

# **Heroic Ferguson and the Need for Utopia**

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so  
the body  
of one black man  
is rag and stone  
is mud  
and blood  
the body of one  
black man  
contains no life  
worth loving  
so the body  
of one black man  
is nobody

—Lucille Clifton, from “4/30/92 for rodney king”

As all the world knows now, on November 24 the St. Louis County prosecutor announced that a grand jury that had been sitting for three months had decided not to indict Ferguson, Missouri, police officer Darren Wilson for shooting and killing Michael Brown, 18, who was unarmed, on August 9. Residents of Ferguson, a suburb of St. Louis that is about 2/3 Black, began protesting at Police Headquarters immediately after the announcement, and in a short time began breaking windows in parked police cars, then moving through nearby streets trashing stores, looting, and setting fires. The protests echoed those in August, when residents, mostly young and male, fought police for several nights, while more orderly protests occurred in daytime. People in Ferguson, from elsewhere in the St. Louis area, and across the country kept up the protests all through the autumn months.

Brown was shot after Wilson ordered him to the side of a street he and a friend were walking in the middle of, shortly after a bulletin went out about shoplifting at a convenience store. Brown fit the description, and Wilson later testified that he stopped him on realizing that. All accounts agree that some kind of struggle followed with Brown outside and Wilson inside the police vehicle, at which point Wilson shot twice from inside the car, nicking Brown with one shot. Brown and his friend fled in opposite directions and Wilson ran after Brown. Witnesses differ on when Wilson shot again, and whether Brown was then still running away, had stopped, was facing Wilson, or approaching him, whether at some points he had his hands up, down, or out at his sides, and whether, at the end, he was trying to surrender, was staggering, or was charging toward Wilson. The story the grand jury accepted—Wilson’s—was that Brown threatened Wilson, who then fired. Six shots hit Brown, killing him. Physical evidence shows some of Brown’s blood farther down the street from where he died, but whether he was approaching Wilson, charging him, or trying to go past him depends on whom you believe.

The basic facts remain: (1) Someone who potentially stood to be charged with petty larceny (and possibly assault if shoving the shopkeeper is included) was shot dead. And (2) an armed and trained police officer fired 12 times at an unarmed man who fled after the first shots, may have still been running when the officer resumed firing, and, in the last moments, may or may not have been running at or trying to run past the officer. The officer did not back off or wait for backup, though there is no claim at all that anyone’s safety (except Brown’s) was at risk when Brown ran away from the police vehicle. It’s unexplained how an unarmed man threatened an

armed and trained officer, but police have learned that “I felt my safety was in danger” almost always brings a finding of justification. (More on this later.)

The terrible events in Ferguson—both in August and November—with many more like them, embody the reality of continued American race oppression behind the wishful talk of achieved civil rights. These same events have stirred up, more than in many years, the conscience of that part of the American public that still has a conscience, a group that, importantly, is Black at its core but significantly white. After November 24, marches, “die ins,” and other protests have continued every day, joined by a new wave after a New York grand jury failed to charge officer Daniel Pantaleo in the chokehold/chest compression death of Eric Garner, 43, in Staten Island last summer. The outrage goes far beyond the protest movement as such, as shown when 70 New York high school students, denied support by their school administration, walked out of East Side Community High School in Manhattan to march for justice across the Brooklyn Bridge (Dec. 9), or when five St. Louis Rams football players, Tavon Austen, Kenny Britt, Jared Cook, Stedman Bailey, and Chris Given, appeared on the field making the now-universally recognized “hands up, don’t shoot” gesture on December 1. When indignation and determination spread to professional athletes and other citizens, these ideas are gaining traction and we have the beginnings—only the beginnings—of a mass movement.

## **Managing Protest instead of Fighting Injustice**

From the moment of Brown’s killing on August 9, the state—from the local level, i.e., the city authorities in Ferguson itself, through the state level, Missouri Gov. Jay Nixon, to the national level, President Obama and Attorney General Holder—have been concerned above all with managing the protests and not with changing or even naming the conditions that led to the protests. This “crisis management”—of the wrong crisis—has largely taken the form of contrasting peaceful with violent protest, an issue I’ll return to below. It has also involved reinforcing the Ferguson police with state police and National Guard units, and, at the same time, planning for the grand jury report. It has involved liberal, not fascistic, tactics, notably, making sure that the police didn’t fire on the crowds protesting the November 24 ruling. It also obviously involved Darren Wilson’s job—announcing his resignation right after the grand jury report, he stated, “I have been told that my continued employment may put the residents and police officers of the City of Ferguson at risk.” (The most significant words are, “I have been told.”) All of this was clearly aimed at damping down and minimizing the inevitable protests.

