

# NOBODY

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TO BE NOBODY IS TO BE VULNERABLE. In the most basic sense, all of us are vulnerable; to be human is to be susceptible to misfortune, violence, illness, and death. The role of government, however, is to offer forms of protection that enhance our lives and shield our bodies from foreseeable and preventable dangers. Unfortunately, for many citizens — particularly those marked as poor, Black, Brown, immigrant, queer, or trans — State power has only increased their vulnerability, making their lives more rather than less unsafe.

To be Nobody is to be subject to State violence. In recent years, thousands of Americans have died at the hands of law enforcement, a reality made even more shameful when we consider how many of these victims were young, poor, mentally ill, Black, or unarmed. The cases of Michael Brown in Ferguson, Missouri; Eric Garner<sup>17</sup> in New York City; Kathryn Johnston<sup>18</sup> in Atlanta; Trayvon Martin<sup>19</sup> in Sanford, Florida; Freddie Gray<sup>20</sup> in Baltimore; and Sandra Bland<sup>21</sup> in Hempstead, Texas, have forced a stubborn nation to come to terms with the realities of police corruption, brutality, and deeply entrenched racism. While media coverage and global activism have turned these individuals into household names, they are not, sadly, exceptional. Instead, they represent the countless Americans who die daily, and unnecessarily, at the hands of those who are paid to protect and serve them.

To be Nobody is to also confront systemic forms of State violence. Long before he was standing in front of the barrel of Darren Wilson's gun, Michael Brown was the victim of broken schools and evaporated labor markets. Prior to being choked to death by Daniel Pantaleo, Eric Garner lived in a community terrorized by policing practices that transform neighborhoods into occupied territories and citizens into enemy combatants. Sandra Bland's tragic death sequence did not begin with a negligent jailer or an unreasonable cop but with a criminal justice system that has consistently neglected the emotional, physical, and psychological well-being of Black women and girls. For the vulnerable, it is the violence of the ordinary, the terrorism of the quotidian, the injustice of the everyday, that produces the most profound and intractable social misery.

To be Nobody is to be abandoned by the State. For decades now, we have witnessed a radical transformation in the role and function of government in America. An obsession with free-market logic and culture has led the political class to craft policies that promote private interests over the public good. As a result, our



schools, our criminal justice system, our military, our police departments, our public policy, and virtually every other entity engineered to protect life and enhance prosperity have been at least partially relocated to the private sector. At the same time, the private sector has kept its natural commitment to maximizing profits rather than investing in people. This arrangement has left the nation's vulnerable wedged between the Scylla of negligent government and the Charybdis of corporate greed, trapped in a historically unprecedented state of precarity.

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- 5 Forty years from now, we will still be talking about what happened in Ferguson. It will be mentioned in high school history textbooks. Hollywood studios will make movies about it, as they now make movies about Selma. Politicians will talk about “how far we have come since Ferguson” in the same way they talk today about how far we have come since Little Rock, Greensboro, or Birmingham.<sup>22</sup>

Ferguson is that important.

But why?

After all, to some, Ferguson isn't as worthy as other markers on the historical timeline of social-justice struggle. And Ferguson's native son Michael Brown, whose tragic death in 2014 put the small Missouri town on the map, was certainly no traditional hero. He did not lead a march or give a stirring speech. He did not challenge racial apartheid by refusing to sit in the back of a bus, attempting to eat at a “Whites only” lunch counter, or breaking the color barrier in a major professional sport. He wrote no books, starred in no movies, occupied no endowed chair at a major university, and held no political office. He was no Jackie Robinson,<sup>23</sup> no Rosa Parks,<sup>24</sup> no Bayard Rustin,<sup>25</sup> no Fannie Lou Hamer,<sup>26</sup> no Barack Obama. If he could see what has happened in reaction to his death, he would likely be stunned.

Brown was just eighteen years old on the morning of Saturday, August 9, 2014, when he decided to meet up with his friend Dorian Johnson — who would later become Witness 101 in the Department of Justice (DOJ) federal investigation report — and together they settled on a mission to get high. Johnson, who was twenty-two, had not known Brown very long but, being older, considered himself as somewhat of a role model to the teen. Although he was unemployed, Johnson worked whenever he could find available jobs, paid his rent on time, and consistently supported his girlfriend and their baby daughter.



