

BLACK LIVES MATTER AND RESPECTABILITY POLITICS IN LOCAL NEWS ACCOUNTS OF OFFICER-INVOLVED CIVILIAN DEATHS: AN EARLY EMPIRICAL ASSESSMENT

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The Black Lives Matter movement launched in July 2013 after George Zimmerman was acquitted by a Florida jury in the shooting death of seventeen-year-old Trayvon Martin, an unarmed Black male. The incident giving rise to this emerging social movement—where the “hoodie” became a key part of widespread public debates on whether certain attributes or cues reasonably signal danger—reflects the most recent iteration of a longstanding respectability politics that has fundamentally shaped the perception and treatment of Black people for many years. This political debate has centered around the idea that Blacks can minimize or evade the injustices associated with discriminatory attitudes by behaving in a so-called respectable manner, i.e., dressing, acting, speaking, and even protesting in certain acceptable ways. As a social movement, Black Lives Matter can be understood as growing out of a specific opposition to respectability politics by insisting that regardless of any ostensibly non-respectable behavior—from Martin’s hoodie to Eric Garner selling loose cigarettes—their lives matter and should not be treated with deadly force.

To the extent that the Black Lives Matter movement has attempted to change public discourse regarding police brutality, this article assesses the public’s responsiveness to these claims through a singular yet important measure: the reporting of officer-involved deaths in local news media. Specifically, we ask, has the increased attention to officer-involved deaths spurred by the Black Lives Matter movement changed the way such incidents are reported in local news media? To investigate this question, we examine local newspaper reports of officer-involved deaths during five specific time periods: the month before George Zimmerman’s acquittal and four month-long periods following his acquittal at roughly six-month intervals. Although sustained media attention to Black Lives Matter may lead some to conclude that journalists have become more sensitive to how respectability politics can lead to inaccurate reporting and encourage more balanced descriptions of these events, our qualitative assessment of the selected data suggests that journalists’ reporting of these incidents continues to reflect a troubling respectability politics that minimizes the lives lost and

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overstates the legitimacy of police use of deadly force. We conclude by discussing the embedded nature of respectability politics in American race consciousness and the need for change.

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INTRODUCTION

Black Lives Matter emerged as an ideology, social movement, and political intervention following George Zimmerman’s July 2013 acquittal for the killing of seventeen-year-old Trayvon Martin.¹ The public discussion leading up to and following Zimmerman’s acquittal centered in large part on what can be termed the “politics of the hoodie.” In these debates, the hoodie became a key part of widespread public conversations on whether certain attributes or cues signal danger in a manner that might reasonably elicit fear or concern of a kind that could lead police or a concerned citizen to engage someone with deadly force. As a symbolic low-point in this discussion, Fox News host Geraldo Rivera tweeted that the “hoodie killed Trayvon Martin as surely as George Zimmerman.”² Rivera clarified this the following day on the *Fox and Friends* television show:

[W]hen you see a kid walking down the street, particularly a dark skinned kid like my son Cruz, who I constantly yelled at when he was going out wearing a damn hoodie or those pants around his ankles. Take that hood off, people look at you and

1. See *The Creation of a Movement*, BLACK LIVES MATTER, <http://blacklivesmatter.com/herstory/> (last visited Mar. 13, 2016).

2. Geraldo Rivera (@GeraldoRivera), TWITTER (Mar. 22, 2012, 5:10 PM), <https://twitter.com/GeraldoRivera/status/182982712934674432>.

they—what do they think? What’s the instant identification, what’s the instant association?

. . . .

. . . It’s those crime scene surveillance tapes. Every time you see someone sticking up a 7-11, the kid is wearing a hoodie .

. . . You have to recognize that this whole stylizing yourself as a gangster, you’re gonna be a gangster wannabe? Well, people are gonna perceive you as a menace.

. . . I’ll bet you money, if he didn’t have that hoodie on, that nutty neighborhood watch guy wouldn’t have responded in that violent and aggressive way.³

Rivera presents a familiar move in the ongoing public discussion regarding the discriminatory and all too often brutal treatment of Black bodies: had the victim only behaved differently and more in line with mainstream norms, he might still be alive. Nevermind that the assailant is, as Rivera put it, “nutty.” Responsibility for the violent encounters—or at least a missed opportunity to mitigate the possibility for harm—lies with the victims’ dress and behavior, which serves as a warning for all other similarly colored individuals that the best, if not only, way to avoid such outcomes is to comport oneself in a respectable manner.

This, in short, is the politics of respectability: the notion that minorities can best respond to *structural* racism by *individually* behaving in a “respectable” manner that elicits the esteem of Whites as a way to insulate the self from attack while also promoting a positive group image that can “uplift” the reputation of the group. Respectability politics has been part of a longstanding internal debate within the Black community for many years while also shaping treatment and expectations of Blacks in civil society. As a social movement, Black Lives Matter can be understood as growing out of a specific opposition to respectability politics. At the heart of the Black Lives Matter movement is the insistence that regardless of any perceived non-respectable behavior—from Walter Scott evading a police officer during a traffic stop to Sandra Bland’s non-compliant interactions with an officer—their lives matter and should not be treated with deadly disregard. From this vantage point, we can conceptualize one of the many goals of the Black Lives Matter movement as raising

3. Katherine Fung, *Geraldo Rivera: Trayvon Martin’s ‘Hoodie Is as Much Responsible For [His] Death as George Zimmerman,’* HUFFINGTON POST (Mar. 25, 2012), http://www.huffingtonpost.com/2012/03/23/geraldo-rivera-trayvon-martin-hoodie_n_1375080.html.

awareness of inequality in general and police brutality in particular as part of an effort to disrupt and eradicate respectability politics.

To the extent that the Black Lives Matter movement is largely designed to change public discourse and policies regarding the remarkable disregard given to communities of color, our research attempts to assess the public's responsiveness to these efforts through a single yet important measure: journalists' reporting of officer-involved civilian deaths in local news media. Specifically, we ask, to the extent that the Black Lives Matter movement is largely designed to influence public discourse and policies regarding the remarkable disregard given to communities of color, how successful has it been? Has the public conversation shifted? Black Lives Matter organizers have developed various mainstream and social media strategies to give voice to their concerns and to engage journalists who report on their issues. Thus, it is important to ask if reporters are responding to this engagement. To investigate this question, we examine one important measure: local newspaper reports of officer-involved civilian killings during five time periods between June 2013 and July 2015. To be sure, much of the attention that journalists have given to Black Lives Matter has not explicitly focused on the particular dynamics of respectability politics. Instead, journalists have examined the nature of police violence. Yet, it is important to acknowledge that the terms of the debate on police violence advanced by the Black Lives Matter movement is steeped in an opposition to respectability. The sustained media attention given to the Black Lives Matter movement has given the impression that journalists have become more sensitive to police brutality and, in turn, the respectability politics that implicitly underlie discussions of the fatal engagements that law enforcement has with everyday citizens. This growing awareness is often thought to have led to reporting that overstates the problem of police violence in minority communities.⁴

4. See, e.g., Perry Chiamonte, 'War on Police': Line-of-Duty Deaths Rise Amid Racially-Charged Rhetoric, Anti-Cop Climate, FOX NEWS (May 17, 2015), <http://www.foxnews.com/us/2015/05/17/war-on-police-line-duty-deaths-rise-amid-racially-charged-rhetoric-anti-cop.html> (Chiamonte articulates the argument that the Black Lives Matter movement has created a "war on cops" culture: "High-profile cases involving police and black suspects from Missouri to Baltimore have prompted intense criticism of law enforcement, from not only activists but the media and even the White House, leaving law enforcement officers alienated and angry, say cop advocates. And the protests, rioting and federal investigations come even as the job of keeping Americans safe has become more dangerous."); Sunil Dutta, *Hey Ferguson Protestors: Police Brutality Is Not the Problem*, WASH. POST (Dec. 30, 2014), <https://www.washingtonpost.com/posteverything/wp/2014/12/30/hey-ferguson-protesters-police-brutality-is-not-the-problem/> (Dutta contends that the Black Lives Matter movement is off topic and should not be focusing on police: "[P]rotesters'

However, our qualitative assessment of articles across these time periods paints a very different picture—one that shows that journalists continue to deploy tropes and narratives tied tightly to respectability in initial local newspaper reports of officer-involved civilian deaths. In this article, we describe these findings as a way to begin a conversation on the upstream effects that the Black Lives Matter movement is having on public discourse concerning police brutality in minority communities and whether it is having the impact that it intends or is characterized as having. In Part I, we provide a short primer on respectability politics and how it shapes perceptions of minorities. Part II presents our research question and methods, which provide a framework for understanding our investigation into the movement and any impact that it might have on how local journalists report on these issues. Part III presents the findings from our data collection and qualitative analysis as well as a discussion of what this initial empirical investigation might mean. Part IV then concludes with a few thoughts on race, respectability politics, and the need for change.