At the same time, the state authorities, up to and including the president and his Attorney General, have not proposed any program to curb the rampaging police violence that daily claims more Black, Latino, and some white lives. They have also not proposed any plan to increase jobs, equal opportunity, equal access to health care and other services, or—in general—to pick up the stalled movement for equal opportunity, rights, and justice that last scored real gains 40 years ago. They have not even named these as problems. Instead, with careful impartiality, Obama speaks of “distrust...between law enforcement and communities of color” due to “the legacy of racial discrimination” (Nov. 24), a “legacy” that stalks the streets taking new lives every day. Obama has always been a political calculator, but the problem is not his personal or even political qualities, but rather than he presides over a society that cannot and doesn’t want to provide any of these changes or even to admit the need for them. So he is like an office manager with an angry

employee in his office—from his viewpoint, the problem is that an unruly worker has come into his office and the solution is to get the employee to leave.

(Obama however does bear personal responsibility for part of this situation: His back down from mild criticism of the police after Harvard Professor Henry Louis Gates' arrest outside his own home, in 2009, signaled the six years of absolute inaction on Black rights that have followed. See my "Professor Gates in Handcuffs," *Utopian* 8, 2009.)

This "crisis management" approach in turn comes from the lack of any overall vision of a possible change toward real justice. That vision seems, today, to very many people, old-fashioned and romantic. In the absence of a vision of change, the real-life limit of protest is the right to protest: citizens have that right, but it is taken for granted that no real change is possible. That attitude—held not only by the authorities but by many, probably the majority, in the population, may be starting to change. A friend spoke hopefully of a "tipping point" on police violence, similar to the "tipping point" that may have occurred some time ago on Gay marriage, such that even quite moderate people feel the level of police violence is intolerable. On the other hand, many or most white Americans apparently feel the police are justified and that the problem is the protests themselves, made worse—in these people's view—by "the media" which favor African Americans, wrongly play up race issues, and create a race problem where none really exists. So the jury is out on my friend's hopeful scenario.

## The Police and Social Justice

Most of the media attention to Ferguson, in August and now, has been focused on one issue, police conduct. There has been less attention to the issue of broad-scale racial and social injustice that lies behind police misconduct in Ferguson and elsewhere.

Ferguson is not an especially poor community. There are substantial middle-class and upper-middle income African American areas alongside poorer areas. But schools are lower-quality and overcrowded, students who make it to college generally attend nearby community colleges (as Brown was scheduled to do had he lived), and jobs are low-status when available. These characteristics, too common among even better-off African American communities—let alone apocalyptically devastated areas like the east side of Detroit—are matched by oppression in and by the courts and police that can only be described as bloodsucking on the community.

According to Richard Rosenfeld, criminology professor at the University of Missouri at St. Louis, African Americans in Ferguson are 37 percent more likely to be stopped by police than they should be given their share in the population, and that disproportion is actually less than the statewide average, 59 percent. In nearby Maplewood, Missouri, the *New York Times* noted, African Americans are searched or arrested during stops at more than twice the rate for whites, yet whites and Blacks are about equally likely to be carrying illegal items; in Hazelwood, another St. Louis suburb, African Americans are twice as likely as whites to be searched in a stop, and three times as likely to be arrested, but searches of whites are 1½ times as likely to find illegal goods.