Brown had just graduated, albeit with some difficulty, from Normandy High School, part of a 98 percent African-American school district where test scores are so low that it lost state accreditation in 2012.<sup>27</sup> In addition to low test scores, incidents of violence have become so common at Normandy that it is now considered one of the most dangerous schools in Missouri.<sup>28</sup> Conditions in the Normandy School District are so dire that it has become a talking point in the school-choice debate, with conservatives pointing to the schools' failures as evidence that privatized educational options are necessary.<sup>29</sup> Despite this troublesome academic environment, Brown, like many teenagers of color, had a positive and eclectic set of aspirations. He wanted to learn sound engineering, play college football, become a rap artist, and be a heating and cooling technician; he also wanted to "be famous."<sup>30,31</sup> All of this was part of the conversation between Brown and Johnson that morning.

In need of cigarillos to empty out for rolling paper for their marijuana blunts, Brown and Johnson entered Ferguson Market and Liquor, a popular convenience store at 9101 West Florissant Avenue. As video footage shows, Brown swiped the cigarillos from the counter without paying. The store's owner, an immigrant from India<sup>32</sup> who did not speak English, came around to challenge him. Brown, whose nickname "Big Mike"<sup>33</sup> derived from his six-foot-four-inch and nearly three-hundred-pound frame, gave a final shove<sup>34</sup> to the shopkeeper before departing. While the surveillance camera captured the entire interaction, it did not show how badly the incident shocked Johnson. He had never seen Brown commit a crime, nor had Brown given him any reason to think he would. "Hey, I don't do stuff like that," he said to Brown as they walked home, knowing that the shopkeeper had promised to call the police. Quickly, Johnson's feelings shifted from shock and anxiety about being caught on camera to genuine concern for Brown. He turned to him and asked, "What's going on?"<sup>35</sup>

While interesting, all of this was mere overture to the main event that tragically awaited Brown and Johnson, one that would make both of them unlikely entries in the history books. Brown and Johnson were in the middle of residential Canfield Drive a few minutes later when twenty-eight-year-old police officer Darren Wilson saw the two jaywalking "along the double yellow line."<sup>36</sup> According to Johnson, Wilson told them to "get the fuck on the sidewalk," though Wilson denies using profanity.<sup>37,38</sup> Regardless of the tone of their initial exchange, the interaction created room for Wilson to link Johnson and Brown to the robbery report and suspect description that had been given over the police radio. The next forty-five seconds — disputed, dissected, and debated ad nauseam throughout the ensuing months — would soon become the focus of international attention.

But how could such a random encounter, in the largely unknown St. Louis suburb of Ferguson, possibly mean so much?



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There was, and is, no disagreement as to the result of Darren Wilson's confrontation with Michael Brown. After a brief struggle at Wilson's car,<sup>39</sup> Brown fled the scene and was pursued by the officer in a chase that ended with the unarmed Brown struck dead by bullets fired from Wilson's Sig Sauer S&W 40-caliber semiautomatic pistol. What remains, however, is the dispute about whether the shooting was criminal. Both the St. Louis County grand jury, which met for twenty-five days over a three-month period and heard a total of sixty witnesses,<sup>40</sup> as well as a separate investigation done by the USDOJ<sup>41</sup> that investigated potential civil-rights violations, determined that there was no cause to indict Wilson for his actions. The seven men and five women who made up that grand jury — three Black and nine White, chosen to reflect the racial makeup of St. Louis county, though not the overwhelmingly Black population of Ferguson itself — and the FBI investigators working on the federal study concluded that Brown had not been shot in the back, as some had initially said. Assertions that Brown had put his hands in the air and said "Don't shoot" in the moments before he was killed — an image so disturbing, it became a rallying cry for protesters determined to see that Wilson was indicted — were also not supported by witnesses who watched the encounter. Those conclusions, when matched with Wilson's testimony that he feared for his life in the confrontation with Brown and with Missouri's broad latitude for police use of deadly force,<sup>42</sup> left little legal room to justify an indictment. But the law does not tell the full story.

