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*Deadly Injustice: Trayvon Martin,
Race, and the Criminal Justice System*
Edited by Devon Johnson,
Patricia Y. Warren, and Amy Farrell

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Deadly Injustice

*Trayvon Martin, Race, and the
Criminal Justice System*

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and Amy Farrell

With a Foreword by Lawrence D. Bobo



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*This book is dedicated to the Racial Democracy,
Crime and Justice Network, and to all the
scholars, activists, teachers, writers, and
organizations that work to both understand
and speak out against injustice.*

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We feel very fortunate to be members of the RDCJN and to be linked to colleagues across the country who focus scholarly attention on critical issues of race/ethnicity, crime, and justice in their research and teaching. This collection is one of many important attempts to create space for informed discussion about race and justice in America.

Devon Johnson
Patricia Y. Warren
Amy Farrell

FOREWORD: THE RACIAL DOUBLE HOMICIDE OF TRAYVON MARTIN

LAWRENCE D. BOBO

The murder of Trayvon Martin was a tragedy. The acquittal of George Zimmerman on murder charges was an unspeakable national shame and travesty. I referred to it at the time as the second murder of Trayvon Martin. Yet, to mention these events does as much to stir controversy and dissension as it does to generate a shared sense of community and moral outrage. It is hard now even to fashion a language and terminology that is not immediately read as signaling what "side" one is on in the matter; the places where race, crime, and policing meet are simply that acutely and instantly polarizing. And make no mistake, I have chosen language that makes clear where I stand.

Both murders of Trayvon Martin are of a piece with deep problems of discrimination, racism, and class bias woven into the fabric of our criminal justice system and of the American social order writ large. Indeed, perhaps the situation's most numbing aspect is not the loss of a young man's life and the subsequent failure of police, prosecutors, juries, and the courts, but rather the disturbing continuity of these events with so many others like it that both preceded and will surely follow them. One need only list the names of the unjustly dead to capture the long and national scope of this problem, such as Jimmie Lee Jackson, Eleanor Bumpurs, Tyisha Miller, Rodney King, Amadou Diallo, Michael Brown, Eric Garner, Tamir Rice, and more.

What is the fundamental nature of that problem? The simple polarizing answers are easy enough to invoke. We hear "racist cops" from one side. From the other side we hear of a very real problem of "black criminality." The core of the problem, to my mind, is the wedding of socioeconomic, legal-political, and cultural racism. To say this, however, is to immediately point to complex historical conditions and social process

that require very careful analysis and dissection if we are to truly understand the challenges before us. Finding vocabularies that allow effective communication is no easy task, especially regarding matters of crime and policing, where the views of black Americans and those of their fellow white Americans are often far, far apart.¹

For the moment I want to continue with the framing of the issue as one of a racial double homicide. The first homicide involved the shooting of Trayvon Martin by George Zimmerman. The second homicide involved a series of escalating failures of the legal system and process that resulted in the acquittal of Zimmerman: the slowness of police to arrest and prosecutors to bring charges against Zimmerman; the impaneling of a jury containing no African Americans; the vicious distortion of reality embedded in the assertion that Trayvon Martin used "the sidewalk as a weapon"; and the ultimate failure to convict Zimmerman under Florida's dubious Stand Your Ground law.

We have now seen this pattern of "double homicides" play out again and again since the Zimmerman verdict. Nowhere was this dynamic more evidently in play than in the case of Michael Brown in Ferguson, Missouri. As distinguished historian and African Americanist scholar Robin D. G. Kelley put it, "For a grand jury to find no probable cause even on the lesser charge of involuntary manslaughter is a stunning achievement in a police shooting of an unarmed teenager with his hands raised, several yards away."² The equally stunning failure to bring charges against the officers involved in the death of Eric Garner in New York only adds to the acute sense that a situation demanding urgent invention looms before us.