I. POLITICS OF RESPECTABILITY AND IMPLICATIONS FOR UNDERSTANDING OFFICER-INVOLVED SHOOTINGS

A. *Theorizing Respectability*

Generally, the “politics of respectability” refers to the idea proclaimed by Black elites in the early twentieth century that “uplift[ing] the race” required “correcting the ‘bad’ traits of the black

heated rhetoric about police brutality is harmful. Twisting facts and calling cops blood-thirsty murderers makes already difficult work harder. It creates an insular mentality on the part of the officers. And it makes police brutality seem like a much bigger problem than it is, obscuring the true issues that face minorities and the poor.”); David French, *The Numbers Are in: Black Lives Matter Is Wrong About Police Statistics*, FOX NATION (Dec. 30, 2015), <http://nation.foxnews.com/2015/12/30/numbers-are-black-lives-matter-wrong-about-police-statistics> (French argues that police violence is not much of an actual problem: “After a year of research, the data are in, and they confirm the conservative position: The police use force mainly to protect human life, the use of force against unarmed suspects is rare, and the use of force against black Americans is largely proportional to their share of the violent crime rate.”); John McWhorter, *Black Lives Matter Is Living in the Past*, DAILY BEAST (Sept. 28, 2015, 12:03 AM), <http://www.thedailybeast.com/articles/2015/09/28/black-lives-matter-is-living-in-the-past.html> (McWhorter speaks to the argument that we should pay attention to black-on-black violence and not police violence: “But what disturbs a great many—and I highly suspect many more—people about the philosophical underpinnings of BLM is that black people in poor neighborhoods are in vastly more danger of being killed by young black men than by the occasional bad cop.”).

poor.”⁵ From early on, the focus was on the individual. The philosophy held that “uplift entail[ed] transforming individuals rather than transforming communities.”⁶ The scale of respectability politics has largely eschewed direct discussions of overarching systems of subordination and focused on individual character traits with the idea that respectable behavior would have a trickle-up effect in delegitimizing racist beliefs.

It is important to acknowledge that respectability politics can function as a survival mechanism aimed at the goals of emancipation and safety from racial discrimination.⁷ The possibly emancipatory element of respectability politics was the fact that it was initially developed as a strategy for challenging popular images of Black Americans as “lazy, shiftless, stupid, and immoral.”⁸ From the beginning, it “emphasized reform of individual behavior and attitudes both as a goal in itself and as a strategy for reform of the entire structural system of American race relations.”⁹ Black leaders at the time sought to destabilize stereotypes that fostered and justified violence against Black Americans through success and achievement.¹⁰ Hence, early respectability politics sought to challenge racist imagery of inferiority by cultivating the opposite image, i.e., the economically successful, upright Black citizen.¹¹

Integration and assimilation became the key vehicle through which advocates of respectability politics within the Black community pursued these goals. They thought that Blacks could “counter negative views of blackness by aggressively adopting the manners and morality that the dominant culture deems ‘respectable.’”¹² The onus was placed on the

5. Fredrick C. Harris, *The Rise of Respectability Politics*, DISSENT, Winter 2014, at 33, 33; see also Theodore R. Johnson, *Black-on-Black Racism: The Hazards of Implicit Bias*, ATLANTIC (Dec. 26, 2014), <http://www.theatlantic.com/politics/archive/2014/12/black-on-black-racism-the-hazards-of-implicit-bias/384028/> (“[T]he politics of respectability say that if black people behave more like the proffered white ideal, the result would be equal treatment and the demise of racial discrimination.”).

6. Harris, *supra* note 5, at 34.

7. See generally Randall Kennedy, *Lifting as We Climb: A Progressive Defense of Respectability Politics*, HARPERS MAG., Oct. 2015, at 24.

8. Farah Jasmine Griffin, *Black Feminists and Du Bois: Respectability, Protection, and Beyond*, 568 ANNALS AM. ACAD. POL. & SOC. SCI. 28, 34 (2000).

9. EVELYN BROOKS HIGGINBOTHAM, *RIGHTEOUS DISCONTENT: THE WOMEN’S MOVEMENT IN THE BLACK BAPTIST CHURCH, 1880–1920*, at 187 (1994).

10. Jonathan Daigle, *Paul Laurence Dunbar and the Marshal Circle: Racial Representation from Blackface to Black Naturalism*, 43 AFR. AM. REV. 633, 634 (2009).

11. See Kennedy, *supra* note 7.

12. Tamara Winfrey Harris, *No Disrespect: Black Women and the Burden of Respectability*, BITCH (May 22, 2012), <http://bitchmagazine.org/article/no-disrespect>.

individual to assimilate and change; any issues she faced therein were not the fault of systemic or institutionalized racism but instead because of a lack of trying.¹³ Because of the focus on the individual as the site for “uplift” and integration into dominant culture, respectability politics has been concerned with management, self-correction, and adaptation/submission to dominant discriminatory frameworks.¹⁴ The focus on the individual means changing and molding that individual to fit into the mainstream, with whiteness and class as the guiding centerpieces. Ultimately, this strategy of countering harmful stereotypes and racist discourses has potentially led to “an acceptance and internalization of these representations.”¹⁵

In terms of integration, difference, and dominant culture, the politics of respectability is tied to a sense of “the status of difference and the status of the other.”¹⁶ There is a dominant culture and there are those who exist outside of it. Respectability politics is ultimately a performance and project of moving from the position of “other,” to being incorporated into the normal, dominant, and hegemonic.¹⁷ It

13. *Id.* (“The approach emerged in reaction to white racism that labeled blackness as ‘other’—degenerate and substandard—with roots in an assimilationist narrative that prevailed in the late-19th-century United States.”).

14. See Harris, *supra* note 5.

15. Griffin, *supra* note 8, at 34; see also BELL HOOKS, *KILLING RAGE: ENDING RACISM* 115 (1995) (“Significantly, the neo-colonial messages about the nature of race that are brought to us by mass media do not just shape whites’ minds and imaginations. They socialize black and other non-white minds as well.”). See generally GEORGE YANCY, *BLACK BODIES, WHITE GAZE: THE CONTINUING SIGNIFICANCE OF RACE* 6 (2008) (“For me to seek white recognition as a stimulus to a healthy sense of self-understanding is a form of pathology. This pathology is understandable given the history of white hegemony.” (footnote omitted)); Julia Ioffe, “No One Treats African-Americans Worse Than We Treat Each Other”: *The Troubling Self-Flagellation in Ferguson’s Black Community*, *NEW REPUBLIC* (Aug. 19, 2014), <http://www.newrepublic.com/article/119148/ferguson-renews-debate-among-blacks-politics-respectability> (describing the pursuit of respectability as “internalizing the white gaze”); Yuvraj Joshi, *Respectable Queerness*, 43 *COLUM. HUM. RTS. L. REV.* 415, 429 (2012) (“Respectability seems an antidote to shame when it really is its byproduct.”).

16. Saidiya V. Hartman & Frank B. Wilderson, III, *The Position of the Unthought*, 13 *QUI PARLE* 183, 189 (2003); see also WENDY BROWN, *REGULATING AVERSION: TOLERANCE IN THE AGE OF IDENTITY AND EMPIRE* 75 (2006) (“Practices of tolerance are tacit acknowledgments that the Other remains politically outside a norm of citizenship, that the Other remains politically other, that it has not been fully incorporated by a liberal discourse of equality and cannot be managed through a division of labor suffused with the terms of its subordination.”).

17. Hartman & Wilderson, *supra* note 16, at 189 (“It’s as though in order to come to any recognition of common humanity, the other must be assimilated, meaning in this case, utterly displaced and effaced: ‘Only if I can see myself in that position can I understand the crisis of that position.’”); see also FRANTZ FANON, *BLACK SKIN, WHITE MASKS* 1 (Richard Philcox trans., 2008) (1952) (“We attach a fundamental

reifies an “us” and “them” division between bodies, with one population that “needs protection and constitutive others who are cast as threats . . . to that population.”¹⁸ It is a philosophy not about procuring respect and tolerance for difference, nor about attempting to secure power and autonomy, but instead about incorporation into the hegemonic normativity of whiteness.¹⁹ In other words, respectability politics contends that the reason for discrimination and social exclusion is the fact that White people do not respect Black Americans and therefore “individual moral behavior” is the terrain for change and not overarching “social reform.”²⁰

importance to the phenomenon of language and consequently consider the study of language essential for providing us with one element in understanding the black man’s dimension of being-for-others, it being understood that to speak is to exist absolutely for the other.”); Kimberlé Williams Crenshaw, *Race Reform, and Retrenchment: The Transformation and Legitimation in Antidiscrimination Law*, in *CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT* 103, 108 (Kimberlé Crenshaw et. al. eds, 1995) (“In examining domination as a combination of physical coercion and ideological control, Gramsci articulated the concept of hegemony, the means by which a system of attitudes and beliefs, permeating both popular consciousness and the ideology of elites, reinforces existing social arrangements and convinces the dominated classes that the existing order is inevitable.”).

18. DEAN SPADE, *NORMAL LIFE: ADMINISTRATIVE VIOLENCE, CRITICAL TRANS POLITICS, AND THE LIMITS OF LAW* 112–13 (2011); see also Judith Butler, *Endangered/Endangering: Schematic Racism and White Paranoia*, in *READING RODNEY KING/READING URBAN UPRISING* 15, 18 (Robert Gooding-Williams ed., 1993) (“And because within this imaginary schema, the police protect whiteness, their own violence cannot be read as violence; because the black male body, prior to any video, is the site and source of danger, a threat, the police effort to subdue this body, even if in advance, is justified regardless of the circumstances.”).