Compounding this situation is what some call "making the rounds" and others the "mini-shuffle" or "jail hop"—African Americans arrested or convicted on traffic charges, if unable to pay the fines and administrative fees that may double or triple their payments, are jailed in place of payment (or are jailed on top of payment) and then, before release, passed around to any other

jurisdiction that has a warrant for them or where they owe money. “If I know I have warrants in five or six different places,” says Nikos Chatman, who is employed full-time at a St. Louis airport, “and I get pulled over, the first thing I do is smoke a cigarette, because I know I’m gone. I’m going to do the rounds.” (Campbell Robertson and Joseph Goldstein, *New York Times*, August 27.) In reality, this is nothing but a money-making operation: many smaller towns’ financing depends heavily on fines and court fees that fall heavily on poor, especially Black and Latino people, who are less likely to be able to pay at once, and more likely to miss a court date, adding hundreds of dollars to their payments. Race prejudice, in one sense, is only a byproduct of a corrupt system that finances itself out of the emptiest pockets, and yet, race is central when police judge—or misjudge—who is likeliest to be a perpetrator.

Same story, basically, all over the United States: a survey of over 250,000 traffic stops in Durham, North Carolina, from 2002 to 2013 showed that Black males under nineteen are nearly twice as likely to be searched (one in six stops) as white males of the same age; older Black males are more than twice as likely to be searched as white males in those age groups. Police defenders respond that Black areas are higher-crime areas, which is true and turns the question back to why this is so, that is, to the failure of the civil rights revolution of the 1960s to win social, as opposed to legal, equality.

## **The Police and Black Death**

With all this in mind—African Americans along with Latinos as disproportionately oppressed and exploited—it might seem as if police conduct were a distraction from the “real” issues of class and economic justice. But police conduct deserves all the attention it is getting both because it is the most concrete example of overall class and economic injustice and because, by itself, it means that fifty years after the civil rights movement, Black and Latino lives are at risk every day in confrontations with the official power of the state.

Above I referred to a “rampage” of police violence. If confirmation is needed, look at these news stories from the weeks just before and after the Michael Brown and Eric Garner grand jury reports:

- November 20—Akai Gurley, 28, was shot and killed in the stairwell of a Brooklyn project building by Peter Liang, 27, a probationary officer conducting a security patrol of the building. It isn’t clear whether Liang fired on seeing Gurley or by accident while trying to open a door. However, it is common practice for officers to draw their weapons during “vertical patrols,” as they are called, because they are considered dangerous. (The case has been referred to...a grand jury.)
- November 22—Tamir E. Rice, 12, was shot seconds after a police cruiser arrived on a 911 call that someone was waving a pistol or toy gun in a Cleveland park. (It was a real-looking toy.) The 911 caller identifies the person as “probably a juvenile, you know,” says he is “sitting on the swing right now,” and says three different times that the gun is “probably fake...probably fake...I don’t know if it’s real or not,” but also says it is “scaring the shit out of me.” In a surveillance video, available at <http://www.wkyc.com/story/news/local/cleveland/2014/11/26/tamir-rice-shooting-video-released/19530745>, Rice can be seen walking up and down on an empty sidewalk near some picnic tables, striking poses with

the “gun.” The scene is completely deserted except for a figure sitting at one of the tables during the first few minutes, apparently unconcerned. (In other words, Rice was not waving his “gun” in a crowd.) Later, with this person gone, Rice sits at the table for several minutes, at one point putting his head down on the table, appearing bored stiff. He gets up again and walks out toward the sidewalk as a cruiser stops on the grass, an officer exits the right side of the car, and Rice goes down, all within 3 seconds and before the driver is out of the car. Rice died the next day.

- November 28—A six-person jury in a Bronx lawsuit found New York City and police sergeant Robert Barnett liable in the October 30, 2005, shooting death of Leonel Disla, who was 19. At the time, Sgt. Barnett testified that Disla was “coming at me with a knife. I was in fear for my safety.” But forensics showed that Barnett’s bullet went through Disla from the side and the main witness testified in the lawsuit that he never saw Disla with a knife and said so at trial only because detectives threatened him with parole violations. The case shows what anyone with a brain knows are routine police false testimony and coercion. Disla’s family will get a still-undetermined award, but Disla remains dead.

