately, our sample did not have enough participants in each condition to determine whether racial socialization, fear of crime, or participant characteristics impacted reactions to the hypothetical situation differently depending on the race and gender of the suspect. Consequently, a bigger sample might help ensure these connections can be tested.

**Policy Implications**

What do results like these mean for people out in the “real” world who are trying to figure out how to prevent situations like the Trayvon Martin shooting from happening again? The finding that the type of reaction to the situation was not correlated with the race and gender of the “suspicious” person was unexpected. That is, if race of suspect mattered, we would have expected more serious negative reactions to people of color. If gender mattered, we would have expected more negative reactions to males. Of course, the people responding to the survey were college students, and due to their educational experiences may be more careful about how they think about and respond to questions of race and gender. Based on these results, it is difficult to make policy recommendations focused on issues related to race and race relations. More exploration of these issues is needed. But, promotion of mistrust messages were significantly related to willingness to shoot. If parents are teaching their children to have bias against other races and ethnicities,
schools and community prevention programs aimed at increasing cultural competency may have the potential prevent violence in the long term.

As noted above, gender was the most consistent predictor of reactions to the hypothetical situation very similar to the Trayvon Martin case. Consequently, we expect that gender socialization is a more powerful predictor than racial socialization in predicting how one would respond to a potentially threatening situation. Specifically, women were more likely to say they would use avoidance behaviors (scream and run) and men were more likely to say they would use defensive ones (pull a gun and shoot a gun). If these results are confirmed by other studies, it seems that policy efforts to suggest responses other than violence to uncomfortable or potentially threatening situations might best be focused on men. That is, programs might be aimed at training men about options other than violence to seemingly threatening situations (e.g., avoidance behaviors or ways to deescalate negative situations). In times of lean budgets, knowing where to target these programs (e.g., to men) is useful.

These data were collected in Florida, where the Trayvon Martin debate continues to rage, but also where the debate about Florida’s liberal “Stand Your Ground” law has renewed since shots took Trayvon’s life (Hundley, Martin, & Humburg, 2012). Some are worried that Florida’s “no duty to retreat” provision will lead more willingness to shoot and possibly more innocent lives being taken either accidentally or on purpose. In that regard, these findings are hopeful. Even though men are more likely to say they will shoot, only a few people indicated they would choose to pull a gun (14.1%) or shoot a gun (7.9%) if they were faced with a situation that George Zimmerman described. That is, most of these students would have chosen other options.

ABOUT THE AUTHORS
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### Table 1. Descriptive statistics

<table>
<thead>
<tr>
<th>Personal characteristics</th>
<th>N (yes)</th>
<th>%</th>
<th>Racial socialization (1 = never to 5 = all the time)</th>
<th>mean</th>
<th>sd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex (1 = female, 0 = male)</td>
<td></td>
<td></td>
<td>Cultural socialization</td>
<td>2.87</td>
<td>0.88</td>
</tr>
<tr>
<td>Female</td>
<td>166</td>
<td>29.1</td>
<td>Preparation for bias</td>
<td>2.36</td>
<td>0.93</td>
</tr>
<tr>
<td>Male</td>
<td>68</td>
<td>70.9</td>
<td>Promotion of mistrust</td>
<td>1.83</td>
<td>1.03</td>
</tr>
<tr>
<td>Race</td>
<td></td>
<td></td>
<td>Fear of crime (1 = not afraid to 4 = very afraid)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>131</td>
<td>55.9</td>
<td>Fear of property crime</td>
<td>1.84</td>
<td>0.79</td>
</tr>
<tr>
<td>Black</td>
<td>37</td>
<td>15.8</td>
<td>Fear of violent crime</td>
<td>2.21</td>
<td>1.13</td>
</tr>
<tr>
<td>Hispanic</td>
<td>46</td>
<td>19.7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Biracial</td>
<td>7</td>
<td>2.9</td>
<td>Reactions (1 = yes, 0 = no)</td>
<td>N (yes)</td>
<td>%</td>
</tr>
<tr>
<td>Other</td>
<td>13</td>
<td>5.5</td>
<td>Screaming</td>
<td>182</td>
<td>86.3</td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
<td>Run</td>
<td>156</td>
<td>76.8</td>
</tr>
<tr>
<td>Age mean</td>
<td>20.43</td>
<td></td>
<td>Fight</td>
<td>159</td>
<td>79.5</td>
</tr>
<tr>
<td>Age range</td>
<td>18-39</td>
<td></td>
<td>Pull gun</td>
<td>29</td>
<td>14.1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Pull weapon other than gun</td>
<td>71</td>
<td>35.5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Shoot gun</td>
<td>16</td>
<td>7.9</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Use weapon other than gun</td>
<td>190</td>
<td>32.1</td>
</tr>
</tbody>
</table>

### Table 2. Correlations of reactions with personal characteristics, fear of crime, and racial socialization

<table>
<thead>
<tr>
<th>Personal characteristics</th>
<th>Scream</th>
<th>Run</th>
<th>Fight</th>
<th>Pull gun</th>
<th>Pull weapon other than gun</th>
<th>Shoot</th>
<th>Use weapon other than gun</th>
</tr>
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<tbody>
<tr>
<td>Sex</td>
<td>0.49***</td>
<td>0.41***</td>
<td>-0.01</td>
<td>-0.26***</td>
<td>-0.05</td>
<td>-0.22**</td>
<td>-0.07</td>
</tr>
<tr>
<td>Age</td>
<td>-0.11</td>
<td>-0.14</td>
<td>0.04</td>
<td>0.10</td>
<td>0.10</td>
<td>0.17*</td>
<td>0.15*</td>
</tr>
<tr>
<td>White</td>
<td>0.03</td>
<td>-0.03</td>
<td>0.12</td>
<td>0.03</td>
<td>-0.05</td>
<td>-0.06</td>
<td>-0.14*</td>
</tr>
<tr>
<td>Black</td>
<td>0.04</td>
<td>0.03</td>
<td>0.01</td>
<td>-0.02</td>
<td>0.05</td>
<td>0.07</td>
<td>0.14</td>
</tr>
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<td>0.04</td>
<td>-0.08</td>
<td>-0.07</td>
<td>-0.05</td>
<td>-0.11</td>
<td>0.00</td>
</tr>
<tr>
<td>Biracial</td>
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<td>-0.06</td>
<td>-0.13</td>
<td>0.10</td>
<td>0.11</td>
<td>0.14</td>
<td>0.10</td>
</tr>
<tr>
<td>Other</td>
<td>-0.17*</td>
<td>-0.01</td>
<td>-0.04</td>
<td>0.04</td>
<td>0.04</td>
<td>0.11</td>
<td>0.01</td>
</tr>
<tr>
<td>Fear of crime</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violent crime</td>
<td>0.17**</td>
<td>0.12</td>
<td>-0.04</td>
<td>-0.13</td>
<td>-0.02</td>
<td>-0.14</td>
<td>-0.04</td>
</tr>
<tr>
<td>Property crime</td>
<td>0.21**</td>
<td>0.18*</td>
<td>-0.08</td>
<td>-0.15*</td>
<td>-0.06</td>
<td>-0.11</td>
<td>-0.06</td>
</tr>
<tr>
<td>Racial socialization</td>
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<tr>
<td>Cultural socialization</td>
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<td>-0.06</td>
<td>-0.16*</td>
<td>-0.04</td>
<td>0.07</td>
<td>0.00</td>
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<tr>
<td>Preparation for bias</td>
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<td>0.07</td>
<td>-0.10</td>
<td>-0.06</td>
<td>0.09</td>
<td>0.07</td>
<td>0.09</td>
</tr>
<tr>
<td>Promotion of mistrust</td>
<td>0.02</td>
<td>0.12</td>
<td>-0.05</td>
<td>0.12</td>
<td>0.08</td>
<td>0.21**</td>
<td>-0.02</td>
</tr>
</tbody>
</table>

Note: *p < .05, **p < .01, ***p < .001
Table 3. Correlations of conditions and reactions

<table>
<thead>
<tr>
<th></th>
<th>White Male</th>
<th>Black Male</th>
<th>Hispanic Male</th>
<th>White Female</th>
<th>Black Female</th>
<th>Hispanic Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scream</td>
<td>-0.03</td>
<td>0.07</td>
<td>0.03</td>
<td>-0.03</td>
<td>-0.04</td>
<td>0.00</td>
</tr>
<tr>
<td>Run</td>
<td>-0.08</td>
<td>0.06</td>
<td>0.03</td>
<td>-0.02</td>
<td>0.06</td>
<td>-0.06</td>
</tr>
<tr>
<td>Fight</td>
<td>-0.04</td>
<td>0.09</td>
<td>-0.06</td>
<td>-0.05</td>
<td>-0.05</td>
<td>0.10</td>
</tr>
<tr>
<td>Pull gun</td>
<td>0.00</td>
<td>0.01</td>
<td>0.10</td>
<td>0.03</td>
<td>-0.04</td>
<td>-0.08</td>
</tr>
<tr>
<td>Pull weapon other than gun</td>
<td>0.07</td>
<td>-0.01</td>
<td>0.09</td>
<td>0.01</td>
<td>-0.06</td>
<td>-0.08</td>
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<tr>
<td>Shoot</td>
<td>0.03</td>
<td>0.10</td>
<td>0.07</td>
<td>0.05</td>
<td>0.01</td>
<td>-0.04</td>
</tr>
<tr>
<td>Use weapon other than gun</td>
<td>0.13</td>
<td>-0.06</td>
<td>0.13</td>
<td>-0.01</td>
<td>-0.08</td>
<td>-0.09</td>
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</table>

Note: *p < .05, **p < .01, ***p < .001

Table 4. Logistic regression predicting reactions

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<tr>
<th></th>
<th>Scream Coefficients</th>
<th>OR</th>
<th>SE</th>
<th>Run Coefficients</th>
<th>OR</th>
<th>SE</th>
<th>Pull gun Coefficients</th>
<th>OR</th>
<th>SE</th>
<th>Shoot Coefficients</th>
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<td>Sex</td>
<td>2.92***</td>
<td>18.49</td>
<td>0.55</td>
<td>1.95***</td>
<td>7.02</td>
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<td>-1.35**</td>
<td>0.26</td>
<td>0.45</td>
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<td>0.17*</td>
<td>1.19</td>
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<td>Fear of violent crime</td>
<td>-0.10</td>
<td>0.90</td>
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<td>-0.18</td>
<td>0.84</td>
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<td>Fear of property crime</td>
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<td>1.71</td>
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<td>1.47</td>
<td>0.36</td>
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<tr>
<td>Promotion of mistrust</td>
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<td></td>
<td></td>
<td>0.62**</td>
<td>1.86</td>
<td>0.23</td>
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Chi-square: 48.86***
Log-likelihood: -59.43

Note: **p < .01; ***p < .001; OR = Odds Ratio; SE = Standard Error
References


NOTES

1 Cultural socialization items included: talked about important people or events in history of different groups other than your own, encouraged you to read books about other groups, talked about important people or events in your group’s history, talked about discrimination against a group that is not your own, explained something on TV that showed discrimination, encouraged to read books about your own group, and did or said things to show that all are equal regardless of race or ethnicity. Preparation for bias items included: talked about discrimination, talked about others trying to limit you, told you that you must be better to get the same rewards, told you your race was an important part of self, and talked about unfair treatment due to race. Promotion of mistrust items included: did or said things to keep you from trusting kids of other races or ethnicities.
and did or said things to encourage you to keep your distance from people of other races or ethnicities.