19. HOOKS, *supra* note 15, at 115 (“When black psyches are daily bombarded by mass media representations that encourage us to see white people as more caring, intelligent, liberal, etc., it makes sense that many of us begin to internalize racist thinking.”); Joshi, *supra* note 15, at 418 (“To be respectable is to follow a normative standard of behavior in public, while being aware of continual evaluations against that standard. The onus here is not on others to accept difference (as is the case with respect), but rather on oneself to cease to be unacceptably different.”); see also KALPANA SESHADRI-CROOKS, *DESIRING WHITENESS: A LACANEAN ANALYSIS OF RACE* 3 (2000) (“By Whiteness, I refer to the master signifier (without a signified) that establishes a structure of relations, a signifying chain that through a process of inclusions and exclusions constitutes a pattern for organizing human difference.”). See generally MICHEL FOUCAULT, *THE ORDER OF THINGS: AN ARCHEOLOGY OF THE HUMAN SCIENCES*, at xx (Pantheon trans., 1971) (1970) (“The fundamental codes of a culture—those governing its language, its schemas of perception, its exchanges, its techniques, its values, the hierarchy of its practices—establish for every man, from the very first, the empirical orders with which he will be dealing and within which he will be at home.”).

20. Myisha Cherry, *Talking About Character in an Age of Respectability Politics*, HUFFINGTON POST (June 22, 2014, 10:43 PM), http://www.huffingtonpost.com/myisha-cherry/talking-about-character-i_b_5516607.html.

The politics of respectability contains a strong element of class, and an ideal of class mobility, within it.²¹ It is based on a fundamentally American sense of capitalism, individuality, and work ethic—that if you work hard, play by the rules, and are a good, law-abiding citizen of any race, nothing will obstruct you in your pursuit of a “better life” and integration into social and economic prosperity. Even though those promulgating the idea originally intended it to be an “emancipatory strategy,” respectability politics ultimately results in “the neglect of discussions about structural forces that hinder the mobility of the black poor and working class.”²² Thus, the political maneuvers surrounding respectability discourses “seek[] to reform the behavior of individuals and as such take[] the emphasis away from structural forms of oppression such as racism, sexism, and poverty.”²³ This results in a situation where overarching social reform is decentered, subordination is reproduced and entrenched, and those individuals who fail to acclimate and integrate are marginalized and left for dead.

B. Respectability, Post-Racialism, and Colorblindness

It is important to note that there is a level of respectability that operates within minority communities and a level that operates between Whites and racial minorities. It is in this interracial iteration—where similar respectability dynamics within the Black community also shape the way Whites believe minorities should comport themselves—that respectability politics comes to perform an important discursive function in the present contexts of post-racialism and colorblindness. First, the politics of respectability intersects with post-racialism and

21. Ioffe, *supra* note 15 (“Most frequently, preaching respectability reflects a class and generational fear, by black people who feel they have escaped the fate of poor and disenfranchised blacks, and have entered respectable society.”).

22. Harris, *supra* note 5, at 35; *see also* Harris, *supra* note 12 (“The goal of respectability politics may be noble, but the execution is flawed, damaging, and ineffective. By indulging in respectability politics, we acquiesce to the racially biased idea that the actions of individual black people are representative of the whole. We add to the pre-existing burdens of racism and sexism. And we fail to solve our problem[s] . . .”). *See generally* Johnson, *supra* note 5 (“The politics of respectability is really a coping mechanism.”).

23. Griffin, *supra* note 8, at 34; *see also* Ta-Nehisi Coates, *Black People Are Not Ignoring ‘Black on Black’ Crime*, ATLANTIC (Aug. 15, 2014), <http://www.theatlantic.com/national/archive/2014/08/black-people-are-not-ignoring-black-on-black-crime/378629/> (“The politics of respectability are, at their root, the politics of changing the subject—the last resort for those who can not bear the agony of looking their country in the eye. The policy of America has been, for most of its history, white supremacy.”); Harris, *supra* note 12 (“[R]espectability politics have the potential to harm as much as uplift.”).

colorblindness in entrenching and consolidating racial subordination.²⁴ Colorblindness refers to the normative legal and political position that “since race has no biological meaning it therefore has no social meaning and therefore should not be recognized at all.”²⁵ By using a metaphor of blindness to draw upon common sense (yet inaccurate) understandings of race being largely a visual phenomenon and that willful inattention can lead to equitable racial outcomes, colorblindness “encourages a *disassociation with the social significance of race*” that inhibits anti-subordination efforts by refusing to acknowledge race and racism as enduring social problems.²⁶ Similarly, post-racialism, as more of a descriptive matter, holds that society has moved beyond race and therefore there is no need to discuss and think critically about it.²⁷ Hence, these two ideologies interconnect to produce a present legal and social period that seeks to erase the significance of race by claiming that (1) race is not structurally determinative of individual outcomes and (2) the only forms of racism that do still matter are individual bad actors unwilling to let go of lingering ideologies from more racist time periods.²⁸

First, this epistemological and ontological framework only permits intentional, obvious, overt racism to be seen and understood as racism.²⁹ This framework precludes the understanding that racism in contemporary society actually functions primarily through embedded, subtle mechanisms.³⁰ Respectability politics fits into this overarching

24. Eva Paterson et al., *The Id, the Ego, and Equal Protection in the 21st Century: Building upon Charles Lawrence's Vision to Mount a Contemporary Challenge to the Intent Doctrine*, 40 CONN. L. REV. 1175, 1175 (2008) (“Our politicians and courts laud the progress we have made towards becoming a ‘color-blind’ society, but in reality, they too often mistake ‘race-blindness’ with ‘racism blindness.’”).

25. OSAGIE K. OBASOGIE, *BLINDED BY SIGHT: SEEING RACE THROUGH THE EYES OF THE BLIND* 116 (2014).

26. *Id.*

27. *Id.* at 169–70.

28. For a fruitful discussion of the relationship between colorblindness and post-racialism, see Ian F. Haney López, *Is the “Post” in Post-Racial the “Blind” in Colorblind?*, 32 CARDOZO L. REV. 807 (2011).

29. Charles R. Lawrence III, *The Id, The Ego, and Equal Protection Reckoning with Unconscious Racism*, in *CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT*, *supra* note 17, at 235, 238 (“In short, requiring proof of conscious or intentional motivation as a prerequisite to constitutional recognition that a decision is race-dependent ignores much of what we understand about how the human mind works. It also disregards both the irrationality of racism and the profound effect that the history of American race relations has had on the individual and collective unconscious.”).

30. *CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT*, *supra* note 17, at xiv (“[T]he dominant legal conception of racism as a

formation by ideologically situating the source of social problems in personal, individualized failure. Within a descriptive post-racial framework that asserts that society has moved beyond race and a colorblind normative approach that race ought not be a lens through which we view and solve problems, respectability plays an important political role in reducing structural problems with enormous historical weight to those of ahistorical individual choice—just bad decisions leading to an inability to lead dignified lives.

Respectability politics holds that anyone can access the “good life,” and those who do not are at fault for failing to increase their class position or perception.³¹ With a focus on class-based individualized failure to perform respectably, the politics of respectability strengthens classism and the continued legal and economic marginalization, exclusion, and exploitation of people of color. In a post-civil rights moment where institutional and structural barriers are imagined to be obstacles of the past, respectability politics “gloss over the enormous challenges the poor face in an era marked by downward mobility.”³² Hence, meritocracy myths intersect with colorblindness, post-racialism, and respectability politics to blame those who cannot access class mobility and assimilation into dominant, mainstream culture, serving to rationalize the current maldistribution of resources, life chances, and violence against those deemed killable and irrelevant to capital.³³

discrete and identifiable act of ‘prejudice based on skin color’ placed virtually the entire range of everyday social practices in America—social practices developed and maintained throughout the period of formal American apartheid—beyond the scope of critical examination or legal remediation.”).

31. Harris, *supra* note 5, at 33 (“In an era marked by rising inequality and declining economic mobility for most Americans—but particularly for black Americans—the twenty-first-century version of the politics of respectability works to accommodate neoliberalism. The virtues of self-care and self-correction are framed as strategies to lift the black poor out of their condition by preparing them for the market economy.”).

32. *Id.* at 36.

33. JODI MELAMED, REPRESENT AND DESTROY: RATIONALIZING VIOLENCE IN THE NEW RACIAL CAPITALISM 147 (2011) (“Neoliberalism becomes recognizable as a mode of rationalizing biological and social life when we attend to the violence it inflicts upon human beings and communities in the name of economic restructuring.”); *see also* Jason Parham, *What More Is There To Say? On Walter Scott and Black Death*, GAWKER (Apr. 8, 2015, 3:05 PM), <http://gawker.com/walter-scott-and-the-american-slaughter-1696507544> (“The merciless shooting of Scott, the deaths of Eric Garner and others, the Justice Department’s report—they are vivid and damning reminders of the marginal value those in authority place upon [black Americans’] existence.”).

C. Respectability Politics and Media Portrayals of Victims of Police Violence

The media deploys tropes, signifiers, and languages that enable consumers to read and comprehend the deaths of Michael Brown, Eric Garner, Tamir Rice, Walter Scott, Freddie Gray, and all other Black victims of police violence in particular ways.³⁴ Racialized undertones, referents, and metonyms are used to describe what happened.³⁵ This is a process involving the politics of knowledge production.³⁶ Racial formations “exert their strongest influence in a viral fashion by shaping the content of modern knowledge systems (e.g., law, politics, and economy) and delimiting permissible expressions of personhood.”³⁷ It is a process of producing a story or a narrative of race and racialized events.³⁸ Generally, “[n]ot only are Black men assumed guilty until

34. HOOKS, *supra* note 15, at 118 (“Mass media are neither neutral nor innocent when it comes to spreading the message of white supremacy.”); *see also* John Eligon, *Michael Brown Spent Last Weeks Grappling With Problems and Promise*, N.Y. TIMES (Aug. 24, 2014), <http://www.nytimes.com/2014/08/25/us/michael-brown-spent-last-weeks-grappling-with-lifes-mysteries.html>; Willie Osterweil, *In Defense of Looting*, NEW INQUIRY (Aug. 21, 2014), <http://thenewinquiry.com/essays/in-defense-of-looting/> (“The dominant media is itself a tool of white supremacy”); Raven Rakia, *Black Riot*, NEW INQUIRY (Nov. 14, 2013), <http://thenewinquiry.com/essays/black-riot/> (“When our bodies are beaten and dismissed, our survival is dependent on our persistence. We don’t need the mainstream media; instead, we should recognize that the media is a part of what we’re up against: the dismissal of our dead bodies, the excuses for the hands that kill us.”).