- 15       The law is but a mere social construction, an artifact of our social, economic, political, and cultural conditions. The law represents only one kind of truth, often an unsatisfying truth, and ultimately not the truest of truths. The rush of public emotion that spilled into the streets after the killing of Michael Brown alerted the world to the existence of a multitude of other, competing truths. Whatever the facts may have shown in this instance — including the forensic evidence and the parade of witnesses who recanted earlier statements — Michael Brown's life was taken with disturbingly casual ease. This indifference unmoored racial and class antagonisms long held in awkward restraint.

There was not only Brown's shooting to consider; there was also the aftermath. There was Brown's body, left for hours on the hot pavement, his crimson blood puddling next to his young head, staining the street, flowing in a crisscross pattern, a tributary running slowly to the gutter. Eventually, an officer produced a bedsheet and placed it over Brown's frame, a figure so large that the cover could not shield it all, the oversized teenager's legs left peeking out from the bottom. Though it was early August, a wintry stillness set in over the next four hours, as police officers stood stone-faced and crowds of passers-by gazed in astonishment. While this was happening, Michael Brown remained on the street, discarded like animal entrails behind a butcher shop. As Keisha, a local resident who I interviewed a week after the shooting, said to me, "They just left him there . . . Like he ain't belong to nobody."

Nobody.



No parents who loved him. No community that cared for him. No medical establishment morally compelled to save him. No State duty-bound to invest in him, before or after his death. Michael Brown was treated as if he was not entitled to the most basic elements of democratic citizenship, not to mention human decency. He was treated as if he was not a person, much less an American. He was disposable.

Despite the heated claims by many observers, Michael Brown was not “innocent,” as either a moral or legal designation. To the contrary, it is virtually indisputable that Brown made bad choices, both in the convenience store and in his subsequent interactions with Darren Wilson. But the deeper issue is that one should not need to be innocent to avoid execution (particularly through extrajudicial means) by the State. After all, theft, even strong-arm theft, is not a capital offense in the United States.

20 It is also not clear that Wilson was acting with racist intentions — but, like debates about Mike Brown’s “innocence,” this is beyond the point. Even if Wilson operated with the best of conscious intentions, he was nonetheless following the logic of the current moment, one marked by what Princeton race scholar Imani Perry calls “post-intentional racism.”<sup>43</sup> Perry argues that contemporary understandings of racism cannot be reduced to intentional acts of bigotry, beliefs in biological determinism, or even subconscious prejudices. Instead, we must rely on a thicker analysis, one that accounts for the structural, psychological, and cultural dimensions of racism. With regard to Darren Wilson, even if he held no personal racial animus, he nonetheless approached Michael Brown carrying a particular set of assumptions about the world. Like everyone else’s, Wilson’s assumptions included socially constructed narratives about Black men, Ferguson residents, and even what constituted a lethal threat.<sup>44</sup> Beyond the level of the personal, Wilson also obediently and uncritically followed the protocol of a system already engineered to target, exploit, and criminalize the poor, the Black, the Brown, the queer, the trans, the immigrant, and the young.

For many of the thousands who erupted in protest after Michael Brown’s death, and again after the grand jury’s subsequent decision not to indict Darren Wilson, the motivating factor for their anger was not shock.<sup>45</sup> To the contrary, the incident between Brown and Wilson was animated by a set of beliefs and conditions that were all too familiar: the assumptions that all people of color are violent criminals from birth; that petty crimes are the neon arrow pointing to someone already involved in, or destined to commit, more serious crimes; that there is money to be made in overpolicing minor offenses; and that poverty, race, and gender



nonconformity are identifiers of moral failings so rich that there is no longer any reason to recognize the rights, the citizenship, or the humanity of those so identified.