2 Violent crime items included: shot at while walking down the street, shot at with a concealed weapon, victim of a drive-by shooting, physically assaulted, and victim of a carjacking. Property crimes included: property damage and property damage by graffiti. However, there were several fear of crime items that did not load at .5 or above on a factor. These included, for example, rape or sexually assault, murder, attacked by someone with a weapon, robbed or mugged, threatened by someone, and beaten up by someone, someone breaking into your home while you are away, having your car stolen.
Trayvon Martin in the International Press

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University of Florida

Abstract

Just as international coverage of the Emmett Till case marshaled domestic support for the civil rights movement, international coverage of the Trayvon Martin murder focused international attention on the disgraceful mishandling of the Martin’s murder case, aligning itself with domestic clamor for the prosecution of his killer.

This paper examines some of the international discourse generated around the Martin affair, and argues that such discourse complimented domestic discourse regarding the murder, transforming the murder of yet another black youth into an international referendum on the functioning of the American criminal justice system and the myth of the American ‘post racial’ society.

The authors examine select international press coverage leading up to the killer’s indictment, asking the following question: What perspectives did the international and domestic press take? What issues were foregrounded? Finally, what role did social media play in empowering social activism around the case?

Introduction

Activist groups have frequently sought to lodge appeals against social inequalities and human rights violation in the court of international public opinion. For example, racial apartheid practices in South Africa became untenable in the light of the international public condemnation generated by social activists. The trade by the diamond cartel, DeBeers, in blood diamonds mined by neo-slaves in West and Central Africa came under intense scrutiny and condemnation, once exposed to the glaring light of the international media, causing the cartel to take positive steps towards ending its direct involvement is such transactions.

Closer to home, the role and influence of the press carries equal weight. Press coverage of the Black Panthers long battle to have U.S. genocidal practices against African Americans tried before the International Court in The Hague, attracted the attention of the U.S. government and the FBI while bolstering domestic and international support for their cause (O'Reilly, 1979). Dr. Martin Luther King, Jr.’s receipt of the Nobel Peace Prize and favorable international press coverage of this event was a capstone on the legitimacy of the U.S. Civil Rights movement and hastened the U.S. government’s guarantee of the rights of all of its citizens by passing the Civil Rights Act. Similarly, the brutal murder of Emmett Till did not receive sustained attention from the U.S. criminal justice system until it gained international attention in the world press (Nelson,
In these cases and others, it is clear that international opinion influenced the actions of U.S. leaders and institutions, elevating consciousness as well as empowering the legitimate claims of the underdogs it supported.

This paper examines how the Trayvon Martin murder was framed by the international press and social media, comparing international media coverage of these events with pro-Martin domestic media coverage. Using the technique of textual analysis, the paper finds that international media coverage was highly critical of the handling of the murder investigation by U.S. police authorities and the U.S. judicial system, and focused international attention on disparities in the administration of justice for black people in America. The paper also references the role that international social media like MoveOn.org, played in galvanizing widespread pro-Martin public support. It concludes that united local, domestic and international media pressure supported national demands to bring Trayvon’s killer to justice and perhaps ultimately persuaded a politically savvy U.S. president to declare, “If I had a son, he would look like Trayvon Martin,” precipitating a federal investigation that pressured local authorities to arrest and indict his killer.

**Method**

For this study, a sample of six newspapers was selected using two online databases: LexisNexis and ProQuest Ethnic NewsWatch. All articles collected fell within the time interval February 26, 2012 to April 11, 2012, to coincide with the day of Trayvon Martin’s shooting death, and George Zimmerman’s eventual indictment.

*USA Today* was selected because it is the highest circulation general information newspaper in the United States. *The New York Times* was selected because it has traditionally set the agenda for other news organizations, determining what issues and events warrant coverage (Chomsky, 1997). A search through LexisNexis using the search term ‘Trayvon Martin’ yielded forty-one news items for *USA Today* and 113 news items for *The New York Times*.

While *USA Today* and *The New York Times* were chosen for their mainstream positioning, the black press was also examined because of its greater focus on issues affecting black populations. Using ProQuest Ethnic NewsWatch and the same search term, thirty-nine news items were found in *The Philadelphia Tribune* and *Washington Informer*, the two black newspapers with the highest circulation, according to the Pew Research Center.

High-circulation newspapers from France (*Le Monde*), the United Kingdom (*The Guardian* and *The Sun*), Peru (*La República* and *El Comercio*), and Cuba (*Granma*) were chosen to represent international press opinion. In addition, *Le Monde* was selected because, like *The New York Times*, it reflects French elite opinion and perspective. With the exception of *Granma* and *La República*, all articles were located using the LexisNexis database. A total of twelve news items were collected from *Le Monde*, thirteen from *The Guardian*, fifteen from the *The Sun*, and six from *El Comercio*. Ten items were collected from the web archive for *La República* and six items were collected from the web archive for *Granma*.

A thematic textual analysis was performed on all news items. Newspaper articles are cultural products that provide a mediated site for construction of realities and narratives.
analysis requires in-depth analysis, past the manifest content or what is literally written, to find latent meaning and come to an understanding of the ideologies being negotiated in the text.5

The individual articles served as the unit of analysis. Each text was closely read with attention to contextual usage of key words and phrases.6 For each text, as relevant examples from a text were collected, they were categorized. Repetition of specific ideas throughout units of text would indicate the presence of a theme. The constant comparative method which involved comparing and contrasting recurrent ideas within and across units of analyses aided in the generation of specific themes7.

Findings

The following common themes emerged in the coverage of the shooting.

Characterization Of George Zimmerman

Zimmerman’s racial identity or ethnic identity is always mentioned in the U.S. mainstream press, the black press and the mainstream international press. However, interestingly, the Cuban newspaper Granma describes Zimmerman as white, but makes no mention of his Hispanic background.

Zimmerman, who is Latino, called the emergency services because he thought Martin, 17, looked “suspicious” and then, against the advice of the dispatcher, followed him (Younge, “Comment: This was a killing too far: Outrage at the death of Trayvon Martin is finally lifting the lid on America's racist underbelly,” The Guardian, 3/22/2012).

The death of a young black man, killed by a white vigilante while walking unarmed in Florida causes growing indignation (“Indignation grows in the United States over the murder of an innocent black youth,” Granma, 3/23/2012).8

The victim was black and unarmed, the shooter is the son of a white American man and Peruvian woman (Bernard, “The murder that awakens the demons of America,” Le Monde, 3/31/2012).9


Characterization Of Trayvon Martin

Aside from race and the fact that Martin was unarmed, carrying just a bag of Skittles and Arizona iced tea, international news coverage focused on Martin’s physical size, emphasizing his youth and the idea that he was defenseless.

This case has caused a massive outcry in America and, for a while, it looked as if the rightwing Commentariat was going to struggle to find much to say against a dead child. In the past week, that has changed (Freeman, “G2: Lost in Showbiz: In America, TV pundits are the middle-aged and male equivalent of Kim Kardashian” The Guardian, 3/30/2012).
Many are angry that a boy can be shot dead while his killer walks free (Samson, “Why black America is screaming ‘I am Trayvon Martin’,” The Sun, 4/10/2012).

The arrest order was approved after the death of young Trayvon Martin which occurred in a suburb of Orlando on February 26th (Chávez, “The slaying of a black youth unleashes controversy in the United States,” El Comercio, 3/24/2012).10

Credibility Of Self-Defense Claim: Did Size Matter?

Both the U.S. mainstream press and the black press used Zimmerman’s physical size (he was about 100 pounds heavier than his victim) to question the credibility of his self-defense claim: the international press, with the exception of The Guardian, did not. The international press focused more on Zimmerman’s refusal to follow orders and the fact that cries for help heard on 911 calls ended after an audible gunshot.

He reported the suspicious presence of the adolescent to the emergency line, 911. Although the police ordered him not to follow the young man, Zimmerman did not obey the recommendation, he confronted Martin and shot him point-blank in the chest (Chávez, “The slaying of a black youth unleashes controversy in the United States,” El Comercio, 3/24/2012).11

[The 911 calls] show that the police officer on duty asked that the watchman not follow the young man: ‘Are you following him?’ OK, We don’t need you to do that.’ Also heard is a cry for help ending with a gunshot. The parents of the victim are sure they recognize the voice… (Bernard, “The murder that awakens the demons of America,” Le Monde, 3/31/2012).12

Zimmerman weighs 250lbs and had a 9mm handgun; Martin weighed 140lbs and had a packet of Skittles and a can of iced tea (Younge, “Comment: This was a killing too far: Outrage at the death of Trayvon Martin is finally lifting the lid on America's racist underbelly,” The Guardian, 3/22/2012).

Hoodie-wearing Trayvon was on his way back from the local store on February 26 - carrying only a bag of Skittles and a can of iced tea he had just bought - when he caught the eye of Hispanic local neighborhood watch chief George Zimmerman…The operator asked Zimmerman if he was following him and the neighborhood watch captain replied: “Yeah.” The operator told him: “We don't need you to do that.” Zimmerman said, “OK,” [and] then ended the four-minute call…then suddenly - and chillingly - a loud gunshot can be heard and the screams immediately stopped. This was later discovered to be the moment Zimmerman shot Trayvon dead with a single bullet to the chest (Samson, “Why black America is screaming ‘I am Trayvon Martin’,” The Sun, 4/10/2012).

Credibility Of Self-Defense Claim: Prior Offenses And Personality

In judging the credibility of Zimmerman’s self-defense claim, all publications compared Martin’s and Zimmerman’s history of prior violent incidents and personalities. Zimmerman is characterized as a man with a propensity for violence. The New York Times paints the portrait of a man paranoid of his surroundings, and The Philadelphia Tribune press takes this a step further
by directly connecting his paranoia to suspicions of black males. The international press paints Zimmerman’s as aggressive and criminal. In addition, *La República*, points to not only his aggressive past, but also a surveillance video taken within the police station, in raising questions about the credibility of Zimmerman’s self-defense claim.

Zimmerman, 28 - allegedly fired from a security guard job in 2005 for being “too aggressive” - was released by police that same night after questioning and has still not been charged with a crime (Samson, “Why black America is screaming ‘I am Trayvon Martin’,” *The Sun*, 4/10/2012).

Protestors of all races have taken to the streets to demand justice for Trayvon - a keen athlete with no criminal record (Samson, “Why black America is screaming ‘I am Trayvon Martin’,” *The Sun*, 4/10/2012).

Zimmerman, who is studying criminal justice, was arrested once in 2005 on charges of attacking a police officer and resisting arrest; the case was dropped. Trayvon had no criminal record. He was suspended from his Miami high school for 10 days in February, which is why he was visiting his father (McVeigh, “Outcry over Florida's neighborhood watch killing: Self-defense law cited after unarmed youth shot dead. Phone call gives police first witness account,” *The Guardian*, 3/21/2012).

The publication of a video in which George Zimmerman appears to be handcuffed by the police after killing Trayvon Martin by gunshot, an unarmed black adolescent in the U.S., and, apparently, having not suffered any serious hit, brings doubt to his version of being attacked by the minor and having to take out his weapon (Video casts doubt on George Zimmerman’s story and his reason for shooting Trayvon Martin, *La República*, 3/31/2012).