I don’t think there is a spike in police killings right now; rather, they are getting more media attention because of the terrible killings in Ferguson and Staten Island and the protests against them. A ProPublica analysis of FBI statistics shows that for the three years 2010-2012, African American males between 16 and 19 years old were killed by police at a rate 21 times greater than for white males of the same ages (31.17 per million of population versus 1.47 per million). Related to officers Wilson’s and Barnett’s testimony, the report also found that claims of “officer under attack” went from 33 percent of cases, before a 1985 Supreme Court ruling that deadly force could be used only in a threat to an officer’s or someone else’s safety, to 62 percent in the five years before 2010. (The report is at [www.propublica.org/article/deadly-force-in-black-and-white](http://www.propublica.org/article/deadly-force-in-black-and-white).) None of this is new, but the conditions are gaining exposure because of people’s determination now to fight back. Finally, adding incomprehension to injury, whites, who do not face the danger daily, are significantly more likely to explain it away than African Americans, who do face it daily—in a poll released before the Ferguson grand jury report, 62 percent of African Americans believed Wilson was at fault, 22 percent of whites. Those 22 percent are significant, showing this is an issue of justice and not only race, but they are only 22 percent.

There is a moment in Toni Morrison’s *Beloved* when the protagonist, Sethe, realizes that her master is training his apprentices to differentiate between her “human” and “animal” traits: “No, no,” the slave-master says to them. “I told you to put her human characteristics on the left; her animal ones on the right.” Something like this, not exactly the same, happens between police and the people they patrol: certain types of people are seen as dangerous, violent, or simply expendable. Because of the whole history of the United States and its white-dominant (culturally, not individually), violent, and official-violence-prone culture, these people are most often poor, Black, Latino, or other “low-class” ethnicities. They are certain lifestyles and economic groups as well—prostitutes, cross-dressers, street youth, petty vendors like Eric Garner with his “loosey” untaxed cigarettes. There’s a whole police culture, the “broken windows” policy, that starts by harassing such people and keeping them off balance, a policy ending in arrest and days in “the system,” or injury or death, for Black and Latino people much more than whites. It’s a culture shared by police of all races but worst, of course, across racial lines. And when something goes

wrong, as it must sometime when everyone is on edge, the Black, Latino, or street person is likely to be seen, instantly, as a menace or simply an obstacle to be over-powered. Something like what Morrison describes (“Her human characteristics on the left; her animal ones on the right”) happens when police, patrolling among people they despise and fear, pull up by a Black youth and shoot within three seconds. The gun and threat are processed as real because of the black face where a white face might have been processed as belonging to a pre-teenage boy.

## Social Heroism and a Possible New Movement

In the possible new movement that has been growing in recent weeks the call for non violence has been paramount. But I think the violence by Ferguson residents, on and after August 9 and on November 24, was heroic, as well as inevitable. Those who have read *The Utopian* over the years know that I have never advocated violence, but I have often defended it as a community’s first response to outrage. (See “British Riots: It Is Right to Rebel,” *Utopian* 10, 2011.) But in this case it is more. Far from the mindless rage portrayed in the media, people in Ferguson did what they knew was necessary to not let Michael Brown’s killing go by. “If it wasn’t for the looting,” one man who remained anonymous told reporters, “we wouldn’t get the attention.” He was right, and, as much as the orderly day-time protests led by church and civic groups, the nighttime face offs with police and the trashing and looting were acts of social heroism.

That said, there are plenty of people in Ferguson and elsewhere who do oppose violent protest, including most of Brown’s immediate family. (Brown’s stepfather, Louis Head, repeatedly screamed out “Burn this bitch down!” the night of November 24, after his wife, Brown’s mother Lesley McSpadden, broke down while trying to address the crowd. Head has since apologized, whether sincerely or tactically only his lawyer knows for sure.) So if it is a mistake to reflexively condemn violence and promise only peaceful protest, it is also wrong to make a fetish of confronting the police or stepping past the boundaries of legality.

The main point I want to make is that—if I can use this expression—a rare and delicate flower has taken root and begun to grow. It is the flower of a real mass movement and it has not bloomed in more than thirty years. Anything, anything at all that encourages that movement is precious. This must mean following the discipline of nonviolence in many of the protests that I hope are coming, not because nonviolence is necessarily right but because people are beginning, hesitantly, to be drawn into a mass movement for the first time in decades. By the same token there will be points when the movements will square off, push past the police, throw things and break things. If that is part of the movement it is good; if it’s the act of determined groups trying to “up the ante” and lead by example, it will hurt more than it helps. *Absolutely nothing* matters except that a real movement takes root, grows, and maintains its independence.