This attitude — most visible in the conduct of law enforcement, but pervasive throughout the halls of power — is not a phenomenon limited to Ferguson or even St. Louis. In response to the grand jury's decision not to indict Darren Wilson, crowds of protesters appeared in Oakland, Los Angeles, Dallas, Denver, Washington, Minneapolis, Chicago, Atlanta, and New York to stand in solidarity. They wanted not only to see justice prevail in this particular instance but also to assert the deeper symbolic importance of the story. They wanted to express its clear resonance, to speak to their own sense of familiarity with the circumstances that in an instant left an unarmed eighteen-year-old Black boy holding a pack of stolen cigarillos dead in the street. "Enough," read placards raised by marchers in Atlanta. "We are all one bullet away from being a hashtag."<sup>46</sup>

The teenager and the police officer had become like characters in a national morality play with so many rich ironies and plot twists, so many double meanings in the language of its participants, that it was hard not to feel that we were witnessing the playing out of a civic parable. "As he is coming towards me, I . . . keep telling him to get on the ground," the sandy-haired Wilson told the grand jury, using phrases that made him sound like he was a game hunter confronting a wildebeest:

"He doesn't. I shoot a series of shots. I don't know how many I shot, I just know I shot it."

25 "It." Not "him," not "Brown," not "the teenager," not even "the perp." Wilson told the grand jury that he had shot "It."<sup>47</sup>

"I know I missed a couple, I don't know how many, but I know I hit him at least once because I saw his body kind of jerk."<sup>48</sup>

The aim was not mere incapacitation; it was execution.

"At this point I start backpedaling and again, I tell him get on the ground, get on the ground, he doesn't. I shoot another round of shots . . ."

An invader who had burst through the neighborhood barriers.

"It looked like he was almost bulking up to run through the shots, like it was making him mad that I'm shooting at him."

A Magical Negro with superhuman powers.

“And the face that he had was looking straight through me, like I wasn’t even there, I wasn’t even anything in his way.”

In Wilson’s account, it is the Magical Negro who dehumanizes the courageous officer. Ironically, this process humanizes the officer and dehumanizes the Magical Negro to the jury and the broader public.

“And then when [the bullet] went into him, the demeanor on his face went blank, the aggression was gone . . . the threat was stopped.”

Nobody.

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In a mockery of the city’s longstanding efforts to maintain segregation, St. Louis’s inner ring of suburbs, once nearly exclusively White, became home to thousands of poor and middle-class Blacks. One reason for the shift was economic: there were simply too few opportunities for employment in St. Louis. Another was the opportunity for better housing; as Whites moved out to shinier, newer developments, housing in the older suburbs opened up. But while the Black population in Ferguson had grown from just 1 percent in 1970 to roughly 25 percent in 1990, the 2010 census revealed an even more dramatic shift to 67 percent Black. Over the course of forty years, Ferguson had become a majority-Black city, indicative of a trend that extended beyond St. Louis. Amazing as it may seem, there are now more poor people and more African-American people living in American suburbs than in American cities.<sup>49</sup>

The problem in Ferguson, of course, was that the administration of the city did not change with these demographic shifts. While the city itself was becoming largely African-American, most positions of authority — including the mayoralty, most of the city council, and all but three police officers in a fifty-three-officer department — were held by Whites.<sup>50</sup> But much more important than that, as the second part of the DOJ investigation of the killing of Michael Brown revealed, the social distance between those in positions of authority — particularly the police, but others as well — and those who actually lived in Ferguson was now vast. As the city became African-American, the Ferguson Police Department (FPD) shifted from being the protector of the people of Ferguson to their user and abuser.



How else to explain the DOJ's finding that Ferguson officers "routinely conduct[ed] stops that [had] little relation to public safety and a questionable basis in law," often issuing multiple citations for the same violation, and all in the interest of increasing revenue to the department?<sup>51</sup> How else to understand that in the FPD budgets, "fines and fees" accounted for nearly one quarter of the department's operating revenue (\$3.09 million in 2015), and that it urged officers in performance reviews to help achieve this number, as if they were a sales team needing to make their fourth-quarter projection? What else are we to make of the fact that at the time of the DOJ investigation, more than sixteen thousand people — this out of a population of twenty thousand — had some form of outstanding arrest warrant, nearly all of them relating to a missed payment or court appearance on a traffic fine or a (usually minor) municipal code violation?<sup>52</sup> As a report in the *Washington Post* revealed, it was not unusual for towns in St. Louis County to cite residents for loud music, unkempt property, disruptive behavior, and even "saggy pants."<sup>53</sup> These penalties reflect a long history of public-nuisance laws being used in ways that further marginalize the vulnerable, and reinforce the idea that poverty, mental illness, and even Blackness are threats to the public good.<sup>54</sup>