The U.S. Criminal Justice System

All the newspapers in our sample criticize the criminalization of Martin. In *The New York Times* as well as *The Philadelphia Tribune*, the differential treatment given to Martin and Zimmerman were viewed as criminalization of the victim: while Martin’s body was tested for drugs and alcohol, Zimmerman was not tested at all. The black press insinuates that this was related to race. While *The New York Times* completely denounced attempts to criminalize Trayvon for possession of marijuana prior to his murder, *Le Monde* used this knowledge to highlight differential treatment of black males in America.

*USA Today* censured the handling of the police investigation. However, while *USA Today* alluded to the idea that race may have prompted the mishandling of the initial police investigation, *The Philadelphia Tribune* highlighted the differential treatment blacks receive from the U.S. criminal justice system. In contrast, coverage from *Granma* took on a neutral tone. *Le Monde* questioned the thoroughness of the police investigation pointing to key missteps in the initial investigation. Finally, *The Guardian* argued that racism is a part of the U.S. criminal justice system.

Both systemic and systematic, the racism these incidents and statistics reveal is embedded within the judicial system itself, rendering it part of the problem rather than
the solution. This goes beyond the parental to the political. For it is difficult to escape the conclusion that the state, as currently imagined and experienced, is simply not set up with the purpose of protecting the rights of black people - indeed quite the opposite. It seems to function with the specific intent of violating their rights (Younge, “Comment: Mamie Till's warning still holds true in a racist world: On both sides of the Atlantic, black parents are forced to weigh children's self-esteem against their safety,” The Guardian, 4/9/2012).

This incident involves many legal questions and the aggressor has not been arrested by the police although Governor Rick Scott has asked that a transparent trial take into account [Zimmerman’s] allegations of [his shooting Trayvon Martin] being an act of self defense (“Public demonstrations against racism grow in the United States,” Granma, 3/26/2012).¹³

George Zimmerman told the police that the boy punched him in the nose and banged his head on the sidewalk. But the police did not call a doctor or performed any toxicology exams. They failed to question the key witness- Trayvon Martin’s girlfriend with whom he was having a conversation on his cellphone during the drama (Bernard, “The death that awakens the demons of America,” Le Monde, 3/31/2012).¹⁴

Characterization Of The Stand Your Ground Law And Gun Control Laws

Domestic and international press coverage censured the Stand Your Ground law and its application. While both the U.S. mainstream press and black press criticize the law directly, the black press questions the ease with which individuals can obtain gun permits and take the law into their own hands. The international coverage asserted that this law is partly responsible for Zimmerman not being brought to justice.

Add to this lax gun laws, entrenched segregation, deep economic inequalities and a statute that endorses vigilantism, and a murder of this kind is inevitable (Younge, “Comment: This was a killing too far: Outrage at the death of Trayvon Martin is finally lifting the lid on America's racist underbelly,” The Guardian, 3/22/2012).

“How Stand Your Ground”: It’s thanks to this law that the murderer of a Young Black male in Florida was not worried about justice (Bernard, “In the land of justifiable homicides,” Le Monde, 4/6/2012).¹⁵

Criticism Of Gun Culture

The New York Times, The Philadelphia Tribune, and Le Monde criticized pro-gun culture, the ubiquity of guns, and the gun lobby for their role in perpetuating uncontrolled gun violence. Le Monde went as far as calling the U.S. “pays des homicide justifiable,” translated, “the land of justifiable homicide” (Le Monde, 4/6/2012). The Sun compared gun violence fatalities in Ireland to gun violence in the U.S. The Guardian also used statistics to highlight the prevalence of gun violence in the U.S.
Eight kids under the age of 19 are killed by guns in America every day (Younge, “Comment: This was a killing too far: Outrage at the death of Trayvon Martin is finally lifting the lid on America's racist underbelly,” The Guardian, 3/22/2012).

In 2010 there were nearly 8,775 murders with guns in the country, compared with 23 in Ireland (Samson, “Why black America is screaming ‘I am Trayvon Martin’,” The Sun, 4/10/2012).

The affair reminds us that Florida, a place where 6 million of its 19 million inhabitants is a gun owner, is not only the tropical paradise of Disney but also the American state where having firearms is commonplace. You will hear some anti-violence activists call ‘the Sunshine State’ (its usual nickname) the ‘Gunshine State’ (Bernard, “In the land of justifiable homicides,” Le Monde, 4/6/2012).16

U.S. Race Relations

Discourse surrounding U.S. race relations in the mainstream U.S. press repudiated the idea that race relations are perfect. The black and international press called attention to the fallacy of thinking that President Barack Obama’s election is indicative of a post-racial America, rejecting the idea of Martin’s murder being an anomaly.

The second world war had a civilizing influence on Buford Posey, a white man raised in the Deep South during the Depression. “When I was coming up in Mississippi I never knew it was against the law to kill a black man,” he says. “I learned that when I went in the army. I was 17 years old. When they told me I thought they were joking.” Some 70 years later it's clear not everybody got that memo. Three weeks ago in Sanford, Florida, a neighborhood watch captain, George Zimmerman, shot dead an unarmed black teen, Trayvon Martin, as he walked home from the store (Younge, “Comment: This was a killing too far: Outrage at the death of Trayvon Martin is finally lifting the lid on America's racist underbelly,” The Guardian, 3/22/2012).

This affair, by bursting the illusion that questions of race have passed with the election of Barack Obama, has put certain themes – discrimination, attitudes of police and justice with respect to black- back on the table, which the president should put first (“The death of Trayvon Martin mobilizes black Americans in the middle of the [presidential] campaign,” Le Monde, 4/3/2012).17

Treatment Of Black Males In The United States

USA Today, The Washington Informer, and Le Monde reported on the differential treatment of black males in the U.S. While USA Today asserted that there has been progress made on this front, Le Monde indicates that mistreatment of young black males is a part of the U.S. social system.

Zimmerman’s assumptions on seeing Martin may have been reprehensible but they were not illogical. Black men in America are more likely to be stopped, searched, arrested, convicted and executed than any other group. With almost one in ten black men behind
bars there are more of them in prison, on probation or on parole today than were enslaved in 1850. To assume that when you see a black man you see a criminal is rooted in the fact that black men have been systematically criminalized. That excuses nothing but explains a great deal (Younge, “Comment: This was a killing too far: Outrage at the death of Trayvon Martin is finally lifting the lid on America's racist underbelly,” The Guardian, 3/22/2012).

Trayvon was not the composite sketch of an angry rapper. He had dreams of becoming an airplane pilot. His mom took him skiing… the drama has revived old images. Like in the time of Emmett Till, in some places, it is still dangerous to be a black teenager (Lesnes, “The burden of black youths,” Le Monde, 3/31/2012). 18

Parallels To Other Race-Related Crimes

Coverage of Trayvon Martin’s shooting death has included parallels of the crime to past crimes perpetrated against Blacks. While the USA Today focused on the fact that police do not always investigate those crimes, the Washington Informer and The Sun position the police as the criminals and the The Washington Informer positions Trayvon’s murder as a normal part of continued violence against young black men.

The 911 recording of Zimmerman pursuing Trayvon has been played on repeat on news channels, just like the shocking video of Rodney King being beaten by LA police officers was in 1991 (Samson, “Why black America is screaming ‘I am Trayvon Martin’,” The Sun, 4/10/2012).

In 1955 Mamie Till sent her 14-year-old son, Emmett, from Chicago to rural Mississippi to spend his summer holiday with family. As she packed him off she gave him some advice about how a black youth should conduct himself in the pre-civil rights south. “If you have to get on your knees and bow when a white person goes past,” she told him. “Do it willingly.” While in the small town of Money, in the delta region, he either said “Bye, baby” or wolf-whistled at a white woman in a grocery store. Three days later his body was fished out of the Tallahatchie River with a bullet in his skull, an eye gouged out and his forehead crushed on one side... More than half a century later, Mamie Till’s advice still stings with the brutal honest of a mother’s love (Younge, “Comment: Mamie Till's warning still holds true in a racist world: On both sides of the Atlantic, black parents are forced to weigh children's self-esteem against their safety,” The Guardian, 4/9/2012).

In 1955, Emmett Till, a young black 14-year old originally from Chicago, was killed by two white men while visiting cousins in Mississippi. He bragged about having white friends, which was unimaginable in the South, and addressed a grocer with some familiarity. Her husband and his accomplices were acquitted in a denial of justice which intensified the civil rights movement … The drama has revived old images. Like in the time of Emmett Till, in some places, it is still dangerous to be a black teenager (Lesnes, “The burden of black youths,” Le Monde, 3/31/2012). 19
The Role Of Social Protest

According to the press, social protest played a large role in propelling national attention for the Trayvon Martin case.

The Martin case released a wave of mobilization from the African American community throughout all of California, New York, and Florida, in addition of bringing up debate on the law known as “shoot first,” which has already provoked other lethal reactions from citizens (“Public demonstrations against racism grow in the United States,” Granma, 3/26/2012).²⁰

Thanks to the escalating outrage at Martin's death an investigation has now been launched by the U.S. department of justice, and the state attorney's office will be sending it to a grand jury. It took three weeks, outrage and the mobilization of thousands of people to make that happen. Apparently the facts alone did not warrant further inquiry (Younge, “Comment: This was a killing too far: Outrage at the death of Trayvon Martin is finally lifting the lid on America's racist underbelly,” The Guardian, 3/22/2012).

But police responding to the shooting of unarmed Trayvon Martin, 17, six weeks ago were unaware that the case would cause an earthquake of controversy across the country…Protestors of all races have taken to the streets to demand justice for Trayvon - a keen athlete with no criminal record (Samson, “Why black America is screaming ‘I am Trayvon Martin’,” The Sun, 4/10/2012)

Role Of Social Media And Internet Activism

The media and communication strategists are increasingly turning their attention to the role of social media activism in supporting social action. As Crouch (2013) points out:

By using social media technologies, grassroots groups can organize incredibly fast, coordinate messages across state, provincial and national boundaries and generate mass awareness far cheaper than ever before.

USA Today and The Washington Informer asserted that Facebook and Move.org played an important role in spurring public protest and that social media provided people with a platform to participate in the discourse surrounding Trayvon Martin’s shooting death. Even Granma described the signing of online petitions as social activism.

More than a million people, at a rate of 50,000 signatures per hour, already supported a petition asking for criminal charges against [Zimmerman] according to Change.org (“Indignation grows in the United States over the slaying of an innocent black youth,” Granma, 3/23/2012).²¹

It was widely reported that a petition on MoveOn.org calling for justice for Martin garnered more than two million signatures, nationally and internationally, the highest of any petition in MoveOn.org’s history. Change.org, another website supporting social activism garnered similar results:
Faced with a petition on the Change.org website signed by almost 500,000 people, the state authorities intervened yesterday, announcing that a grand jury would hear evidence next month (McVeigh, “Outcry over Florida's neighborhood watch killing: Self-defense law cited after unarmed youth shot dead.” The Guardian, 3/21/2012).

Discussion And Conclusion

The framing of the Trayvon Martin murder investigation in the international press focused attention on the imperfections and inequities in the U.S. judicial system and the unequal treatment meted out to African Americans in the land of the free and the home of the brave. It revived scrutiny of American race relations at a time when the ascension of Barack Obama to the U.S. presidency was allowing many in the U.S. media to frame the Martin killing as an anomaly in the context of a post-racial America.