One point to be made about this movement, so far, is that it is Americanist. I don’t mean simply in invoking ideals of fairness, open protest, and free speech, although these appeals have been frequent. This movement, so far, is Americanist in a much more profound way: It is claiming the right of people of color to an absolutely equal part in the United States. Much more than in the movement of fifty years ago, there is no ideology of separatism, a distinct Black political entity, or even a separate, culturally Black sphere of U.S. society. (Rather, culturally, people are fully African American and fully American.) The protesters are claiming full justice for people of color because they live in the United States as Americans and assert full citizenship as an unqualified



right. That attitude can change of course, but it is consistent with the dominant demand of Black movements over the last two centuries for full inclusion in the United States on their terms, not on white Americans' terms, a tendency I've defined elsewhere as "prophetic integrationism" (The Mount of Vision, 2012). And the rioting and looting of the Ferguson militants, as much as the nonviolent marching of others—and as paradoxical as this might seem—is an expression of this same prophetic integrationism. It is an assertion of ownership over the streets where people live and will go on living, in the face of and in defiance of those who treat citizens as dirt.

At the same time, while I generally agree with this idea of full participation in equality, it's crucial not to be limited by what the U.S. political and economic systems can give. Justice is a whole; it is a right and not contingent. And, as I'll argue in a moment, it requires going beyond police conduct to issues of full social equality.

I hope very much that a self-sustaining movement has begun and will grow through the winter, reach a new height next summer, grow again and expand again in another year. All that is required is courage and a lack of cynicism and despair, because—to the shame and curse of America—the causes will not go away, that is, the police will not cease to kill new Black, Latino, poor and outcast people. In prophetic theology, which I study, there is a concept of redemption. Those who have suffered and died without justice are redeemed by acts of justice. Nothing can bring back Michael Brown, Eric Garner, Akai Gurley, Tamir Rice, Leonel Disla and so many more. But a movement for justice can redeem them so that no more will the body of a Black man be mud and blood.

## **The Need for Utopia**

No movement to curb police violence alone can curb police violence. The reason is that police are never more corrupt or brutal than the society they are rooted in and serve. Anyone with a reasonably open mind knows the profile of police, as a social group, the world over: fawning and subservient to those they perceive with power; careful and polite to the middle class (good clothes and speech); arrogant and edgy at best, brutal and trigger-happy at worst, toward those they see as their inferiors; enraged and violent when they feel defiance or opposition. (I myself once spent 24 hours in "the system" after saying to a plainclothes cop, "How the fuck did I know you were a cop?") And everywhere, in all countries, the arrogance and brutality are worst toward whatever ethnic group is outcast and despised—one always is. In this structure police are the petty enforcers and in most cases are linked both to the local ruling elites and also to the local criminal bosses. But the particular groups they push around are supplied by the structure of the society.

So, the people the police brutalize are always those already brutalized. The Black body that is "rag and stone / is mud / and blood" (Clifton) was already pushed down in school, in jobs, in the medical clinic, in the street. There is no police injustice that is not already social injustice. So to end police injustice against the African American, the Latino, the bums, the street people, the higglers, the petty criminals, the outcasts, has to mean ending social injustice. And this means expanding the fight for street justice to one for economic justice, educational justice, health justice, immigration justice, and a just and equal social structure. And these goals, seemingly so utopian and so far beyond the possibilities of the moment, will arise naturally and inevitably if a

new movement for justice gets off the ground. Then, as half a century ago, all the basic questions will be on the table and all questions open for discussion.

Many years ago the founding statement of the Student Nonviolent Coordinating Committee (1960) declared that organization's aim to be "a social order of justice permeated by love." The words were written in a reform context—the struggle against segregation and for voting rights—but went beyond that context into a utopian context, as the then-young activists well knew. They are beautiful words still, in their simplicity and sweep. Getting even to the beginning of a movement that can fight for this vision will not be simple. It will mean confronting the weariness and cynicism that bear down when protest follows protest with no tangible change. It will mean avoiding the seductive call for an easy change through the electoral system—through electing the right people to forget the people's needs for those of managing the system. (Obama!) And it will involve interminable debates over goals, strategies, methods—between liberals, anarchists, remixed Marxists, and others—that can themselves be wearisome and alienating to ordinary people who don't breathe politics and want to live their lives. But the words, and the utopian change they envision, are worth calling to our minds now. Nothing less than this is what we should be dreaming of, and working for.

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