In the course of their study, the DOJ investigators also discovered repeated instances of Ferguson police issuing arrest warrants without probable cause, in direct violation of the Fourth Amendment, and of police being unaware, in general, of the constitutional restrictions on their conduct. Confronted, for instance, about one situation in which Ferguson officials arrested a man without a warrant (and, as it turned out, on false conclusions), the officers explained away objections by asserting that the detainee was held in an "air-conditioned" environment. They also told investigators that the disproportionate arrest of African-Americans in Ferguson was indicative of the lack of "personal responsibility" among members of the Black race.

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Finally, the DOJ investigation report, released only days before the commemoration of the fiftieth anniversary of the Selma voting rights march known as “Bloody Sunday,” found despicable racial stereotypes in e-mails routinely sent within the department, including e-mails comparing President Obama to a chimpanzee and mocking Black citizens’ use of language. Others repeated age-old stereotypes of Black people as lazy, ignorant, and “on the take.” These Ferguson officials were merely reenacting the quintessentially American ritual of humiliating and dehumanizing Black bodies while at the same time exploiting them for economic gain.

A few months after the DOJ report was issued, another study of Ferguson<sup>55</sup> conducted by a Missouri state commission appointed by Governor Jay Nixon, issued a call for reforms, including an expansion of Medicare eligibility, an increase in the minimum wage, a reform of zoning laws, and a new scrutiny of police incidents requiring the use of force. “We know that talking about race makes a lot of people uncomfortable,” asserted the authors of the report. “But make no mistake: This is about race.”<sup>56</sup>

Yes, except that the story of Ferguson, Missouri — the epic tale that prompts us to keep talking about it — is not only about race. It is not only about the death of a Black teenager at the hands of a White policeman in a department that routinely abused and exploited the city’s majority African-American population, not only about the virtual exoneration of Darren Wilson for acting in a manner that, if not criminal, was certainly reckless and avoidably deadly.

Despite the widespread outrage about the grand jury’s failure to indict Darren Wilson, the deeper meanings of Ferguson have become more apparent in the aftermath of the non-indictment. If an indictment had been made, a trial convened, and perhaps even a conviction secured, the story of Ferguson would have been reduced to the story of a single act of injustice in a single place at a single time. Such an analysis would only have given comfort to those who would like see the error here as Wilson’s (or even Brown’s) alone, rather than a signpost of a much deeper and more intractable set of problems.

Michael Brown died at the hands of police in Ferguson, but his killing was preceded by the death of seventeen-year-old Trayvon Martin — armed only with a hoodie, an Arizona Iced Tea, and a bag of Skittles — who was shot dead not as a victim of the police, but of the vigilante George Zimmerman, who was then



exonerated in a trial that played out in minute detail on CNN; and by the death of Jordan Davis, who was killed neither by the police nor a vigilante but by Michael Dunn, a White software developer who became irritated by the sound of “thug music” coming from Davis’s car.

Michael Brown’s death was succeeded by Cleveland, Ohio, police officer Timothy Loehmann’s killing of twelve-year-old Tamir Rice in a playground when Rice’s toy gun was mistaken for the real thing;<sup>57</sup> by the killing of Samuel DuBose after University of Cincinnati police officer Ray Tensing stopped DuBose for driving a car without a front license plate and then, when DuBose appeared to be getting ready to drive away, shot him in the head;<sup>58,59</sup> by the killing of Walter Scott after North Charleston, South Carolina, police officer Michael Slager stopped him for a broken taillight. Scott was unarmed and sprinting from the scene when Slager shot him eight times in the back.<sup>60,61</sup>

Michael Brown’s death came after the death of Eric Garner, suffocated by New York City policeman Daniel Pantaleo as he arrested Garner for selling loose cigarettes; and before that of Sandra Bland, who allegedly hung herself in a jail cell after she had been arrested for refusing to cooperate with an aggressive Waller County, Texas, officer who had stopped her for changing lanes without signaling.<sup>62</sup> Finally, it came before the death of Freddie Gray from injuries suffered in a Baltimore police van while Gray was in custody for possession of a legal knife. It was this last death — suspicious as it was tragic — that led to weeks of rebellion in Baltimore. These incidents were not extraordinary circumstances, but representations of a chilling pattern of deadly encounters between Black bodies and State power.