The international press reaffirmed the persistence of racism in the U.S. criminal justice system, and mirrored the U.S. press, critically questioning whether the U.S. criminal justice system was functioning in an equitable manner for all its citizens, regardless of color. For the most part, the framing of the U.S. criminal justice system was negative, presenting an unfavorable view of race relations in the United States. Just as coverage of both the election and the re-election of President Barack Obama allowed for the re-affirmation the ‘American Dream’ master narrative, international press coverage of the Trayvon Martin incident questioned this notion, encouraging critical international postures toward American society. The manner in which the Trayvon Martin case was reported internationally was in fact an international referendum on racial equity in our society and its judicial system, in which the U.S. was largely shamed and found wanting in the court of international public opinion.

The fate of social justice movements is inextricably linked to public opinion expressed in the domestic and international press, and in social media. Such justice movements are becoming increasingly adept at generating a climate of public opinion that supports human rights and justice, both at home and abroad.

Grassroots movements now have at their command new communications tools which can be effectively employed internationally to help wage the struggle for social justice. It is their challenge and duty to continue to master them.

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NOTES

1 Further details regarding the history and actions of the Black Panther Party can be found [www.blackpanther.org](http://www.blackpanther.org).
4 Fursich (2009) work highlights the utility of using textual analysis in media studies. Textual analysis of media texts allows researchers to understand the discursive role a particular text is playing.
5 Fursich (2009) asserts that media texts are sites for the negotiation of ideologies. Textual analysis has the potential to reveal that hegemonic or resistive ideologies are being produced within a given text.
6 Ryan & Bernard (2003) discuss the advantages of using word lists and key words when uncovering themes.
7 Glaser (1965) explains that when analyzing data using the constant comparative method it is important to compare each coded “incident” to previously coded “incidents” which fit into the same category.
Learning and Unlearning Racism:  
Challenging the Hidden Curriculum of Schooling

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The above quote appears in a study of Black adolescent males’ perceptions of their school experiences. In the study, Howard (2008) documents perspectives that suggest the failure and misbehavior of African American youth are “business as usual” in today's schools. The boys in the study related their perspectives that teachers expect them to be good in athletics not academics, expect them to get in trouble, give them harsher punishments than White students, and tend to view them as disrespectful. We imagine that Trayvon Martin, given his history of school suspensions, would have heartily agreed with his peers’ views. These kinds of pervasive experiences of schooling, often called the “hidden” curriculum, explicitly teach and reinforce racism and racial stereotypes that lead to an unexamined fear of Black boys such as that manifested by George Zimmerman, who perceived that a Black adolescent in his neighborhood implied a threat to the safety of the neighborhood.

To be sure, we must not lay the blame for the persistence of racism in the U.S. at the classroom door, as school is only one of the several systems in which an individual interacts (Bronfrenbrenner, 1979). “Microsystems,” such as schools, are nested within larger systems such as the socio-historical circumstances in which schools are situated. Permeable borders between systems guarantee that the beliefs and practices of individuals in schools are shaped by their experiences outside of school. Noguera (2008) explains, “The stereotypical images we hold toward groups are powerful in influencing what people see and expect of students. Unless educators consciously try to undermine and work against these kinds of stereotypes, they often act on them unconsciously” (p. 11). Thus, while racism is typically reproduced and reinforced in schools, schools can become sites for the unlearning of racism.

To understand how schools contribute to the learning of racism, many education scholars assert the importance of broadening conventional “understandings of curriculum beyond the visible materials teachers present in their classrooms to include less visible curricular structures, processes, and discourses” (Yosso, 2002, p. 93). Through this “hidden curriculum,” schools become sites in which racial stereotypes are learned and reinforced (Noguera, 2008).

Here we lift the cover from the hidden curriculum of racism by looking into examples of structures and discourses commonly in place in U.S. schools that reinforce and actively teach negative stereotypes about Black youth and particularly about Black boys. These lessons, learned through the hidden curriculum lead White citizens like George Zimmerman to believe a young
Black male, like Trayvon Martin, is a threat to his gated community. In the final section, we present implications for policy and practice that could change these patterns.

**Learning Racism through School Structures**

School structures are policies and practices that are in place in schools and often barely noticed because they are accepted as “normal” (Kumashiro, 2008). Structures include, for example, the ways in which students are assigned to classes (e.g., gifted, advanced placement, special education), grouped within classes (high, average, and low groups), and disciplined (e.g., zero tolerance policies). Typically and persistently, the number of Black students in lower level groups is greater than the number of White students, while the reverse is true in high-level groups (Losen, 1999; Farkas, 2003). Although a thorough examination of the reasons for these race-linked groupings is beyond the scope of this paper, the hidden curriculum of grouping practices sheds light on the racial learning in schools.

While so-called ability groupings are common in schools, the lessons that these structures communicate to students, teachers and administrators are less recognized. Grouping practices segregate students according to their perceived abilities. Often, the only time they see students in the other groups is during lunch or an art or physical education class. Research has repeatedly shown that students assigned to the same group are more likely to become friends than those in different groups (Kubitschek & Hallinan, 1998). The segregation of students from one another, which begins increasingly earlier due to the pressure of high-stakes accountability testing, all but ensures the reinforcement of stereotypes students are exposed to in the media and in their communities. School structures that segregate students from one another ensure that students are constantly reminded of their place in the academic, social, and racial hierarchy. In his examination of the plight of Black boys in U.S. schools, Noguera explained, “In the United States we have very deeply embedded stereotypes that connect racial identity to academic ability, and children become aware of these stereotypes as they grow up in the school context” (p. 10).

When we consider the powerful lessons taught through grouping structures, we have little difficulty answering Tatum’s question: Why are all the Black kids sitting together in the cafeteria (2002)? Other groups of students also cluster in their own cafeteria islands. In short, simply attending the same schools does not guarantee that Black and White students will develop knowledge of and respect for one another. In fact, researchers consistently have noted that prejudice reduction relies on interpersonal contact among people with similar status in pursuit of common goals (Dessel, 2010; Utsey, Ponterotto & Porter, 2008). This kind of substantive contact is unlikely to occur in schools where students are assigned to a “track” and typically remain in that track over time (Donelan, Neal, & Jones, 1994).

The widespread implementation of zero-tolerance policies is another structure that communicates race-based messages about students. Although discipline policies are intended to ensure student safety, school personnel seldom recognize or examine racial differences in how disciplinary decisions are made (Tarca, 2005). Numerous classroom researchers have uncovered differential treatment of students as explanations for racial disproportionality in discipline (e.g., Bowditch, 1993; Ferguson, 2000; Skiba, et al., 2000; Vavrus & Cole, 2002; Wallace et al., 2008). In their large-scale study, Skiba and colleagues (2000) explored disciplinary records of
over 11,000 middle school students and found that Black students were subject to a higher number of office referrals from teachers, and were referred for more subjectively defined behaviors such as “disrespect” and “excessive noise.” Their findings revealed that Blacks were disciplined more severely than their White counterparts for less serious infractions. Ferguson’s (2000) ethnographic study in one elementary school revealed that teachers’ interpretations of Black students’ language and expressions as defiant or disruptive were often grounded in stereotypes and fear common in the larger American culture. Thus, teachers’ interpretations of behavior influence whether students are identified for sanctions (Ferguson, 2000; Vavrus & Cole, 2002). In fact, zero tolerance policies played a role in the suspension of Trayvon Martin for a nonviolent behavioral infraction, a suspension that put him in the wrong place at the wrong time and with fatal consequences. The racial discipline gap, first exposed in 1975 (Children’s Defense Fund, 1975), repeatedly sends messages to students about who is good, bad, and really bad. As Noguera (2008) has explained, “As schools sort children by perceived measures of ability and as they single out certain children for discipline, implicit and explicit messages about racial… identities are conveyed” (p. 30). These most often reinforce rather than counter patterns in society at large.

**Learning Racism through School Discourses**

School discourses are the dominant ways of talking about teaching, learning, and doing school. As is the case with school structures, school discourses are so embedded in everyday practice that they can be hard to see. To illustrate the potential power of a dominant school discourse, we consider the concept of “colorblindness.”

As Williams (2011) described in a widely read article in *Psychology Today*, colorblindness is a widespread approach to addressing racial issues by treating people as individuals. On the surface, Williams points out, colorblindness seems like a good thing and is reminiscent of Dr. Martin Luther King’s call to judge people on the content of their character rather than the color of their skin. Many Americans view colorblindness as helpful to people of color by asserting that race does not matter (Tarca, 2005). Yet, as Williams has explained, there are serious flaws to the colorblind approach, which in the end operates as a form of racism. Williams notes:

But in America, most underrepresented minorities will explain that race does matter, as it affects opportunities, perceptions, income, and so much more. When race-related problems arise, colorblindness tends to individualize conflicts and shortcomings, rather than examining the larger picture with cultural differences, stereotypes, and values placed into context. … White people can guiltlessly subscribe to colorblindness because they are usually unaware of how race affects people of color and American society as a whole. (Williams, 2011, Colorblindness is not the Answer, para 1)

Tarca (2005) summarizes the damaging consequences of colorblind discourse. She notes that the absence of conversation about race stunts the growth of cross-race understanding and actually reinforces the use of stereotyped explanations for school behavior and achievement that blame individuals and their families. If educators continue to blame Black students and families for the achievement and discipline gaps, they will be unable to address the root causes which are
more closely related to unequal access to health care, high quality education, and economic well being and more importantly, unlikely to critically examine their own roles in suppressing Black achievement. When institutions “shun racially informed decision-making” (p. 112), the pervasive influence of race in schools and society stays underground, and those who recognize the role of discrimination and implicit stereotypes in school decision-making cannot argue their case. Or perhaps worse, they are viewed as “playing the race card,” or labeled as racists themselves.

The silence about race in schools is part of the hidden curriculum experienced by George Zimmerman and Trayvon Martin. And by failing to recognize race, teachers convey diminished regard for students of color, as was conveyed by a Black parent to her child’s White kindergarten teacher in this quote:

What you value, you talk about…My children are black. They don’t look like your children. They know they’re black and we want it recognized. It’s a positive difference, an interesting difference, a comfortable natural difference. At least it could be so, if you teachers learned to value differences more. What you value, you talk about. (Paley, 2000, p. 12)

By segregating students and avoiding conversations about race, schools implicitly and explicitly reinforce the lessons students learn by observing their world in and out of school (Noguera, 2008). Students learn that “the students who are most likely to be punished, suspended, and expelled…are more likely to be the darker students” (p. 12). In fact, in some contexts, as Black students begin to learn that “in this society to be Black or Brown means to be ‘less than’—whether it be less smart, less capable, or less attractive—they often express a desire to be associated with the dominant or more powerful group” (Noguera, 2008, p. 7). The unfortunate reality of schools is that race is seldom addressed substantively or critically within the curriculum (Castagno, 2008; Thompson, 2004) and when race is not addressed, schools reinforce deeply embedded American stereotypes that link race to intelligence, behavior, morality, economic potential, and civility. It is not surprising to find teachers and students acting unconsciously, yet destructively, on those stereotypes when a colorblind discourse prevails.