35. TONI MORRISON, *PLAYING IN THE DARK: WHITENESS AND THE LITERARY IMAGINATION* 63 (1992) (“Race has become metaphorical—a way of referring to and disguising forces, events, classes, and expressions of social decay and economic division far more threatening to the body politic than biological ‘race’ ever was.”); Mike Males, *“Young Black Men” Is Not a Metaphor for Violence*, CENTER ON JUV. & CRIM. JUST. (Dec. 30, 2014), <http://www.cjcj.org/news/8470> (“‘Young black man’ has become such an entrenched metaphor for being violently dangerous and endangered that even progressives who deplore the unwarranted fear of young black men contribute to it”); *see also* IAN HANEY LÓPEZ, *DOG WHISTLE POLITICS: HOW CODED RACIAL APPEALS HAVE REINVENTED RACISM AND WRECKED THE MIDDLE CLASS* (2015); MELAMED, *supra* note 33, at 151 (“[N]eoliberal racialization continues to justify inequality using codes that can signify as nonracial or even antiracist.”).

36. MICHEL FOUCAULT, *POWER KNOWLEDGE: SELECTED INTERVIEWS & OTHER WRITINGS 1972–1977*, at 69 (Colin Gordon ed., Colin Gordon et al. trans., 1980) (1972) (“There is an administration of knowledge, a politics of knowledge, relations of power which pass via knowledge and which, if one tries to transcribe them, lead one to consider forms of domination”); MELAMED, *supra* note 33, at 2 (“[R]acialization displaces its differential value making into world-ordering systems of difference, concealing its performative work with its constative work.”).

37. MELAMED, *supra* note 33, at 2.

38. OBASOGIE, *supra* note 25, at 191 (describing one of the “most known traits” of Critical Race Theory as “storytelling as a method of legal analysis”).

proven innocent, Blackness itself is considered synonymous with guilt.”³⁹ For example, shortly after Michael Brown died, the question became not one of what the officer did who shot him, but what Mike Brown did during his life. It became a discussion of his respectability and innocence or lack thereof. Narratives quickly became about the fact that Brown “was no angel.”⁴⁰

The descriptions of his character included the alleged theft of cigarillos (often invoked to legitimize his death), the fact that he “dabbled in drugs and alcohol,” and that he “had taken to rapping in [the months leading up to his death], producing lyrics that were by turns contemplative and vulgar.”⁴¹ This discussion of respectability deals with the underlying sense of whether he somehow deserved what happened or, at the very least, that it was his fault, both ideas functioning in terms of failing to perform respectably by disrespecting a police officer and, according to some accounts, fighting back.⁴² Black Lives Matter emerged as a social movement to, in part, oppose such media framings and to advocate that Mike Brown and all people killed by police should not have their value based on what they did or did not do during their lives. Thus, the link between the movement and respectability politics is the assertion that *all Black lives matter*, not just those with economic or class mobility whose social performances align with predefined norms of civility.

This critique offered by Black Lives Matter should not be understood as a partisan issue; liberals and conservatives alike engage in this process of naming some victims of police violence as worthy and others forsaken. Some conservative commentators use terms like “thug” to describe Mike Brown in order to criminalize and demonize him, as well as to delegitimize protests and actions surrounding his

Storytelling and analysis of narrative can enable the production of counter-narratives and counter-hegemonies that can serve purposes of anti-subordination, liberation, and the destruction of stereotypes. *Id.*

39. Jackie Wang, *Against Innocence: Race, Gender, and the Politics of Safety*, in 1 LIES: A JOURNAL OF MATERIALIST FEMINISM 145, 148 (Lies Collective ed., 2012), available at <http://www.liesjournal.net/>.

40. Eligon, *supra* note 34.

41. *Id.*

42. Robert Stephens II, *In Defense of the Ferguson Riots*, JACOBIN (Aug. 14, 2014), <https://www.jacobinmag.com/2014/08/in-defense-of-the-ferguson-riots/> (“Most detractors, some of whom are black themselves, seek to police these communities with ‘respectability politics’—a call for subjugated people to present themselves in ways that are acceptable to the dominant class in an effort to make political gains.”).

killings.⁴³ Liberal positions attempt to legitimize Brown by developing a narrative around his innocence (such as the fact that he was college bound), clinging to any details that would make him a presentable representative of Black killings at the hands of the police.⁴⁴ Other liberals, instead of seeking to glorify Brown, reject him as the appropriate symbol, calling for a more “compelling face,” such as Tamir Rice.⁴⁵ The liberal strategy is just as harmful because it also perpetuates and supports an overarching idea that only some lives are grieveable, i.e., that some Black lives matter more than others depending on what that person chose to do during his or her life. These liberals require a pristine victim to rally behind, one who is college bound, not a young Black “criminal.”⁴⁶

By defining Mike Brown through narratives emphasizing details such as his college aspirations, a sensibility develops to suggest that all those Black lives that do not share this quality and are lost to police violence are not as tragic.⁴⁷ Mike Brown has been labeled as unworthy of being the “symbol” of the injustices and inequities of policing

43. See, e.g., Alexandra Jaffe, *Huckabee: Michael Brown Acted Like a “Thug,”* CNN (Dec. 3, 2014, 3:44 PM), <http://www.cnn.com/2014/12/03/politics/ferguson-mike-huckabee-michael-brown-shooting-thug/>.

44. See, e.g., Joshua Alston, *Actually, It Does Matter that Michael Brown Was Going to College*, WASH. POST (Aug. 25, 2014), <http://www.washingtonpost.com/posteverything/wp/2014/08/25/actually-it-does-matter-if-michael-brown-was-going-to-college/>; Amanda Sakuma, *Michael Brown’s Bright Future, Cut Short*, MSNBC (Aug. 21, 2014, 2:50 PM), <http://www.msnbc.com/msnbc/michael-browns-future-cut-short>; Catherine E. Shoichet, *Missouri Teen Shot by Police Was Two Days Away from Starting College*, CNN (Aug. 13, 2014, 7:56 AM), <http://www.cnn.com/2014/08/11/justice/michael-brown-missouri-teen-shot/>.

45. Joan Walsh, *New York Times’ Lesson in Race: Black Children, White Liberals & the Limits of Respectability Politics*, SALON (Jan. 26, 2015), http://www.salon.com/2015/01/26/new_york_times_lesson_in_race_black_children_white_liberals_the_limits_of_respectability_politics/.

46. Victor M. Rios, *The Hyper-Criminalization of Black and Latino Male Youth in the Era of Mass Incarceration*, 8 SOULS 40, 41 (2006) (“[T]he lives of Black and Latino youth who are labeled ‘deviant’ are enforced by institutional entities that treat them as serious criminal threats ready to commit savage acts of violence even if they have only been arrested for drug possession or status offenses.”); see also Lawrence, *supra* note 29, at 254 (“Racism continues to be aided and abetted by self-conscious bigots and well-meaning liberals alike.”).

47. Jasmine Banks, *Black Kids Don’t Have to Be College-Bound for Their Deaths to Be Tragic*, ROOT (Aug. 12, 2014, 3:00 AM), http://www.theroot.com/articles/culture/2014/08/michael_brown_and_our_obsession_with_respectable_black_victims.html (“I wouldn’t have cared if Mike, Trayvon and John all sagged their pants down to their ankles and if the only image of them depicted them smoking pot and throwing gang signs. I wouldn’t have cared if they’d been high school dropouts who fought and tagged walls. Their lives would have been every bit as valuable, and their losses every bit as infuriating and sad.”).

because he may have engaged in the theft of cigarillos from a convenience store and the Department of Justice issued a report stating that the shooting was justified.⁴⁸ Thus, both liberal narratives play into the idea that a victim of police violence must be a perfect, innocent, non-violent individual in order to represent police violence more generally.⁴⁹ Whether a person went to college, dropped out of high school, or was in the juvenile justice system, respectability says that only the lives that have an element of class mobility or perform middle class norms can be respected, and the other lives—the youth of color who did not graduate from high school or who challenged the police—matter less.⁵⁰ In the end, “isolating morally agreeable cases in order to highlight racist violence requires passively suffered Black death and panders to a framework that strengthens and conceals current paradigms of racism.”⁵¹

Respectability politics—particularly as they play out through mainstream media discourses—can be harmful primarily because they delineate which Black bodies and lives are grievable and which are ungrievable, which possess personhood and protection from state-sponsored extrajudicial killing and which do not.⁵² In terms of police killings and the media outlets that reflect and produce an official account of what happened, respectability politics serves a distinctively political function by demarcating the bodies that do not “matter” and that are, hence, deemed killable.⁵³ Black Lives Matter emerged as a

48. Jonathan Capehart, “*Hands up, Don’t Shoot*” Was Built on a Lie, WASH. POST (Mar. 16, 2015), <http://www.washingtonpost.com/blogs/post-partisan/wp/2015/03/16/lesson-learned-from-the-shooting-of-michael-brown/>.