Back in 2009, in the heady days of enthusiasm that accompanied the election of a Black man, Barack Obama, to the presidency, the nation was riveted by the “teachable moment” offered when a Cambridge, Massachusetts, police sergeant arrested Henry Louis Gates Jr., the eminent Harvard African-American studies professor, in front of his home. Gates had been dealing with a faulty door key when a passerby, mistaking the scene as a break-in, called the police. Gates verbally challenged Sergeant James Crowley for investigating the scene — the citation refers to “loud and tumultuous behavior” — and in turn, Crowley arrested Gates for disorderly conduct. Amid the ensuing public outcry, President Obama intervened, resulting in what became known as the “Beer Summit,” with Crowley, Obama, and Gates engaging in “guy talk and trouser hitching” — Darryl Pinckney’s wonderful image in the *New York Review of Books*<sup>63</sup> — over a few cold-and-frosties at the White House.



The unfortunate and dishonest conclusion of that incident — the first landmark episode of the Obama presidency — was a kind of twenty-first-century retort to Rodney King's 1994 plea for peace: "Yes, we can all get along." Maybe now, with a Black man in the White House, the American Empire was finally prepared to enter its much-desired post-racial era, in which race would no longer be a central organizing feature of our social world. As wrongheaded as the idea was then, it seems downright absurd today. In light of Ferguson, the Beer Summit is quite easily exposed for what it was: a gross trivialization of the racial, cultural, and economic divides that continue to starkly define American life well into the twenty-first century.

Given that it occurred in an upper-middle-class town known for its conspicuously liberal allegiances, and with a protagonist in the form of the very distinguished and respected Gates, one could see how so many were deluded into thinking that the confrontation was all one big, unfortunate misunderstanding. Such an analysis, however, would be nothing short of delusional. The "presumption of guilt," as Harvard law professor Charles Ogletree described it,<sup>64</sup> that characterized Crowley's initial attitude toward Gates was no mere accident. Rather, it has always been the governing logic for White officers engaging Black men and women in America. As the ensuing years have demonstrated so vividly, the Gates-Crowley incident was only the most polite demonstration of this logic.

Indeed, thanks to the Beer Summit, the implicit understanding reached about this event was not that Black America should not be made to suffer such unfortunate and degrading indignities, but that Henry Louis Gates Jr. — prosperous, educated, friend of the president, a commingler with White society — should not be made to suffer such unfortunate and degrading indignities. And precisely why should he not? Because Gates was, in fact, "one of us" who had tragically been mistaken for "one of them."

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It is this same dynamic that informed then-senator Joe Biden's 2007 comments about fellow presidential candidate Barack Obama when he said that Obama was the "first mainstream African-American who is articulate and bright and clean and a nice-looking guy."<sup>65</sup> In each case, the inference is that Black men who fit in deserve respect — but what about those who do not? What about Black Americans who do not look like Henry Louis Gates Jr., who do not have his pedigree, his eloquence, his stature, his paycheck, who do not fit the White mainstream's conception of "bright," "clean," or "nice-looking"? What about those who look like Michael Brown or Freddie Gray, Renisha McBride<sup>66</sup> or CeCe McDonald,<sup>67</sup> Sandra Bland or Jordan Davis? What about the single mothers, the welfare recipients like those who a generation ago lived at Pruitt-Igoe? Do they deserve fairness too, or is fairness the privilege of the well-turned-out, the conformist, the employed, the happy, the "accepted"?