Unlike George Zimmerman, most Americans do not react to young Black male in their neighborhood with physical violence; however, societal and school factors create a culture that builds stereotypes about Black boys in all of us. As we have explained, schools contribute to this in two ways. First, school structures reinforce these stereotypes through structural arrangements such as tracking, ability grouping, zero tolerance policies, and the implementation of standardized accountability without supplemental resources necessary to combat achievement disparities. Second, school personnel communicate tacit acceptance of stereotypes about Black boys through their colorblind discourse and their unexamined assumptions and actions. This failure to work against racially biased societal messages increases their power (Noguera, 2009) and for many, Black and White, the implicit messages about Black youth become the officially accepted “truth.”
Implications for Policy and Practice

The problems described above are vast, and the failure to address them is further evidence of how deeply racism is embedded in our culture. Yet, there are things schools can and should do at the levels of policy and practice, to make it less likely that the next George Zimmerman acts on the basis of unexamined prejudice, stereotype, and fear. In our recommendations, we focus on strategies that will increase positive intergroup interactions and reduce prejudice. In this brief paper, we do not provide a comprehensive view of possible policies and practices but focus instead on a few that we believe hold promise.

Policy Recommendation: Eliminate Test-Based Reform and Zero Tolerance Policies

Tarca (2005) notes that current educational policy makers shun race-based decision-making and argues that they must not only acknowledge issues of race but also actively embrace race-conscious policy. For this to happen, a radical shift in educational policy is necessary. Currently, reform policy at all levels is grounded in test-based accountability. Yet as Howard (2008) notes, these reforms simply “sort and stratify students in the name of reform” (p. 978) and despite decades of such reforms have had little impact on addressing the achievement or discipline gap. Additionally, these reforms which have decreased equal status and cross-race contact and which position Black youth and particularly Black boys as “less than,” teach and reinforce stereotypes about Black youth, their intelligence, their motivation, their behavior, and their potential. For this reason, we recommend that policy makers suspend all test-based school reform efforts and use funding incentives to encourage development of programs designed to address racial disparities in school discipline and school achievement. We want to stress that we are not suggesting schools should not be accountable for student learning and achievement. We are, however, suggesting that reform driven by testing is undermining rather than advancing educational equity. We recommend two funding priorities.

First, provide funding incentives for schools to eliminate zero tolerance policies (Noguera, 2008). As noted above, decisions about which students are punished and how they are punished are influenced by teachers’ racial assumptions and stereotypes. Zero tolerance policies have not reduced violence and misbehavior in schools, but they are associated with increased use of punishments for Black youth (Noguera, 2008). As an alternative, we suggest national policy should encourage schools to develop and evaluate the impact of innovative programs that create stronger connections between children, youth, families, and school. To be funded, school districts should develop programs that include two critical components: a) strategies that teach the school’s behavioral expectations and connect students to adults and schools (e.g., mentoring, counseling, conflict resolution programs) (Noguera, 2008) and b) strategies for addressing the implicit prejudice and cultural assumptions of school board members, teachers, and district and building level administrators (Tarca, 2005). The second component requires the expertise of experienced consultants, external to the school system, who can help educators learn to critically examine their own assumptions about White privilege and why being colorblind is counter-productive (Jay, 2009; Tarca, 2005; Utsey, Ponterotto & Porter, 2008). Interpersonal contact across racial groups is important but insufficient in prejudice reduction. Active prejudice reduction activities are required at all levels of the system in order for schools to create the conditions necessary to enhance positive interactions across racial groups (Dessel, 2010).
Second, provide funding incentives to design and implement alternatives to the structures schools currently use to sort students into courses, programs, and schools in ways that segregate student populations, impede equal status interpersonal contact across races, and create disparities in access to academic resources (Noguera, 2008). These might include: designing alternatives to ability grouping and tracking, designing alternatives to grade retention, and creating incentives for affluent parents to send their children to schools that are diverse at the classroom level. Evaluation of the impact of such alternatives should examine progress in reducing disparities in achievement by examining data (disaggregated by race and class) on: the number of children who are over-age for grade, the number of children assigned to primarily single race schools/classrooms, the number of children assigned to honors and advanced placement classes/programs, and the number of children graduating from high school in four years.

**Implications for Changes in School Practices**

Radical policy change is needed, but policy is political, and political change is slow. While state and national race-conscious political leaders work for race-conscious policy, school administrators and teachers can move forward with race conscious practice that will make a difference now in classrooms across the country. Our recommendations focus on strategies for prejudice reduction among those who work most closely with our youth, and on strategies they can use to enhance the educational success of all students, help youth feel more connected to teachers and schools, and increase positive cross-race interactions among youth. The following guidelines, while not comprehensive, would help us take major steps forward.

**Strategies for White Administrators**

*Open yourself to learning from Black colleagues and authors.* Howard (2008) notes that acts of racism by educators are often “innocent, subtle, and transparent but harmful nonetheless” (p. 973) because they are repeated daily across varied classrooms, and levels of schooling. Because these acts and the assumptions that underlie them are implicit, educators are often unable to see them. A critical first step for administrators is to lead through the example of becoming reflective about their assumptions about Black educators, parents and students. Jay (2009) suggests administrators actively work to counter any initial tendencies to dismiss concerns related to race that are raised by colleagues, families, and students. Howard (2008) suggests that another way to help open educators’ eyes is for faculties to read literature that increases their race consciousness and challenges their perspectives that African American youth come to school with deficits that impede school success (Ladson Billings, 2007). Literature that might be used includes: Delpit (2006), Howard (2010), Ladson-Billings (2007), Noguera (2008), Rousseau and Dixson (2006), and Wolk (2011).

A second powerful strategy is to *work with teachers to identify how the hidden curriculum of the school reifies differences among students* rather than breaking down stereotypes and prejudices (Dessel, 2010; Noguera, 2001) and facilitating high achievement for all (Delpit, 2006; Ladson Billings, 2007). When students of equal status work together on valued projects where each student is able to contribute positively, stereotypes and prejudices are reduced (Dessel, 2010; Utsey, Ponterotto, & Porter, 2008). Yet, as we have noted, unexamined formal and informal practices tend to separate students (e.g., tracking, ability grouping).
Administrators can work with teachers to help them recognize and critically examine how the informal patterns within the school influence teacher, student, and family options. In this way teacher and student assumptions about individual choice, motivation, or ability are less likely to be used to assign blame for student achievement and behavior, and teachers are more likely to work collectively to find strategies for scaffolding students toward success.

**Strategies for Teachers**

Research on prejudice reduction indicates that students must work in cross-racial groups where they have equal status and common goals, that teachers must assign tasks that require cooperation and the contribution of each member, and that teachers must reinforce positive interactions (Dessel, 2010; Noguera, 2008; Utsey et al., 2008). However, ensuring these interactions occur requires more than placing students in cross-racial groups and creating well structured cooperative learning tasks, although these steps are certainly important. Teachers must confront their implicit assumptions and unconscious actions through the kinds of dialogue suggested above. Additionally, they must change their practices in order to alter classroom structures, the ways they interact with students, and the curriculum in order to provide a counter narrative to the marginalization of people of color that happens in our country (Yosso, 2002). Without this, equal status interaction and therefore prejudice reduction is unlikely. Two strategies, which would involve comprehensive change in classrooms, are suggested.

First, teachers must approach texts and the overall curriculum with a critical eye for what is left out, under-emphasized, and glossed over in order to provide a more inclusive curriculum and to facilitate explicit and developmentally appropriate conversations about race. Issues related to racism, social justice, civil rights, oppression, and contributions of people of color are either omitted or under-emphasized in textbooks (Dessel, 2010). When these issues are not discussed in school, White youth develop the belief that color no longer matters and that differences in school and life success reflect differences in ability and effort (Howard, 2008). While many children of color know this is not true (Howard, 2008), others absorb the implicit message that it is inevitable that they will be “less than” middle class, White peers (Delpit, 2006). African American educators argue persistently that teachers must provide a counter-narrative to stereotyped views of the competence and worth of children of color in order to convey high expectations, challenge societal stereotypes, and nurture them toward high achievement (e.g. Delpit, 2006; Gay, 2001; Ladson Billings, 2007; Noguera, 2008). This is equally important for other members of the classroom community if they are to learn to question the racial lessons communicated pervasively by society, school structures, and the media.

The second recommendation for teachers is to learn and use culturally responsive pedagogy to facilitate the academic accomplishment of children of color (Delpit, 2006; Gay, 2001; Ladson-Billings, 2007; Powell & Rightmyer, 2011). When children are able to see the brilliance of all their peers, racial prejudice about competence and ability is undermined. Unfortunately, the current emphasis on test-based accountability suggests learning is culture-free which exacerbates perceptions that children of color are unable to meet the standard. However, all children can and will meet high standards when teachers learn to use culturally responsive pedagogy that builds on children’s cultural assets, consistently and appropriately conveys positive regard and high expectations for children, demands critical thinking, provides
curriculum that critically examines issues of race in our country and communicates the contributions of all members of our society, and includes culturally congruent teaching practices.

All members of our society play a role in either accepting or countering existing stereotypes about the intelligence, behavior, accomplishments, and effort of children of color. We all play a role in creating the fear and stereotypes that drive the actions of people like George Zimmerman. That fear and prejudice endangers Black youth and impacts their chances of success in school and beyond. That fear and prejudice impacts and diminishes all of us and undermines the pursuit of liberty and equality that is the foundation of our democracy. Schools bear a special responsibility in moving toward race-conscious decision-making. However, schools are mired in test-based reform efforts that imply the work and worth of our youth are being “objectively measured.” Many educators fear that this will be exacerbated by the current national acceptance of common core standards that focus on the content to be learned without regard to the children to be taught (Ravitch, 2013). Collectively, we must demand more of the national policy driving educational reform and more of those leading our schools.

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References


License to Kill: A Theoretical Critique of “Stand Your Ground”

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Introduction

On February 25, 2012, Trayvon Martin, an unarmed 17 year old African-American teenager wearing a “hoodie” was shot and killed in Sanford, Florida as he walked to his father’s home from the store. He was shot by a neighborhood watch captain, George Zimmerman, who had a confrontation with Martin after calling the police dispatch because he thought the youth looked suspicious. There had been a recent string of burglaries in the neighborhood, and Zimmerman has claimed that his actions were in self-defense because he felt threatened and Martin appeared to be “up to no good.” Unfortunately, Zimmerman had not heeded the advice from the dispatch officer to avoid a confrontation. Zimmerman’s claim of self-defense implicates Florida’s relatively recent “Stand Your Ground” law, a legal change that replaced the traditional retreat rule.

The Trayvon Martin case is certainly a tragedy; if it is emblematic, it also represents a policy failure. That is our concern. The logic of this paper lies in four law-and-society propositions, ranging from general to specific (unfortunately, we cannot develop them completely here given space limits, but we can lay out the basics). First, law orders interactions between participants by authorizing some behaviors and withholding legitimacy from others. That is, law structures who has authority to do what. Second, by assigning statuses and expectations to the roles in which the parties have, larger race-related norms about crime and deference can increase or decrease the likelihood of what Turk (1969) referred to as “normative legal conflict” during these interactions. Third, Florida’s switch from a “retreat” rule in potential self-defense situations to a “Stand Your Ground” standard authorized different role expectations. And fourth, by extending Turk’s (1969) theory of normative legal conflict, we can understand why that policy change increases the probability of violence in interactions that implicate self-defense.