49. Wang, *supra* note 39, at 147.

50. Banks, *supra* note 47 (“We cannot and should not engage in discussions that look like black and brown people explaining that an unarmed person shouldn’t have been shot because they lived in a way of which we are proud.”); Rios, *supra* note 46, at 41 (Black and Brown youth are labeled as “deviants” and “do not become [so] on their 18th birthday, rather they are systematically constructed as criminals and face the wrath of the penal state and criminalization as early as 8 years of age.” (citation omitted)).

51. Wang, *supra* note 39, at 170.

52. JUDITH BUTLER, *PRECARIOUS LIFE: THE POWERS OF MOURNING AND VIOLENCE* 20 (2004) (“Who counts as human? Whose lives count as lives? And, finally, What makes for a grievable life?”); see also MICHEL FOUCAULT, *DISCIPLINE AND PUNISH: THE BIRTH OF THE PRISON* 25 (Alan Sheridan trans., Vintage Books 2d ed. 1995) (1977) (“But the body is also directly involved in a political field; power relations have an immediate hold upon it; they invest it, mark it, train it, torture it, force it to carry out tasks, to perform ceremonies, to emit signs.”).

53. NAZGOL GHANDHOOSH, *THE SENTENCING PROJECT, BLACK LIVES MATTER: ELIMINATING RACIAL INEQUITY IN THE CRIMINAL JUSTICE SYSTEM* 3 (2015) (“‘Black lives matter’ has become a rallying cry in light of evidence that the criminal justice system is failing to uphold this basic truth.”).

social movement to disrupt such narratives, bringing to light a simple claim that innocence and respectability should not be required for a person to be treated humanely by the police, for victims of police violence to be mourned and valued in the streets, or for taking political action toward anti-subordination, anti-racism, and systemic reform.⁵⁴

II. RESEARCH QUESTION AND METHODS

The relationship between race and the news media regarding crime reporting has been well established as deeply problematic.⁵⁵ The Black Lives Matter movement has drawn attention to the ways in which media outlets perpetuate narratives of respectability surrounding the victims of police violence that ultimately shape the grieveability of Black bodies left dead after police encounters, as well as the legitimacy of subsequent outrage and protest. Thus, an essential aspect of Black Lives Matter has been a project of contesting respectability politics as they play out in mainstream media accounts of police violence—either by directly engaging these outlets or providing alternative perspectives through social media, e.g., uploading videos on Instagram, promoting Twitter hashtag campaigns, or using comments sections in online editions of newspapers. The idea here is that direct engagement with news media can expose overly aggressive police behavior, highlight the humanity of victims, and give rise to calls for change and greater accountability.

From this vantage point, we ask the following research question: is the Black Lives Matter movement affecting the way that mainstream news media report on violent police encounters? To answer this question, we examine local news reports of officer-involved killings during five separate month-long periods at roughly six-month intervals, beginning with June 13 through July 13, 2013 (one month before Zimmerman’s acquittal for killing Trayvon Martin, i.e., the birth of the Black Lives Matter movement) and including (a) January 2014, (b) July 2014, (c) January 2015, and (d) July 2015. This research structure

54. Ama Yawson, *Michael Brown, Son, Student ‘Thug’?*, HUFFINGTON POST (Oct. 21, 2014), http://www.huffingtonpost.com/ama-yawson/michael-brown-son-student_b_5697132.html (“The politics of respectability in the black community may not only hinder us from acting and engaging in the constructive protest, lobbying and collective action needed to create a more just society, as it has with respect to the Ferguson protests, but it may also prevent us from simply being and living freely.”).

55. See CHRISTOPHER P. CAMPBELL, *RACE, MYTH, AND THE NEWS* (1995); REGINA G. LAWRENCE, *THE POLITICS OF FORCE: MEDIA AND THE CONSTRUCTION OF POLICE BRUTALITY* (2000).

allows us to observe whether there are any notable shifts in the way that news media report on officer-involved killings of civilians before and after Black Lives Matter became a popular oppositional framing. In using local news media reports, we attempt to obtain an on-the-ground sense of how the use of force is being understood, what types of normative frameworks are being applied, and whether there are any noticeable transformations in how police violence is being reported that either aligns with or diverges from some of the reframings offered by the Black Lives Matter movement. To the extent that we read and coded each article during the sample period, taking samples at six-month intervals (beginning with the month prior to Zimmerman's acquittal to establish a baseline) allowed us to balance the need to provide a detailed coding of several hundred articles while tracking narrative fluctuations over the two-year period.

There is no official database that collects information regarding civilian deaths at the hands of police.⁵⁶ Both the *Washington Post*⁵⁷ and the *Guardian*⁵⁸ newspapers have popular online databases on officer-involved killings in the United States, but they are not suited for this research project as their data collection only goes back to 2015. A more comprehensive database that allows us to compare local news media reports of officer-involved killings before and after the onset of Black Lives Matter is available at killedbypolice.net. This database, collected and curated by an online community, begins with May 1,

56. This gap has largely been filled by journalists and interested members of the public. In October 2015, FBI director James B. Comey told a group of top law enforcement officials and politicians,

It is unacceptable that The Washington Post and the Guardian newspaper from the U.K. are becoming the lead source of information about violent encounters between police and civilians. . . . You can get online today and figure out how many tickets were sold to [the movie] "The Martian," which I saw this weekend. . . . The CDC can do the same with the flu. . . . It's ridiculous—it's embarrassing and ridiculous—that we can't talk about crime in the same way, especially in the high-stakes incidents when your officers have to use force.

Aaron C. Davis & Wesley Lowery, *FBI Director Calls Lack of Data on Police Shootings 'Ridiculous,' 'Embarrassing,'* WASH. POST (Oct. 7, 2015), https://www.washingtonpost.com/national/fbi-director-calls-lack-of-data-on-police-shootings-ridiculous-embarrassing/2015/10/07/c0ebaf7a-6d16-11e5-b31c-d80d62b53e28_story.html.

57. *248 People Shot Dead by Police This Year*, WASH. POST, <https://www.washingtonpost.com/graphics/national/police-shootings/> (last visited Mar. 29, 2016).

58. *The Counted: People Killed by Police in the US*, GUARDIAN, <http://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-police-killings-us-database> (last visited Mar. 29, 2016).

2013 and tracks every instance of police force resulting in civilian death. It includes demographic information about the individuals killed (race, gender, age, etc.) as well as a link to a local news article that describes the events. These articles were used as our primary data sources.⁵⁹ Although killedbypolice.net is an “unofficial” database and not maintained by a formal organization, it is respected as a reliable source that is frequently used in public discussions of police brutality.⁶⁰

We read an initial set of articles regarding officer-involved shootings to calibrate ourselves regarding the nature of local news reports on these matters in relation to the information that we tried to glean from the data. We then developed codes and inclusion criteria that allowed us to assess nine qualities in each news report that would facilitate our qualitative assessment. These codes included:

- (1) reliance on police account/perspective
- (2) non-police narrative
- (3) subjective officer experience
- (4) objective officer justification
- (5) criminalization
- (6) criminalized space
- (7) race of victim
- (8) race of officer
- (9) photo

One issue that we are interested in understanding is the sources that journalists use in reporting on officer-involved killings. Do journalists simply rely on the police report? If so, are there any noticeable shifts in this tactic after the Black Lives Matter movement raised concern about the accuracy of police accounts? Also, what role did non-police witnesses play in constructing journalists’ articles? Codes (1) *reliance on police account/narrative* and (2) *non-police narrative* are related and attempt to answer these questions. Coding for these concepts enabled us to critically examine and note whether the police perspective was automatically supreme and dominant in how the journalist described the incident or if other voices could be heard. Under (1) *reliance on police account/narrative*, we coded for whether the source included “only police sources,” “one non-police source,” or

59. On occasion, the local newspaper article identified by killedbypolice.net was no longer available online. In these instances, we searched for other local media reports, if available, on the incident and used that information.

60. See *Killedbypolice.net in the News*, KILLEDBYPOLICE.NET, <http://www.killedbypolice.net/msmnews.htm> (last visited Mar. 29, 2016).

“two or more non-police sources.” The intention of this code was to track how many sources the news report referred to in describing the events surrounding the death and to provide a sense of the extent to which journalists attempted to include multiple accounts. Differently, under (2) *non-police narrative* we looked at and coded (yes or no) whether other individuals, apart from the police, were interviewed or mentioned in building the larger meta-narrative around the individual victims themselves. This is different than (1) *reliance on police account/narrative*, which focused on whose voices were noted in describing the incident leading to the death (e.g., a bystander was interviewed, as opposed to merely restating the police report). Code (2) *non-police narrative* is focused on whether a friend, family member, or another third party was sought or permitted to provide a narrative complicating or humanizing who that individual was apart from the fatal incident.