The work of social change and of social justice takes place at many levels and over long stretches of time. One important step in that process is the production of knowledge, indeed ways of seeing and understanding, that clarify the nature of the problem. It is precisely in this way that social scientists have a special obligation to illuminate, in as systematic, conceptually clear, and methodologically rigorous a fashion as possible, significant social problems. Devon Johnson, Patricia Y. Warren, and Amy Farrell have assembled an impressive array of scholars to focus on the set of thorny issues for our criminal justice system and for the vitality of American democracy raised by events like both murders of Trayvon Martin. This volume, bringing together new research

and fresh analyses from sociologists, criminologists, legal scholars, and political scientists, takes huge steps toward the all-important new knowledge base and reframing of issues that needs to happen if we are to prevent the next set of "double homicides."

Reading these chapters brings home two critical observations for me. First and foremost, Devon Johnson and her collaborators hone to fine precision the idea that in America we remain immersed in a culture of contempt, derision, and, at bottom, profound dehumanization of African Americans, men and women, but especially of young black males. We know from major social surveys that negative stereotypes of African Americans remain commonplace, particularly views of blacks as less capable, less hardworking, and more inclined to crime and violence than whites. A variety of experimental studies reveal a potentially deep basis to these stereotypes in widely shared psychological associations between blackness and primitive animals like apes, as well as with guns and violence.

Second, the work in this volume clarifies how this "cultural racism" gets normalized and becomes a source of routinely mobilized bias in the functioning of the criminal justice system; how from my point of view it results in the first of the racial double homicides noted above. It affects the quality of interaction between police and members of the black community. It does so in ways that can result in much greater readiness and, in fact, much higher actual recourse to the use of deadly force in dealings with African Americans on the part of police. Thus, a recent report by ProPublica shows a shocking twenty-one times greater risk of being killed by police for African Americans than for their white counterparts. As the researchers explained, "The 1,217 deadly police shootings from 2010 to 2012 captured in the federal data show that blacks, age 15 to 19, were killed at a rate of 31.17 per million, while just 1.47 per million white males in that age range died at the hands of police."³

But as we know, the problem neither really begins nor stops with this "first homicide." The second homicide then involves a series of scenes where the culture of racism permeates decision making, as we saw in the Trayvon Martin murders. Should the officer (individual) involved in killing a civilian be arrested? Should the officer (individual) face criminal charges? If ever an indictment is handed down, what is the right charge, who will serve on a jury, and where will the trial take place?

How will the terms of the relevant law be explained to a jury, and what standard of legal culpability should they apply? The “second homicide” then involves the repeated failure of the criminal justice system to treat the lives of African Americans, particularly poor African American males, in the same way it would middle-class white Americans. These repeated failures receive various justifications, some more obvious and potentially defensible than others.

Law and the criminal justice system in the United States have long operated in ways that could be characterized not merely as racially biased, but as explicitly racially oppressive.⁴ In the post-civil rights era, particularly in the age of Obama and under the nation’s first African American attorney general in Eric Holder, many had hoped we would decisively turn back the problem of race bias in matters of law, policing, and criminal justice. Yet, we know from careful sociological analyses,⁵ legal-political assessments,⁶ and recent public opinion research as well,⁷ that the racialized character of law enforcement in the United States remains a deeply etched feature of the criminal justice system. It could hardly be otherwise in a society and economy once based on slavery and still exhibiting high levels of racial residential segregation and concomitant patterns of racialized poverty and unemployment.

Getting beyond the current state of polarization and discontent requires building the evidentiary base and analytical perspectives necessary to end this pattern of double homicide. Devon Johnson and her colleagues have assembled an impressive and important set of new thinking and research that constitutes a strong social scientific input to righting the wrongs of racial double homicide; to putting the needless death of Trayvon Martin and many, many like him into a meaningful framework and arming us with a potential resource for action. It is time now for the rest of us to put this rich material and valuable information to good and impactful use.

NOTES

1. Thompson and Bobo 2011.
2. Kelley 2014.
3. Gabrielson, Jones, and Sagara 2014.
4. Kennedy 1997.
5. Western 2006.

6. Alexander 2010.

7. Bobo and Thompson 2010.

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