Conflict is inherent within authority relations. Turk (1969), in particular, has focused attention on the interaction between legal norms and societal norms of deference to authority—norms that go beyond those behaviors authorized by law. Lanza Kaduce and Greenleaf (2000) have demonstrated that age and race dimensions of societal norms of deference here in the United States affect conflict between police and citizens in field encounters. That finding fits with a broader research literature on Black typification of crime, or the extent to which individuals view crime as a predominantly Black phenomenon (Chiricos, Welch, & Gertz, 2004). Scholars continue to investigate how the social control of crime is influenced by extralegal
factors (Eitle, D'Alessio, & Stolzenberg, 2002). We argue that official agents of social control are not alone in letting race factor into their decision-making about crime and criminality; citizens too will use race to help define the authority structure and determine the basis for treatment in small structured group interactions. George Zimmerman, serving as citizen, acknowledged watch captain, and self-appointed guardian described Martin as “very suspicious.” Recall that Zimmerman had a history of reporting people who he deemed to look out of place. While any young man walking down the street alone in a hoodie may have been suspicious to some, we suggest that the American phenomenon of Black typification of crime amplifies the likelihood that a Black teenage male wearing a hoodie will be viewed as threatening.

The Trayvon Martin case prompts us to explore features of authority, law, and racial implications of norms of deference and typification of crime in field encounters between citizens, at least one of whom is suspicious of the other’s activities. Turk’s theory is primarily concerned with law enforcers. The fact that Zimmerman was informally operating in that role on neighborhood patrol initially suggested the potential relevance of extending Turk to this analysis. This paper extends Turk’s theoretical framework on normative-legal conflict to interactions in which threat occurs. The essential argument is premised on how the logic of “Stand Your Ground” restructures interactions; how it authorizes actions that previously were proscribed. In other words, the new law extends legitimacy and gives authority to act in ways that were previously illegitimate. The basic argument is that the traditional rule laid out a relatively clear expectation of retreat when feasible—a rule that minimized conflict—whereas the “Stand Your Ground” standard gives a new, but imprecise, status to citizens where expectations are less certain and are more dependent on subjective processes for assessing features of threat. In this culture, we should not be surprised that those subjective calculations invite racial considerations. In particular, we argue that “Stand Your Ground” will increase overt conflict between parties, especially in cross-race interactions. Rather than expanding self-protection, the new standard muddles statuses and role expectations and will lead to more conflict. If our theorizing is correct, the Martin case will not be an isolated tragedy.

The “Stand Your Ground” Law

Florida’s “Stand Your Ground” law was a legislative enactment to replace the common law retreat rule for self-defense. The common law approach had erected an expectation that a party to a threatening interaction occurring outside the home (or castle) leave or retreat from the situation when it was reasonable to do so. In some ways, this was a “bright line” rule² for citizens, most of whom were unschooled in the finer points of law. They did not have to read the situation correctly in that they did not have to interpret the threat in terms of the legal “reasonable person” standard (i.e., whether a reasonable person would construe it as a threat). Subjectively, if they sensed threat (even for illegitimate racialized reasons) and could leave, they were to do so. The legal obligation imposed in the interaction occurred at the onset—retreat if you can. Conflict could be de-escalated because of flight, which was given priority over fight. Any legal questions about whether it was reasonable to perceive a threat or the degree of that threat (which would dictate the level of force that could be used in self-defense) were precluded because of the retreat. Therefore, not only was the conflict in the interaction de-escalated, but the conflict over how to apply features of self-defense law was obviated.
The “Stand Your Ground” legislation removed the retreat requirement outside the home and blurred the bright line for what citizens may or may not do for self-defense in interactions that present a level of threat. The relevant section of the Florida statutes (FS 776.013(3) reads:

A person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat, and has the right to stand his or her ground and meet force with force, including deadly force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another to prevent the commission of a forcible felony.

**How “Stand Your Ground” Complicates Threatening Situations**

The “Stand Your Ground” standard now requires citizens to assess accurately four things from the perspective of a reasonable person (the objective standard) rather than from their own subjective read of events. First, they need to make sure they are not engaged in an unlawful activity (so aggressive drunks at bars may have some grounds for concern). Second, they need to interpret how a reasonable person would characterize whether an “attack” is unfolding. Third, they need to assess from the perspective of the reasonable person the level of force that is warranted given the nature of the attack. Fourth, citizens should consider that deadly force is authorized only if a reasonable person would conclude it was necessary to prevent death or great bodily harm and to prevent the commission of a forcible felony. Florida statutes (FS 776.08) defines forcible felony as:” treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.” In other words, the authorization of deadly force in self-defense is legally prescribed. It requires the citizen to accurately read the events in two ways: the citizen has to gauge the serious nature of the threat accurately and the citizen has to understand the legal distinctions for categories of felonies.

There are two other legal complexities in Florida’s law that warrants attention. First, FS 776.041 limits the use of force by a citizen who is an “aggressor.” This applies to both people who may be attempting or committing or escaping from a crime that is a forcible felony and, more importantly for current purposes, to someone who initially provokes the use of force. In other words, a citizen who approaches someone in a provocative way may be the initial assailant. In that scenario, the “aggressor” has a duty to retreat or to withdraw from physical contact, clearly communicating that intent. Second, Florida law offers a kind of protection to those who assert “Stand Your Ground.” The person is NOT to be arrested until the government has ample evidence to contradict the claim of self-defense. Hence, Zimmerman was not arrested in the immediate wake of the shooting, despite the lead investigator’s desire to do so.

The bottom line is that the old retreat rule precludes a cacophony of complexities in the interaction, legal complexities that give opportunities to explode under the “Stand Your Ground” standard. The Trayvon Martin tragedy illustrates how much can go wrong in the interaction and how legal resolution itself becomes complicated—from police investigation and decisions about
arrest (or not) to charging to pretrial hearings to trial. What retreat would have precluded, “Stand Your Ground” confounds.

Applying Turk and His Extension to “Stand Your Ground”

Turk’s (1969) theory of normative-legal conflict lays out ways in which relationships are structured that hold different probabilities for lurking conflict between interacting parties to become overt. Law can erect a kind of authority structure between those who interact that can alter that likelihood. This is especially true in circumstances where citizens, like Mr. Zimmerman, have assumed the role of neighborhood protector. Unfortunately, “Stand Your Ground” increases the probability of violence.

Sophistication of Interactants

One of Turk’s arguments is that the level of sophistication that parties bring to the interaction can reduce conflict. We argue that in simpler interactions, less sophistication is required than in more complex ones. Therefore, conflict can also be reduced when law simplifies the structure of interactions (as in retreat rather than “Stand Your Ground”).

The only subjective assessment under the traditional “retreat” rule dealt with a sense of threat and the ability to withdraw. It is significant in the Trayvon Martin case that Zimmerman sensed enough threat of some kind to call dispatch, but that he did not heed the dispatcher’s advice to avoid an encounter, although he clearly could have. There was an approach and a confrontation. We cannot get into Mr. Zimmerman’s head, but we can infer from his behavior that he did not think he had to retreat, consistent with Florida’s “Stand Your Ground” standard. Because Mr. Zimmerman did not avail himself of retreat early on, the fit of the black letter law with unclear evidence makes it harder to resolve the case. How did the confrontation occur? Did Mr. Zimmerman approach Trayvon Martin? Was it threatening? Could Zimmerman have been perceived as an “aggressor”? If so, would that have been a reasonable perception? How did Trayvon Martin react? Who used force first and what level of force was used? How did it escalate to gunfire?

The Trayvon Martin tragedy exposes a sad irony. Were the police doing the law enforcing, there would have been better structure and checks to reduce the likelihood of gunfire. Police are trained in how to make approaches in the field. They recognize legal distinctions between voluntary interactions, articulated grounds of suspicion for a brief detention under the Terry v. Ohio (1968) doctrine, and arrest situations. Police are screened to eliminate overt racists; they are trained in diversity; their field encounters are reviewed and supervised. Police are trained in the use of force and have clear policy guidelines for it. They understand that any use of their weapon will be reviewed. None of these checks are in place with citizen enforcers. According to Turk’s analysis, police should have more sophistication in encounters than do citizen enforcers, something that should reduce overt conflict.


**Issues with Deference**

A second argument in Turk’s (1969) theory of normative-legal conflict is premised on deference to authority. He argues that law structures interactions in ways that set up authority relationships and expects deference to those arrangements. But law has to compete with larger social norms, and the expectations of law will be more likely to give way in some kinds of interactions. Sometimes this will reduce conflict; in other circumstances it can increase conflict. Lanza Kaduce and Greenleaf showed that Black law enforcers (who have been given positional authority by law) are in weaker structural positions than are others because social norms are weaker in regard to deferring to minorities. Lanza-Kaduce and Greenleaf found White citizens were less likely to defer to Black officers; the rate of conflict was higher in those cross-race structured interactions even after controlling for many other factors. Conflict was lowest when the social norms of deference reinforced the positional authority of officers (i.e., White police officers had positional authority and social authorization but Black officers only had positional authority).

Under the retreat rule, most subjective processes (including those regarding race) are precluded unless retreat is not feasible. The retreat rule minimized subjective racial considerations because retreat was the formal expectation; under “Stand Your Ground” race can be incorporated into considerations of the nature of the threat, its projected degree of harm, and perceived benefits of using force. How did the Zimmerman-Martin confrontation occur? Did racial typification influence Mr. Zimmerman’s perception of suspicion and threat? Did Zimmerman approach Trayvon Martin? Did Zimmerman feel “authorized” to do so because of norms of deference (an older male expects a Black youth to defer)?

We raise the question of how our cross-race norms of deference play out in interactions where threat is perceived by at least one of the parties. Will those social norms increase what Turk refers to as “overt conflict?” Should we expect enough Whites to perceive greater threats from young, Black males to increase violence in their interactions, especially now that the “Stand Your Ground” expectations have been formalized in law? Will the rate of violence be higher in some contexts? To the extent that the “Stand Your Ground” formal expectations reinforce traditional social norms about self-reliance and defense for some subgroups in the U.S. (e.g., males and Southerners) will we see the escalation of violence occurring disproportionately in some contexts (e.g., where Southern White males deal with young, Black males)?

**The Role of Racial Attitudes**

Scheingold (1984) has argued that the images of crime conveyed in a society may be as important to study as the actual pattern of crime. Those images speak to the norms and social orientations of society at large and the individuals interacting in that society. Davis (2012) noted that by the late 1980s, media “accounts and political rhetoric began making crime synonymous with Black, and conversely Black synonymous with crime” (Chiricos, Hogan, & Gertz, 1997; Mears, Mancini, & Stewart, 2009). Researchers observed a virtual crime news script in which the “criminalblackman” (Russell-Brown, 2009) was portrayed as a violent offender willing to victimize anyone within his reach (Mears & Stewart, 2010). This typification had been observed
among law enforcers as well. Skolnick (1966, p. 45-46) introduced the notion of the “symbolic assailant” as he tried to understand the “working personality” of police officers.

The policeman, because his work requires him to be occupied continually with potential violence, develops a perceptual shorthand to identify certain kinds of people as symbolic assailants, that is as persons who use gesture, language, and attire that the policeman has come to recognize as a prelude to violence. This does not mean that violence by the symbolic assailant is necessarily predictable. … Like the animals of the experimental psychologist, the policeman finds the threat of random damage more compelling than predetermined and inevitable punishment.

That accentuated concern lies at the heart of racial profiling in law enforcement. There is no reason to think that profiling in citizen watches and patrols would be less salient. Was Trayvon Martin a symbolic assailant to Zimmerman? Will “Stand Your Ground” invite conflict?