We are also interested in assessing the justifications provided by the police as articulated by journalists. The inclusion of these justifications and their role in the story says important things about the legitimacy given to police accounts, which is connected to the respectability of the victim. Codes (3) *subjective officer experience* and (4) *objective officer justification* measure what types of rationales for the use of force were enunciated in reporting on the events. Code (3) *subjective officer experience* involved coding for whether a “subjective” reason was discussed and (4) *objective officer justification* involved coding for whether there was an “objective” reason discussed and what type. Code (3) *subjective officer experience* involved coding for reference to a subjective concern in the encounter, like the presence of “fear” or “aggressive or erratic behavior.” This was meant to capture whether the article included the officer’s subjective interpretations and feelings in the moment as a reason why fatal force was used. Similarly, (4) *objective officer justification* involved coding for the “objective” experience of that officer. This includes keeping track of whether the victim of police violence was said to have possessed some type of weapon or was “armed” in some way, whether the individual was “endangering others,” whether the individual was making “verbal threats,” and whether there was some type of “noncompliance.” When reviewing articles before launching our study, we observed that these were the four main “objective” rationales deployed.⁶¹

61. It is important to note that in the context of police engagements, race complicates the line between subjective and objective perceptions. Research has shown that when Blacks and Whites exhibit the same behavior, Blacks are thought to be seen as more aggressive and to be mistakenly seen as possessing a weapon. Thus, subjective

It is also important to understand the extent to which narratives concerning criminality were used to discuss victims and the contexts of officer-involved shootings, which also speaks directly to respectability politics. We developed codes (5) *criminalization* and (6) *criminalized space* as linked concepts that speak to victim criminalization in relation to the individual or the area in which the individual was located. For (5) *criminalization*, we looked at whether the article involved some sort of individual “criminalization.” By “criminalization,” we mean bringing up qualities about the individual who was killed that were largely irrelevant to evaluating the legitimacy of the killing in the specific instance. Examples include if the news story discussed prior acts or felonies by the victim, such as their record or “rap sheet,” or how much the victim owed in child support. Code (6) *criminalized space* is about the linguistics of proxy, of naming a neighborhood or locale and allowing this to, in effect, speak a language of criminalization for itself without explicitly saying so. It provides an unspoken quality to the individual, a metonymic relation, in which a space can be invoked and the individual affected by that invocation. Like (5) *criminalization*, this involved a yes-or-no question, coding for whether this type of language was employed. Examples of this include mentioning a particular neighborhood in an urban area known for being “high crime,” a type of house (e.g., a “crack house”), the U.S.-Mexico border, or jail. The idea of these places denigrates and criminalizes the person killed by police through subtle and implicit associational and contextual cues.

Journalists’ attention to the racial dynamics of officer-involved killings is important, and we tracked this information using codes (7) *race of victim* and (8) *race of officer*. They were coded as yes-or-no questions: did the article include any mention of the race of the victim or the race of the officer? The purpose of this coding was to ascertain whether the article felt that this was a relevant or necessary detail or whether racial dynamics between the officer and victim might have played a role in the decision to use fatal force. We also coded for whether images of the officers or victims were included. Code (9) *photograph* was also a yes-or-no question: did the report include a photo? If it did, we further coded for what kind of photo, noting if the photo included was a “mug shot” or another type of photo (e.g., a graduation or marriage photo).

understandings of race shape what is thought to be an objective reality. See L. Song Richardson & Phillip Atiba Goff, *Interrogating Racial Violence*, 12 OHIO ST. J. CRIM. L. 115 (2014); L. Song Richardson & Phillip Atiba Goff, *Self-Defense and the Suspicion Heuristic*, 98 IOWA L. REV. 293 (2012).

In total, we reviewed and coded 475 articles. After coding the articles, we added up our totals and produced basic numerical descriptions of the data (i.e., counts and percentages), which are available in the Appendix. It is important to note that the structure of our research question and methodological design are oriented towards a qualitative assessment of the data. We make no statistical claims regarding the data or change over time and welcome further study by others to examine such questions.

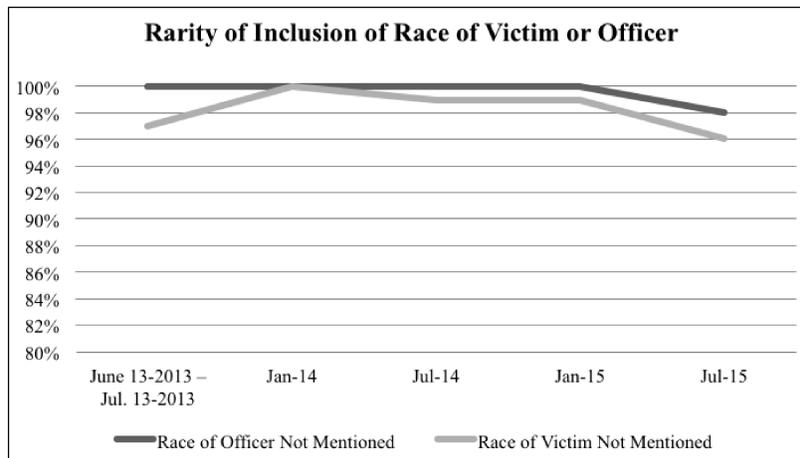
III. FINDINGS AND DISCUSSION

Our analysis of the data shows that overall, as a qualitative matter, there is a notable discursive consistency across pre- and post-Black Lives Matter reporting on officer-involved killings, suggesting that the movement's concerns over race and respectability are not reflected in journalists' accounts. This overall finding is empirically supported by three persistent themes throughout the data: (1) a strong commitment to colorblindness in discussing the race of the parties involved, (2) the dominance of the police perspective in reporting these incidents, and (3) continued use of criminalizing language unrelated to the incident itself to characterize the victim's respectability. These themes do not touch upon all of the variables that were coded. Full information on all coded variables can be found in the Appendix. We discuss each of the three main themes below.

A. Colorblindness

The first theme emerging from the data is that there is a deep commitment to colorblindness that filters and frames journalists' descriptions of officer-involved killings. This means that racial dynamics surrounding these killings were largely not discussed in local news reports. In the month before Black Lives Matter formally emerged, only 3% of the articles described the race of the victim and 0% described the race of the police officer. This trend remained consistent across the post-Black Lives Matter time periods for data collection, as demonstrated in Graph 1.

GRAPH 1: COLORBLINDNESS: RARITY OF INCLUSION OF RACE OF VICTIM OR OFFICER



Local journalists' inattention to race means that these fatal engagements are being articulated to the public as an instance of raceless police officers interacting with raceless victims. Abstracted from the highly racialized nature of law enforcement, this frames the interaction as between State agent and individual lawlessness without any concern given for how race might have facilitated a deadly outcome. For example, describing a fatal shooting in Florida from June 2013, one article notes, "The subject attempted to flee at which time a confrontation ensued and the subject was struck," said Miami-Dade police spokesman Lt. John Jenkins. 'I heard screaming let me see your hands let me see your hands and shots,' said Davidson. The suspect died on the scene."⁶² Killedbypolice.net identified the victim, Joe White III, as Black through means other than this initial local newspaper report.⁶³ White had harmed three people before this shooting occurred, but it's unclear if he was armed at the time of the shooting or what threat he posed to police or anyone else at that moment that precluded less aggressive attempts to apprehend him.⁶⁴ The colorblind narrative surrounding this description in the local newspaper renders questions about the use of force moot by drawing tight connections between

62. *Triple Stabbing Leads to Police Involved Shooting*, CBS MIAMI (June 17, 2013, 12:10 PM), <http://miami.cbslocal.com/2013/06/17/triple-stabbing-leads-to-police-involved-shooting/>.

63. *Killed by Police 2013*, KILLEDBYPOLICE.NET, <http://www.killedbypolice.net/kbp2013.html> (last visited Mar. 29, 2016).

64. *Triple Stabbing Leads to Police Involved Shooting*, *supra* note 62.

criminal act and lethal force without creating room for an examination of how, if at all, race may have precipitated aggressive decision-making that may not have occurred in a different context. Thus, journalists' large-scale abdication of reporting on racial dynamics in officer-involved shootings minimizes longstanding concerns over the use of force on minorities by framing violent police engagements as isolated moments rather than putting them in a social and historical context that allows for connections to be seen between individual engagements and established police practices in minority communities.

Another example of this colorblind dynamic in the local reporting of an officer-involved death can be seen in the January 2015 death of Mathew Ajibade in Georgia. Ajibade was arrested for a domestic violence incident with his girlfriend and was taken to a local jail where he reportedly became combative during booking.⁶⁵ At some point, Ajibade "was forced into a restraining chair and placed in an isolation cell."⁶⁶ He was later found dead, and two officers were suspended for their actions.⁶⁷ In this initial story, the textual description of events does not comment on the race of Ajibade or of the officers involved, leading this story to once again be read decontextually as a struggle between law enforcement and an accused criminal not behaving in a respectable manner, where the fatal use of force seems presumptively valid in light of an otherwise colorblind narrative that is inattentive to how race may have led to an overuse of force.

The Ajibade case also highlights the complexities and nuance in journalists' colorblind approach to reporting on these incidents. While the text of the article does not mention race or describe the racialized nature of these types of interactions, it does include a photograph of the officers involved—one Black, the other White.⁶⁸ The use of photographs was not uncommon; the percentage of articles that included photos was 29% in June and July 2013 and fluctuated between 20% and 26% in the samples collected after the onset of the Black Lives Matter movement. But what's interesting is *how* photographs and the visual demonstration of race functioned in light of textual silence in the articles themselves. Thus, in the Ajibade article, the absence of a photograph of the victim combined with official photographs of the suspended officers—in uniform with the American flag as background—

65. 2 CCSO Deputies Suspended as GBI, *CCSO Investigates Use of Force in Inmate Death*, WTOC.COM (Feb. 7, 2015), <http://www.wtoc.com/story/27794950/2-ccso-deputies-suspended-as-gbi-ccso-investigates-use-of-force-in-inmate-death>.