It is worth contemplating how “Gates and Crowley” and “Brown and Wilson” form the same basic narrative: a Black person doing something ordinary is subjected to heightened scrutiny for a suspected criminal act. Police confront the Black suspect, who responds with verbal hostility, whereupon that hostility becomes, for the arresting officer, the very confirmation of criminal behavior. This confirmation of criminality then becomes the justification for the use of force. Gates was doing something ordinary as he fiddled with his key; Brown and his friend, the dreadlocked Dorian Johnson, were doing something ordinary as they jaywalked in their own neighborhood. Brown, like Gates, reacted to the police officer’s questioning with “lip.” In Gates’s case, the result was an embarrassing arrest that turned into a national incident. The Brown episode, as with many other incidents involving America’s vulnerable, ended with his death.

That Brown’s story also contained a petty crime — the stealing of the cigarillos — and a physical tussle may cloud the picture for some. This was likely the reason that the Ferguson Police Department released video footage of Brown’s store theft during the same press conference in which they were forced to release Darren Wilson’s name to the public. Their hope was that the public, including the Black community, would not invest its support in Brown if he was marked as a criminal. But, in fact, Brown’s story highlights how respectability politics around who deserves public support and protection within the Black community, as well as the expansion of the market-driven punishment state, creates an environment where constitutional affordances like due process and protection from cruel and unusual punishment are reflexively denied to those considered part of the “criminal class.”<sup>68</sup> Brown’s story is a testament to how race and class, as well as other factors like gender, sexuality, citizenship, and ability status, conspire to create a dual set of realities in twenty-first-century America. For the powerful, justice is a right; for the powerless, justice is an illusion.

This is why the discourse of race is at once indispensable and insufficient when telling the story of Ferguson and other sites of State-sanctioned violence against Black bodies. Michael Brown, Tamir Rice, Jordan Davis, and Trayvon Martin were not killed simply because they were Black, although it is entirely reasonable to presume that they would still be alive if they were White. They were killed because they belong to a disposable class for which one of the strongest correlates is being Black. While it is hard to imagine that Brown would be dead if he were White, his



death was only made more certain because he was young, male, urban, poor, and subject to the kinds of legal and social definitions that devalue life and compromise justice. His physical presence on Canfield Drive was due not only to his own personal experiences and choices but also a deeply rooted set of policy decisions, institutional arrangements, and power dynamics that made Ferguson, and Canfield, spaces of civic vulnerability. There is no formal poll tax to march against anymore, no segregation of the lunch counter.<sup>69</sup> But the kind of injustice that the story of Ferguson illuminates is just as insidious as the targets of earlier battles of the freedom struggle.

This is why the death of Michael Brown is not merely a throwback to a wounded racial past but also a thoroughly modern event. It is not only the repeat of an age-old racial divide but also a statement of a relatively new public chasm that has been growing for years. This divide is characterized by the demonization and privatization of public services, including schools, the military, prisons, and even policing; by the growing use of prison as our primary resolution for social contradictions; by the degradation and even debasement of the public sphere and all those who would seek to democratically occupy it; by an almost complete abandonment of the welfare state; by a nearly religious reverence for marketized solutions to public problems; by the growth of a consumer culture that repeatedly emphasizes the satisfaction of the self over the needs of the community; by the corruption of democracy by money and by monied interests, what Henry Giroux refers to as “totalitarianism with elections”;<sup>70</sup> by the mockery of a judicial process already tipped in favor of the powerful; by the militarization of the police; by the acceptance of massive global inequality; by the erasure of those unconnected to the Internet-driven modern economy; by the loss of faith in the very notion of community; and by the shrinking presence of the radical voices, values, and vision necessary to resist this dark neoliberal moment.<sup>71</sup>

The stories of Ferguson, Baltimore, Flint,<sup>72</sup> and countless other sites of gross injustice remind us of what it means to be largely erased from the social contract. They expose life on the underside of American democracy, where countless citizens are rendered disposable through economic arrangements, public policy, and social practice. They spotlight the nagging presence of the exploited, the erased, the vulnerable, the dehumanized — those who are imagined, treated, and made to feel like Nobody.

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Work Cited

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