**Black Typification of Crime**

Understanding the dimensions of threat is integral to a proper understanding of society’s social control mechanisms and both their intended and unintended outcomes. As such, the Black typification of crime phenomenon is useful in analyzing the perceived threat posed by young Black males like Trayvon Martin to watch captains like George Zimmerman. Black typification of crime describes the extent to which an individual views crime as a Black occurrence, i.e., how much a person equates participation in crime with being Black (Chiricos et al., 2004). Scholars have argued that Black typification of crime is partially responsible for the punitive criminal justice policy that spread around the United States in the late 1980’s (Chiricos et al., 2004; Unnever & Cullen, 2007). We propose that Black typification of crime also “enables” vigilante-style mindsets. Did it factor into the events that led George Zimmerman to suspect, follow, and eventually shoot an unarmed young man? If the retreat rule were law, would Zimmerman have felt less empowered to pursue Martin?

Linking Black males with crime is nothing new. During the last three decades in particular, media accounts and political rhetoric have helped perpetuate the notion that crime is a Black problem (Chiricos et al., 1997; Mears et al., 2009). The “criminalblack man” then became the image of threat—the super predator (Russell-Brown, 2009). Thus, without doing anything to indicate criminality, Martin was a “criminalblack man.” Turk (1969:100) anticipated this prospect,

…criminal status may be ascribed to a person because of real or fancied attributes, because of what they are rather than what they do, and justified reference to real or imagined or fabricated behavior…; criminality is a definition applied by individuals with the power to do so, according to illegal and extra-legal, as well as legal criteria.
While we cannot know the exact sequence of events that culminated in Martin’s shooting, we can raise questions. Did Zimmerman see himself—and his neighborhood—as being under siege by Black males?

Since the shooting, there has been much debate in the media about Zimmerman’s racial or ethnic status (e.g., he is half-Latino; he has African ancestry)—and thus his (in)ability to have racially stereotyped Martin. However, any focus on Zimmerman’s minority status is theoretically misguided. The main concepts of symbolic racism theory (which will be discussed in a later section) and comparative conflict theory, among others, explicate the reasons all racial and ethnic groups will stereotype Black s in similar ways—including Black s themselves (Buckler & Unnever, 2008; Kinder & Sears, 1981; Sears, 1988; Sears & Henry, 2003). Zimmerman being a minority is of no consequence to his treatment of Martin, as belief in the “criminalblackman” transcends race and ethnicity.

**Threat**

Although the “criminalblackman” represents an intersection of threat types, the nature of threat can be diverse; it can be political, economic, racial, criminal, or some combination of all of these (Liska, 1992). It has even been argued that these facets of threat are inextricably linked (Blalock, 1967). Conflict theorists assert that racial/ethnic minorities, people with lower socio-economic status, and youth are generally perceived as the greatest threats; Trayvon Martin was the convergence of all of these. Cultural norms can confound the notion of threat (indeed something that seems to have happened in the Martin tragedy). People and groups can misinterpret cultural signifiers of subordinate groups—in this case Blacks. Certain styles of dress, certain gestures, and even particular postures that are simply displays of African American cultural identity are often used as indicators of criminal threat (Armour, 2000). It is therefore no wonder that the “appropriateness” or influence of Trayvon Martin’s hoodie (despite the fact that it was raining outside) has been the subject of so much debate. Both sides of the political spectrum have been complicit in criminalizing Black cultural displays. A popular example is of a liberal pundit who proclaimed that Trayvon Martin should have known better than to walk around at night in a hoodie (Daniels, 2012). Comments like these are powerful on four different fronts. In one sense, they are prime examples of the ubiquity of cultural threat. Further, these kinds of comments demonstrate how Black men are not afforded the presumption of innocence. Similarly, these comments provide further breadth to the understanding of Black typification of crime. But perhaps most importantly, these comments expose the type of victim-blaming that has become characteristic of so many cross-racial tragedies with Black victims.

With the “Stand Your Ground” law, a perception of an impending “attack” is almost the gateway to using force to defend one’s self. Given the historical development and the current racial climate of the United States, what is calculated as a threat is likely to involve some anti-Black sentiments (Armour, 2000; Kinder & Sears, 1996). Be it the Black typification of crime or the conflation of African American culture with criminal threat, criminality is so strongly linked to Blackness that Zimmerman’s actions are not only consistent with theoretical expectations but also common sense expectations. Sadly, deadly repercussions can result from having legal permission to treat an individual as a criminal without due process.
Symbolic Racism Theory

Racism is often rendered invisible because it is so deeply engrained in social institutions and the consciousness of all people (Feagin et al., 2001; Unnever & Cullen, 2007). This inconspicuousness is the main premise behind symbolic racism theory (Kinder & Sears, 1981; Kinder & Sanders, 1996).

Symbolic racism involves four primary concepts: 1) a belief that discrimination and prejudice no longer exists in any meaningful way; 2) a belief that Black’s failure to advance in society is because they are unwilling to work hard enough; 3) a belief that Black’s are asking for too much too quickly; and 4) a belief that Black’s have gotten more than they deserve (Sears & Henry, 2003; Henry & Sears, 2002). Concisely, symbolic racism stems from an adherence to traditional American moral values and “anti-Black affect” … (Green, Staerkle, & Sears, 2006; Sears & Henry, 2003). One could say that symbolic racism fuses anti-Black affect with traditional moral values to conclude that Black’s are culturally inferior rather than biologically inferior (Buckler et al., 2009). … Anti-Black affect has been described as a largely unconscious, nearly automatic type of prejudice (Sears & Henry, 2003). It often shows in the forms of fear, evasion, an embracement of separatism; disdain, discomfort; disgust, or perhaps just dislike (Sears, 1988 p70 taken from Sears & Henry, 2003; Davis, 2012).

The upshot of symbolic racism for “Stand Your Ground” is that cultural beliefs among many Americans not only militate against deference to Blacks but combine with strong negative emotions that include fear, disdain, discomfort—all cues relevant to the perception of threat and which may trigger the use of force, now seemingly authorized by a “neutral” “Stand Your Ground” law. The theory posits that people maintain these beliefs while deluding themselves that they are “colorblind;” they think they act fairly and neutrally to all. Despite denial, a symbol that often triggers the affect and reaction is the “criminalblackman” so that Whites and other nonwhite minorities (including Latinos) can share the cultural belief system (Buckler et al., 2009). In other words, the ethnicity of Zimmerman in the Trayvon Martin tragedy does not diminish the potential role of race in that case or in how “Stand Your Ground” will play out in threat contexts. Symbolic racism predicts that Black’s will be more likely viewed as threats—they will more likely be symbolic assailants against whom force would more often be deemed necessary by the person who perceives threat but no longer has to retreat from it. Symbolic racism posits that others’ cultural beliefs towards Black’s may be non-deferential and even overtly conflict-oriented.

Conclusion and Policy Implications

Lanza Kaduce and Greenleaf (2000) established that race is not the only cultural or social dimension at work in threat interactions. Social norms about age and deference also matter. The young are not owed the same deference as are the older. Lanza Kaduce and Greenleaf (2000) also raise the prospect of gender-linked norms. In his exposition, Turk (1969) emphasized the
importance of allowing both parties in a structured interaction to “save face,” to be able to de-escalate the potential conflict and keep it from becoming overt. One interesting feature of the retreat rule is that it obligated the party with the stronger legal standing (the person who was being threatened) to de-escalate. It reinforced the social norm to avoid violence by giving it legal status. In so doing retreat may have contradicted norms of masculinity, particularly values like “manning up” or standing up for oneself. The gender-linked nature of norms of deference warrants study as well.

Keeping in line with Turk’s (1969) predictions, we suspect that the combination of Black, young, and male enhances the likelihood of perceived threat—they are the perceptual shorthand of the symbolic assailant. Trayvon Martin in his hoodie exemplifies that image. When that profile is juxtaposed with a citizen, especially in an enforcement role, who is nonBlack, older (but not old) and male, we hypothesize that the likelihood of standing one’s ground and using force in the face of perceived threat goes up. The combination is structural; we do not know which interactions will result in violence but we can predict that the rate of those interactions will be higher than interactions structured in different ways. Theoretically, “Stand Your Ground” can be predicted to aggravate the structural arrangements in ways that will increase the rate of conflict over and beyond that produced by the retreat rule.

Policy is at its best when informed by theory, and we think even this brief theoretical critique provides reason to reconsider policies and practices. We reject the notion that society has moved to a place of colorblindness and recognize that law can structure relations to make the role of race less likely to intrude (e.g., Merton [1949] reminded us that the behavior of fair-weather liberals and timid bigots would change with civil rights laws. Proposed legal changes and current legal practices should be examined through the prism of race given its role in this country. Law can be structured to reduce the impact of racism. The “Stand Your Ground” law allows racial typifications to affect interactions with tragic consequences. Florida’s legal structure compounds the problem when it gives “immunity” from immediate arrest to those who use force, especially lethal force, in interactions where retreat would have precluded the violence. We firmly support a retreat from “Stand Your Ground” and a return to the retreat standard. We also remind the advocates of community involvement in crime control of the importance of sophistication, training, and screening in citizen participation. Being Black is not cause for suspicion; being Black does not connote threat. Seeing a “criminal blackman” is not sufficient to take the law into one’s own hands.

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**NOTES**

1 Since the Martin shooting, we have seen similar race-linked tragedies.
2 The term is borrowed from court cases where justices are concerned with announcing clear, easily implemented procedures for police.
3 *Terry v. Ohio* (1968) was a landmark decision by the United States Supreme Court which held that a police officer may briefly detain a suspect on the street and frisk him or her without probable cause to arrest, if the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime and has a reasonable belief that the person could be armed and dangerous.
Racial Profiling, Security, and Human Rights

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Neighborhood Watch coordinator George Zimmerman’s February 2012 fatal shooting of Trayvon Martin, an unarmed, 17-year old African American in a gated community in Sanford, Florida, has raised serious questions concerning racial profiling (Yancy and Jones 2012). Racial profiling can be defined as:

Any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, [color], ethnicity, ancestry, religion, or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment. (UN Working Group of Experts on People of African Descent 2008).

Racial profiling is a violation of the 14th amendment of the U.S. Constitution, which recognizes “the principle of equality before the law” (UN Special Rapporteur 2009). The amendment states that no State shall “deny to any person within its jurisdiction the equal protection of the laws” (Ibid.). The immediate persons to whom the amendment referred when it was drafted and ratified were newly emancipated African Americans, whose inclusion in the citizenry had to be codified in the letter and, hopefully, also the spirit of the law. Ample evidence attests to constitutional rights being denied and abused by de facto non-enforcement during the Reconstruction and Jim Crow eras as well as during the current post-Civil Rights period. Racial profiling is one form of discrimination and rights violation that remains pervasive in law enforcement and as a tactic of everyday social control. It is also a violation of international standards for human rights.

From Slave Patrols to Genocide

In the African American experience, racial profiling dates back to the repressive policing of “slave patrols” and was subsequently, in the post-bellum South, integral to the workings of Black Codes and later Jim Crow laws which, among other things, controlled Black labor and mobility, both physical and social (Ritchie and Mogul 2007:3; Hadden 2001). In 1951, the historic petition that the Civil Rights Congress, an organization well left of the National Association for the Advancement of Colored People (NAACP), submitted to the United Nations “documented thousands of incidents of police brutality [including profiling, that targeted] African Americans” (Ritchie and Mogul 2007:3).