66. *Id.*

67. *Id.*

68. *Id.*

offers a subliminal if not explicit articulation of the legitimacy of State violence that preempts deeper critique of the role of race in the violent encounter to the extent that (a) the victim remains raceless, (b) the officers themselves are racially diverse, and (c) their visual depiction as law-abiding patriots in light of the textual description of Ajibade as a mentally ill domestic abuser lends credence to the police narrative that this was all one unfortunate mistake. Thus, photographs in this instance (and many others) can further colorblind narratives to the extent that they allow readers' preexisting notions of race to fill in unspoken journalistic gaps. This is particularly important in understanding the role of photographs where victims' images are used. We found that when victims were visually portrayed, mugshots were used in 58% of the pre-Black Lives Matter dataset and between 35% and 73% afterwards. Thus, textual colorblindness in combination with visual depictions of race that frame victims as repeat offenders and officers as upstanding authorities creates journalistic renditions of these encounters that fail to entertain the centrality of race in shaping deadly outcomes.

It is possible that some journalists believe that race should not be a part of their reporting on crime. They may not want to perpetuate the assumption that all suspects are racial minorities. From this perspective, not reporting on race may be an attempt to minimize that stereotype. Yet, even if this is the case, it does not change the impact of our analysis. Moreover, there is an important link between colorblindness and respectability politics in that, taken together, they allow reports on officer-involved civilian killings to focus on the respectability of victims' behavior while ignoring how structural racism precipitates deadly police encounters. This move away from structural to individual explanations of officer-involved civilian deaths is a classic aspect of respectability politics, and it is promoted through this colorblind trend in local news media reports. Journalists' failure to have consistent discussions about the structural role of race in these interactions perpetuates colorblind and post-racial narratives that impede the anti-racist work promoted by Black Lives Matter. This is significant because it reinforces and further entrenches a narrative about policing and race that normalizes treating Black bodies with disregard. It also frames these incidents as individual interactions—questionable persons who behaved in an unrespectable manner that elicited police force—rather than part of a pattern of racialized police violence against certain communities.

B. Supremacy of Police Perspective

The second theme emanating from the data is the dominance of police perspectives in describing these killings. Across the dataset spanning officer-involved killings before and after the emergence of the Black Lives Matter movement, 73% to 81% of the local newspaper articles rely solely on information gathered from the police to report on the incident. An example of this can be seen in the police shooting of Simon Buckles on June 13, 2013, where the local news station tersely reported the incident as follows:

FULLERTON, Calif. -- Police shot and killed a man in Fullerton who allegedly assaulted his boss.

Officers were called to a clothing manufacturer on the 1400 block of East Valencia Drive Wednesday night after reports came in about an employee assaulting his boss.

When police arrived the suspect was gone. However, he returned a short time later wielding a handgun.

Police say the officer feared for his safety and the safety of others at the scene, so he opened fire, killing the suspect.

The suspect's handgun was recovered at the scene.

The Orange County District Attorney's Office is investigating the shooting.⁶⁹

This rendition of events reads as if it is a police report, since only police sources are cited, even though it acknowledges the presence of other witnesses. Elements of this approach are common in the reporting of officer-involved shootings, whereby the police description is taken as an objective account of the matter. Another example of this theme can be seen after the emergence of the Black Lives Matter movement in the January 2014 shooting death of Jordan Baker, an unarmed Black man. Baker was shot and killed after an interaction with an off-duty police officer who was hired to provide security for a commercial area that experienced several robberies.⁷⁰ The initial local news article described the incident exclusively from the police perspective:

“The officer asked him for identification, the suspect refused to provide an [sic], said he didn't have any. And then

69. *Police Shoot, Kill Man Who Allegedly Assaulted Boss in Fullerton*, ABC 7 (June 13, 2013, 12:00 AM), <http://abc7.com/archive/9137601/>.

70. *Simon Gutierrez, HPD: Man Shot, Killed After Lunging at Officer in Northwest Houston*, ABC13 (Jan. 17, 2014), <http://abc13.com/archive/9396123/>.

he told the officer that, ‘He was not going to jail,’” said HPD spokesperson Kese Smith.

According to police, the man tried to walk away, but the officer drew his weapon and ordered him to stop. The man got down on the ground, but when the officer holstered his weapon to handcuff him, they say the man jumped up, struggled with the officer and then took off running. The officer chased him, finally cornering him in the alley behind the strip center.

“(He) turns toward the officer, puts his hands again in his waistband, crouches down and charges the officer, telling the officer, ‘I told you, I’m not going to jail,’” Smith said.

Police say the officer, fearing for his safety, fired one shot, hitting and killing the man.⁷¹

To be sure, police shootings often involve isolated interactions between officers and suspects that preclude any ability to provide a third-party assessment of the situation that a journalist can include in his or her account. Nevertheless, the nature in which the police account is rearticulated as fact without corroboration still raises important questions. In this article, the lack of corroboration is particularly problematic in that it provides quotes from employees in the area about how scared they were in light of recent robberies, creating an impression that Baker was involved in these crimes that gives further legitimacy to the use of fatal force in a manner that may not be entirely appropriate given the information available at that time.

Parallel to this theme concerning journalists’ deference to police accounts of fatal engagements is the rarity with which they include non-police descriptions of individuals that might humanize or provide a better sense of victims’ character beyond the events leading to their death. An example that provides such information is a local news article covering the January 2014 death of Michael Edward Schmidt, who was described by his mother-in-law in the article as “such a sweet guy. Even though he and my daughter are divorced, he couldn’t have been nicer to us. He was a very generous person, and he just had some problems along the way.”⁷² Even where victims have participated in dangerous and unlawful behavior that may very well justify the use of force, third-party descriptions help provide a more comprehensive

71. *Id.*

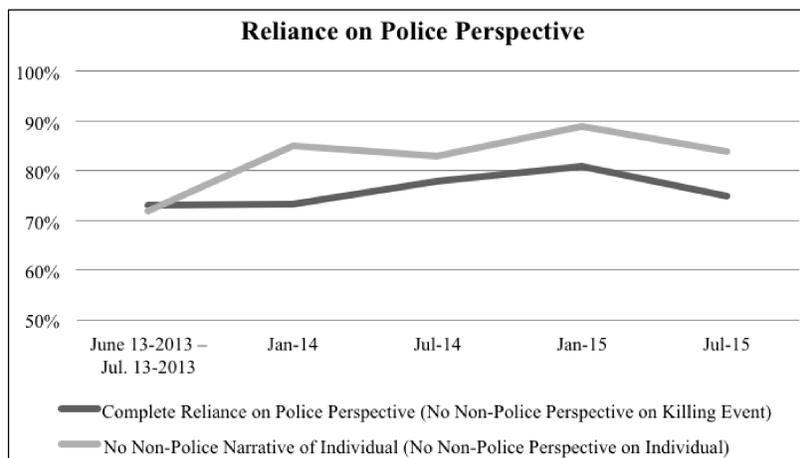
72. Christina Rosales, *Prominent Dallas Lawyer Killed in Confrontation with Police at Luxury Apartment in Uptown*, DALLAS MORNING NEWS (Jan. 2, 2014, 6:00 AM), <http://crimeblog.dallasnews.com/2014/01/burglary-suspect-shot-killed-in-confrontation-with-police-at-uptown-condos.html/>.

description of the victim that complicates the good-bad narrative that often oversimplifies matters.⁷³ However, our data show that such nuance is not common in the reporting of officer-involved shootings. Seventy-two percent of the articles from the June and July 2013 sample did not have a non-police description, and this continued afterwards during the Black Lives Matter movement when between 83% and 89% of the articles in the dataset did not contain a non-police description of the individual.

Standing alone, this practice reduces the entirety of victims' lives and social situations to one fatal engagement. But as demonstrated in Graph 2, the reliance on police perspective combined with not including other non-police descriptions of the individual creates a dangerous synergy whereby local news articles reporting on officer-involved shootings become a repository for suggesting that the police perspective is accurate and victims, by virtue of their individual choices and behaviors, were just criminals, i.e., *that these lives didn't matter*. From this perspective, the data draws attention to a continuity in practice before and after the onset of the Black Lives Matter movement where respectability is central to journalists' depictions of these incidents to the extent that they are creating the narrative conditions for the overvaluing of police statements and undervaluing of victims' lives. This synergy is held together by the politics of respectability, which, according to these data, does not appear to be waning in light of the challenges put forth by Black Lives Matter.

73. Killedbypolice.net lists Schmidt as a White male. *Killed by Police 2014*, KILLEDBYPOLICE.NET, <http://www.killedbypolice.net/kbp2014.html> (last visited Mar. 29, 2016). Future research may want to examine whether the likelihood for journalists to include a non-police description of the individual correlates with the race of the victim.

**GRAPH 2: SUPREMACY OF POLICE PERSPECTIVE REGARDING KILLING
EVENT AND NARRATIVE OF INDIVIDUAL**



C. Criminalization

The third theme emerging from the data is that narratives of criminalization are a noticeable part of journalists' description of officer-involved killings. In many ways, criminalization is a cornerstone of respectability politics. By criminalization, we refer to the ways in which reports include discussions pertaining to victims' criminal records, felonies, and past acts that are often irrelevant to the incident leading to their death. In the June and July 2013 dataset, 29% of the articles contain information about victims' criminal past while 13% to 24% of the dataset from the periods collected after the onset of the Black Lives Matter movement contained this information.

One example is the coverage of the killing of George Harvey, a thirty-nine-year-old unarmed Black male in Georgia.⁷⁴ Harvey was tased multiple times by police officers at a Chevron station. In the initial local newspaper report, the article notes that the police had not, at the time, released why officers attempted to apprehend Harvey.⁷⁵ Yet, the article proceeds to recite his criminal record:

74. *Caught on Camera: Man Dies After Being Tased by Deputies*, 9 WAFB (June 30, 2013, 5:11 PM), <http://www.wafb.com/story/22726842/man-dies-after-tased-by-deputies>.

75. *Id.*

GBI officials say at least two deputies tried to take Harvey into custody but they couldn't release why or how many times he was tased.

We searched court records and found from 2001 to 2012 Harvey was convicted of several felonies, such as trafficking cocaine and theft by deception.

He was also scheduled to appear in court 14 times for issues related to child support. His family says he had 12 children.⁷⁶

The relevance of this past record to this police shooting is, at best, unclear. The reporter simply did a search after the shooting and brought in evidence of the victim's past wrongdoing to somehow provide clarity as to why he was in a position where the police had to tase him. Moreover, we can see how this narrative concerning the respectability of Garvey seamlessly blends his past *criminal* convictions with his *domestic* situation to produce an image of a non-respectable victim—a felon with more children than he can care for—whose non-respectable life was not suited for class mobility and whose death should not raise questions about police force. This latent discourse on class mobility—a hallmark of respectability politics—does a tremendous amount of discursive and political work.

Another example is the coverage of the July 2015 police shooting of Kevin Lamont Judson in Oregon. The article in the *Yamhill Valley News Register* started with “Convicted felon Kevin Lamont Judson, 24, of Dayton, was shot and killed about 7:30 a.m. Wednesday by Yamhill County Sheriff's Office deputy Richard Broyles, a 16-year veteran of the agency.”⁷⁷ Later in the same article, Judson was described as being “listed by McMinnville police as a ‘Wanted Person’ on a charge of failure to appear [and] convicted in March 2011 of one count of possession of a controlled substance/methamphetamine, a Class C felony. He was sentenced to 18 months’ probation.”⁷⁸ In this instance, an unarmed man fleeing from the police has his past conviction for drug possession used to give legitimacy to the police using deadly force to apprehend him.

Victims' past records as recounted in local news articles are often not relevant to whether the police acted appropriately in using deadly force in the particular moment in question. This information is offered

76. *Id.*

77. *Sheriff's Deputy Shoots, Kills Dayton Man*, YAMHILL VALLEY NEWS REGISTER (July 3, 2015), <http://newsregister.com/article?articleTitle=sheriff-s-deputy-shoots-kills-suspect-in-north-mcminnville--1435762123--18518-->.

78. *Id.*

to the public after the fact in a manner that serves to question the respectability of the victim and to legitimize the use of force. Such information qualifies a victim's death, superimposing a narrative of criminality onto a death at the hands of police.

Thus, while present in a minority of cases, this infusion of victims' criminal pasts into local news articles can be understood as a political process that journalists actively participate in. It arguably has an impact beyond its numbers as it shapes the public's analysis of whether certain types of lives have value, with respectability being the implicit moral barometer. This tendency in local news reports produces an effect such that when someone has a criminal record and veers further from what is thought to be a respectable behavior, the public can worry less about whether the use of force against that person was legitimate. These are precisely the inferences and conclusions that Black Lives Matter attempts to disrupt.

IV. CONCLUDING THOUGHTS

It is important to emphasize that this project is designed to be an early empirical investigation into how respectability politics plays out in local news articles concerning officer-involved killings and whether the onset of the Black Lives Matter movement has led to any noticeable shifts in how these incidents are described. While we found interesting continuities in style and thought between journalists' renditions before and after the emergence of the movement, certain limitations in our data suggest that it may be too early to make any definitive claims. For example, the data available on officer-involved killings only date back to May 2013—just a couple of months before Black Lives Matter formed in the wake of Zimmerman's acquittal in the killing of Trayvon Martin. While we were able to develop a baseline measure of how journalists reported on these issues before Black Lives Matter by sampling data from the month before Zimmerman's acquittal, a more robust understanding of this pre-Black Lives Matter journalistic sensibility could be obtained if we were able to measure trends going back further into the past. Currently, it is not possible to determine whether the June and July 2013 sample is representative of all pre-Black Lives Matter journalistic discussions, an aberration, or simply somewhere along the spectrum. However, existing communications literature suggests that our findings are consistent with the field.⁷⁹

79. See, e.g., sources cited supra note 55.

Another limitation involves the dataset comprising journalists' depictions of officer-involved shootings after the Black Lives Matter movement started. Given that our research question attempts to detect shifts in the narrative composition and meanings embedded in these articles, qualitative methodologies were most appropriate. Month-long samples roughly every six months following the Zimmerman acquittal resulted in a sizeable dataset of nearly five hundred articles from which to conduct this assessment in order to get a sense of if and how these discussions changed. While these qualitative measures and descriptive statistics are able to provide an initial sense of the contours of this data and raise important questions about journalists' responsiveness to the concerns raised by the movement, future researchers may want to code the entire available dataset in a manner that may allow for inferential statistical claims to be made.

Despite these limitations, this article makes an important contribution in drawing attention to the centrality of respectability politics in how we perceive police use of deadly force and the subtle ways in which journalists can be complicit in rearticulating these narratives. These narratives reproduce and perpetuate discourses that run counter to the idea that *all* Black lives matter, and challenging this meta-narrative is important to disrupting the status quo and dominant discourse that allows this issue to continue unabated. To the extent that the Black Lives Matter movement has organized around the idea that all Black lives matter—even those engaged in “criminal activity”—and should not be casually met with deadly force by the police, this article has provided important empirical evidence suggesting that local news media have a lot of work to do. Media shapes the intelligibility and knowledge of these events, and without changing the story at this level it will remain difficult to alter how these stories are told throughout society as a whole, with implications reverberating throughout political and legal systems.

Respectability politics are as embedded in American race relations as race and racism are themselves. While it would be somewhat naïve to think that the Black Lives Matter movement could have completely changed the way that local news media report on officer-involved shootings within a relatively short timeframe, it is nonetheless useful and sobering to have an early empirical assessment of where things stand now in relation to before the movement started. It is our hope that this early assessment will be taken seriously and stimulate important discussions within the field so that the change that is needed can be attained.

APPENDIX

TABLE 1: SOURCES USED BY JOURNALISTS

Time Period	Reliance on Police Account/Perspective	Non-police Narrative
June 13–July 13, 2013	Only police sources: 73% One non-police source: 13% Two or more non-police sources: 14%	No: 72% Yes: 28%
Jan. 2014	Only police sources: 73.5% One non-police source: 14.7% Two or more non-police sources: 11.8%	No: 85% Yes: 15%
July 2014	Only police sources: 78% One non-police source: 10% Two or more non-police sources: 12%	No: 83% Yes: 17%
Jan. 2015	Only police sources: 81% One non-police source: 15% Two or more non-police sources: 4%	No: 89% Yes: 11%
July 2015	Only police sources: 75% One non-police source: 10% Two or more non-police sources: 15%	No: 84% Yes: 16%

TABLE 2: JUSTIFICATIONS PROVIDED BY POLICE

Time Period	Subjective Officer Experience	Objective Officer Justification
June 13–July 13, 2013	No: 62% Yes: 38%	Perceived Weapon: 79% Endangering Others: 49% Noncompliance: 36% Verbal Threat: 8% None Provided: 8%
Jan. 2014	No: 71% Yes: 29%	Perceived Weapon: 79% Endangering Others: 49% Noncompliance: 38% Verbal Threat: 6% None Provided: 3%
July 2014	No: 50% Yes: 50%	Perceived Weapon: 70% Endangering Others: 56% Noncompliance: 40% Verbal Threat: 8% None Provided: 9%
Jan. 2015	No: 76% Yes: 24%	Perceived Weapon: 79% Endangering Others: 54% Noncompliance: 41% Verbal Threat: 1% None Provided: 8%
July 2015	No: 78% Yes: 22%	Perceived Weapon: 73% Endangering Others: 48% Noncompliance: 43% Verbal Threat: 3% None Provided: 10%

TABLE 3: CRIMINALIZATION OF VICTIM AND SPACE

Time Period	Criminalization	Criminalized Space
June 13–July 13, 2013	No: 71% Yes: 29%	No: 89% Yes: 11%
Jan. 2014	No: 87% Yes: 13%	No: 97% Yes: 3%
July 2014	No: 76% Yes: 24%	No: 91% Yes: 9%
Jan. 2015	No: 81% Yes: 19%	No: 91% Yes: 9%
July 2015	No: 79% Yes: 21%	No: 95% Yes: 5%

TABLE 4: RACE OF VICTIM AND OFFICER AND PHOTO

Time Period	Race of Victim	Race of Officer	Photograph
June 13–July 13, 2013	No: 97% Yes: 3%	No: 100% Yes: 0%	No: 71% Yes: 29% Of Yes, type: - Mugshot: 58%
Jan. 2014	No: 100% Yes: 0%	No: 100% Yes: 0%	No: 78% Yes: 22% Of Yes, type: - Mugshot: 73%
July 2014	No: 99% Yes: 1%	No: 100% Yes: 0%	No: 80% Yes: 20% Of Yes, type: - Mugshot: 35%
Jan. 2015	No: 99% Yes: 1%	No: 100% Yes: 0%	No: 74% Yes: 26% Of Yes, type: - Mugshot: 55%
July 2015	No: 96% Yes: 4%	No: 98% Yes: 2%	No: 75% Yes: 25% Of Yes, type: - Mugshot: 50%