According to that historic document, against which the U.S. government (including its most liberal spokespersons such as Eleanor Roosevelt) argued, the cumulative impact of those assaults, along with many other forms of discrimination and social disparities, constituted nothing less in its effects than genocide, a crime against humanity defined in the Convention on the Prevention and Punishment of the Crime of Genocide, adopted in 1948 (Civil Rights Congress 1951, Anderson 2003). The convention states that “[a]ny intent to destroy, in whole or
in part, a national, racial, ethnic, or religious group...thus, ‘causing serious bodily or mental harm to members of the group’ is genocide as well as ‘killing members of the group’” (Civil Rights Congress, quoting the convention, 1951: xi). Not surprisingly, the petition, which built upon by but went well beyond the 1947 petition that W.E.B. Du Bois filed on behalf of the NAACP (NAACP 1947), was entitled We Charge Genocide (Civil Rights Congress 1951).

Sociocultural anthropologist João Costa Vargas (2008) revisits and reflects upon the present-day implications of the 1940s and 1950s human rights advocacy of lawyer William L. Patterson (the leader of the Civil Rights Congress and the International Labor Defense), performing artist and activist Paul Robeson, and public intellectual W.E.B. Du Bois—whose cooperative political project also depended on the contributions of Black left feminists such as Louise Thompson Patterson and Eslanda Goode Robeson (McDuffie 2011, Ransby 2012). Vargas argues that a genocidal continuum continues to operate at the present moment in the United States as well as in other sites within the African Diaspora. Placing greater emphasis on effects and consequences than on intentions, he substantiates his claim with transnational evidence from Los Angeles and Rio de Janeiro. For example, he demonstrates that in Brazil’s so-called racial democracy hypervisible, racialized policing and para-militarization are factors that disproportionately affect people of African descent, particularly those who are structurally and existentially vulnerable to violence because of poverty. He elucidates how this situation is parallel to significant dimensions of the Black experience in the U.S. society.

**Population Control and Controlling Images**

In the U.S. context in particular, racial profiling and “policing the crisis” of population control (cf. Hall, Critcher, Jefferson, Clarke and Roberts 1978) join a wide spectrum of iniquities, ultimately the effects of structural racism (Marable 2001, 2002)—whether intended or unintended—that interlock with growing class inequalities. These injustices and disparities include infant mortality and morbidity, HIV/AIDS incidence, shortened life expectancies, under- and unemployment, substandard housing, miseducation and the impoverishment of public education, mass incarceration, high recidivism rates, the school to prison pipeline, and felony and other forms of disenfranchisement. Contributing to these conditions are the production, reproduction, and circulation of “controlling images” (Collins 2000) that virtually conflate blackness, particularly inner-city blackness, with violent criminality, an association with drugs, and threats to law and order (Hall 2001, Jones 2005, Moody 2008).

Although these negative meanings certainly tend to be inscribed upon the bodies of young Black males, Black women are not immune to being stereotyped and profiled as criminal suspects, particularly as drug couriers or mules, addicts, and sex workers (see Davis 2003, the Sentencing Project website, and Harrison 2007 on Black women’s incarceration). This makes Black women vulnerable to a range of gender-specific abuses from official and vigilante law enforcement. Not uncommonly, profiling leads to strip searches, sexual harassment, and rape (Ritchie and Mogul 2007:19-20).

The stereotypes projected upon Black male physicality are also both raced and gendered in light of an ideology that attributes an innate proclivity for aggression, violence and predatory sexuality to black masculinity (Jones 2005). These notions purportedly justify the deployment of coercion on the part of police and, in the context of the Trayvon Martin tragedy in Florida, self-appointed “stand-your-ground” defenders of local security (Yancy and Jones 2012).
Racial Profiling as a Human Rights Violation

Racial profiling is a breach of international treaties such as the International Covenant on Civil and Political Rights and, particularly, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). The United States signed this treaty in 1966 but did not ratify it until 1994. It qualified its ratification with reservations concerning the U.S. Constitution’s purported precedence over ICERD and any other instrument of the UN human rights system. The United States has also been slow to submit its obligatory periodic reports on its compliance with the convention. Its reports have been fraught with ambiguities and evidentiary gaps that have prompted the Committee on the Elimination of Racial Discrimination (CERD) to respond critically but constructively with recommendations for reform. These have included adopting the End Racial Profiling Act and rescinding the National Entry and Exit Registration System. These recommendations have been informed by the shadow reports that a range of civil society organizations and coalitions (e.g., Amnesty International [AI], American Civil Liberties Union [ACLU], Rights Working Group, US Human Rights Network) have submitted to CERD, documenting the persistence of racial discrimination in the United States. A few years ago, the ACLU and Rights Working Group (2009) collaborated on a follow-up report that focused specifically on profiling, *The Persistence of Racial and Ethnic Profiling in the United States*. This document clearly attests to the severity of the problem.

CERD issues country-specific and general recommendations in satisfying its charge to monitor compliance with ICERD. The Committee advocates the kinds of reforms also consistent with the Declaration & Programme of Action adopted at the 2001 World Conference against Racism (WCAR) in Durban, South Africa (UN 2002). That blueprint for antiracism (along with the declaration and program that the 2001 Non-Governmental Organization (NGO) Forum, accompanying the inter-government conference, adopted) has been reinforced by the 2009 and 2011 Durban Review Conferences in Geneva and New York, respectively (WCAR NGO Forum 2002). Another significant report resulted from the field investigations of the UN’s Special Rapporteur on Contemporary Forms of Racism. The internationally renowned lawyer and legal scholar Doudou Diène visited the United States in 2008 (UN Special Rapporteur, April 2009). Racial profiling was one of the concerns he addressed in several places in his report, most notably under the themes of law enforcement, immigration, counterterrorism, and post-Katrina conditions. Another UN-related group that has addressed profiling is the Working Group of Experts on People of African Descent (UN Working Group of Experts 2008).

International NGOs such as Amnesty International (AI) and Minority Rights Group along with national and regional human rights organizations, commissions and councils have also weighed in on the problem of profiling, which exists internationally. For instance, a 2011 AI report indicates that African immigrants in Spain are regularly subjected to stop and search identity checks in public places. It is not uncommon for them to be profiled several times a day (AI 2011). As pointed out in Diène’s report, in the United States profiling is also deployed in the context of immigration control but also in those of policing street-level crime and counterterrorism.

Security, Safety, and Moral Panic Since 9/11

Since September 11, 2001 the problem of racial profiling has both deepened and expanded in terms of the populations being targeted. Incentives to profile have been built into
antiterrorism and anti-illegal immigration laws and policies that subordinate civil liberties and rights to the supposedly greater good of homeland security and border control. Escalating anxieties over security in transnational, national and local contexts have produced an increasingly volatile climate in which individuals perceived to fit the stereotypes of Arab/Islamist terrorists, illegal immigrants (particularly Mexican and Central American), and ghetto thugs are subjected to indiscriminate profiling. The interrelated wars on terrorism, “illegal aliens” or undocumented workers, and drug crimes converge in creating a climate in which a moral panic (Cohen 1972; Hall, Critcher, Jefferson, Clarke and Roberts et al. 1978) over national security and personal safety has escalated. In moral panics, the public sense of danger and vulnerability are magnified beyond the actual incidence of crime and political disorder. Invoking the need to protect the national body from external and internal threats, the State galvanizes nativist, xenophobic and anti-crime publics that support the intensification of “policing the crisis” (Hall, Critcher, Jefferson, Clarke and Roberts 1978; Harrison 2012b). The resultant law and order regime, engendering conditions that risk authoritarianizing democracy, justifies its breach or suspension of civil liberties, civil rights, and human rights in the name of homeland security and law and order.

The main targets of these expanded policing powers at the local, state and federal levels are immigrants and ethno-racial minorities. The danger of racial and ethnic profiling has grown in contexts ranging from the federal implementation of the USA Patriot’s Act to the local-level enforcement of programs that fall under the parameters of ICE ACCESS—that is, the U.S. Immigration & Customs Enforcement’s Agreements of Cooperation in Communities to Enhance Safety and Security. One such program is the 287 (G), which authorizes “state and local law enforcement officials to perform the duties of federal immigration officers in investigating, detaining and initiating removal proceedings against immigrants” (AI 2012: 38-39). Related programs are the Criminal Alien Program (CAP) and the Secure Communities Program, which also provide pretexts for targeting and screening individuals in prisons and jails and during local arrests based on race and ethnicity (AI 2012:39).

As the case of Trayvon Martin reveals, the policing of those profiled as terrorists, illegal aliens, or criminals is not only undertaken by law enforcement officials. Vigilante justice also plays a role, whether along the US-Mexican border or in neighborhood-watch situations in gated and non-gated communities. The popular perception that Black male youths like Martin are life-threatening dangers (Jones 2005, Moody 2008) is too often internalized not only by Euro-Americans but also by other people of color and immigrants (Basch, Glick Schiller and Szaonton-Blanc 1993; McClain et al. 2006). Integral to their enculturation in the host country is learning the invidious notions about difference, particularly the common-sense ordering of racial hierarchies in which African Americans are relegated to the social bottom as undeserving, pathologized Others (Basch, Glick Schiller and Szanton-Blanc 1993). Even black immigrants may fall into this trap (Rahier, Hintzen, and Smith 2010; Okpewho and Nzegwu 2009). Research suggests that in some cases, anti-Black American racial/ethnic stereotyping is learned before immigration to the United States (McClain et al. 2006). This can be attributed, in good part, to the global reach of U.S. media representations. However, the source of this bias is often compounded in places (e.g., Latin America) where African origins and blackness have been stigmatized and devalued in sociocultural terms specific to those national contexts (Andrews 2004). Paradoxically, persons who are themselves likely to be profiled under certain
circumstances may perpetrate the offense against individuals who belong to more racially-denigrated categories within the established status quo.

**Conclusions**

While African Americans (and other Black ethnic groups) are not the only ones who suffer racial profiling in this country, blackness has long represented the most radical form of racial alterity or difference (Harrison 2012a). This phenomenon has implications for Black people being able to enjoy human dignity and rights when dehumanizing contexts of State and vigilante repression still exist.

A growing demand for human rights right here in the United States is now being made (Harrison 2005, 2012a; Soohoo, Albisa, and Davis 2008). This is a reflection of the extent to which democratization as well as social and economic justice remain unevenly and unequally developed—despite the country’s claim to being the paragon of the free world. The assertion and exercise of a human rights consciousness are also part of the legacy of earlier generations of struggle—from Frederick Douglass to the NAACP and Civil Rights Congress of the 1940s and early 1950s to Malcolm X a decade later (Harrison 2012a). In these interrelated contexts of struggle, claims to human dignity and rights have been conceptualized and mobilized both within and beyond the borders of national citizenship—whose construction has implicated racialized disparities of power.

A human rights approach to the problem of racial profiling suggests a number of recommendations for policy reformulation and implementation. Among them are: 1) raising public consciousness of the present-day workings of race, racism, xenophobia and related intolerance, which belie the notion of a “post-racial” society; 2) educating the American public on the content and scope of universal human rights and this country’s ethical and legal obligations to comply with them; 3) holding the U.S. government accountable to the UN covenants and conventions it has signed and ratified; 4) galvanizing public support for official U.S. participation in UN and other world conferences on matters related to racism, migrant rights, and indigenous self-determination; 5) holding the U.S. government and civil society accountable to the Declaration and Programme of Action that emerged from the 2001 WCAR and to the recommendations that the UN Special Rapporteur for Contemporary Forms of Racism made in 2008; 6) adopting federal legislation such as the End Racial Profiling Act and rescinding discriminatory policies and programs such as the National Entry and Exit Registration System. There is a serious need to find effective and innovative ways to stimulate and facilitate a public dialogue that is constructive and conducive to forms of change grounded in social and economic justice.

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