

GUNS, RACE, MACHISMO AND OPPRESSION¹

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WHAT'S THE PROBLEM AND WHERE DID IT ORIGINATE?

The murder of Trayvon Martin in 2012 and the acquittal of his killer George Zimmerman a year later were deeply disturbing events, inflaming racial tension³ and provoking nationwide protests in the United States (<http://bostonherald.com> 2013). Two years later, I find myself seeing the tragedy as a reflection of an American culture burdened not only by racism, but also by wider oppression and subordination, hyper-masculinity, violence and an obsession with guns.

Unequal justice

To begin with, a white male accused of killing an African American male is the least likely

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- 1 This article expands the author's *Huffington Post* blog, 'Guns, machismo, Martin and Zimmerman', posted on 17 July 2013 at http://www.huffingtonpost.com/harold-a-mcdougall/george-zimmerman-guns-masculinity_b_3600456.html.
 - 2 Professor of Law, Howard University, BA *magna cum laude*, Harvard College 1967, JD Yale, 1971. I wish to thank students in my Civil Rights Planning seminar at the Howard University School of Law from 2011 to 2014 for their class participation and their research on gun violence and on the *Trayvon Martin* case, especially Breanna Bledsoe, Grace Brooks, Bianca Cooper, Adrienne Ferrell and Lafayette Greenfield.
 - 3 Indeed, some commentators compared the Zimmerman acquittal to the 1955 acquittals of Emmitt Till's murderers. See http://www.washingtonmonthly.com/magazine/january_february_2013/features/emmett_and_trayvon042036.php?page=all. On the *Emmitt Till* case, see http://en.wikipedia.org/wiki/Emmett_Till. On the other hand, in the aftermath of the verdict, a Washington Post/ABC News poll revealed that 86% of African Americans disapproved of the Florida jury's verdict. However, 51% of whites in the survey said they *approved* of the verdict; only 3% disapproved. Of Democrats, 62% disapproved of Zimmerman's acquittal, but 65% of Republicans approved; *Washington Post/ABC* news poll conducted on 18–21 July 2013. Available at <http://politicalticker.blogs.cnn.com/2013/07/22/americans-divided-over-zimmerman-verdict-poll-finds/>.

(<http://scholarship.law.wm.edu>) of all American defendants to be convicted, to this day.⁴ In states that have adopted the ‘stand your ground’ laws promoted by the ultraconservative political action group, the American Legislative Exchange Council (ALEC) (<http://www.thenation.com>), a white defendant is four times more likely to be acquitted (<http://www.pbs.org>) if the victim is African American rather than white.⁵

For many African American people, racial disparities in arrest and sentencing have undermined the integrity of the criminal justice system, as well as African American people’s ability to trust it (Rooks 2010), seeing justice as ‘Just Us’ (Lawrence 2012; Alexander <http://www.urbanfaith.com> 2012 – see annexure A). African American men are nearly seven times more likely to be incarcerated than white males, and their average jail sentences are ten months longer (Rooks 2010).

Wrong-headed sentencing measures have also drained resources from strategies that actually help people (OJJDP 1999). Over the past two decades, prison spending in the United States has increased six times more than spending on higher education (Rooks 2010). America has only 5 per cent of the world’s population, but 25 per cent of the world’s prisoners (Rooks 2010).

Zero-tolerance policies in the school systems have effectively created a pipeline for African American children, especially boys, from the schools to the prison system (OJJDP 1999). African American juveniles (OJJDP 1999; Rooks 2010) are held in residential custody in the United States at twice the rate for Hispanics and five times the rate for whites (OJJDP 1999). These policies have done little to curb or deter crime. Ironically, incarceration has become a badge of honour in some low-income African American communities.

Hyper-masculinity and violence

One author argues that men have been trained for 10 000 years to be strong, aggressive, competitive and territorial. They have learned to persevere despite pain or feelings. They

4 Zimmerman’s acquittal was especially egregious, considering his history as a wannabe cop with a history of aggression and domestic violence. See, for example, http://articles.washingtonpost.com/2012-03-22/lifestyle/35446691_1_george-zimmerman-trayvon-martin-unarmed-African-American-teenager; <http://rollingout.com/culture/george-zimmerman-son-of-a-retired-judge-has-3-closed-arrests/>. The fact that his father was a former Orange County magistrate judge colours the matter even further.

5 The fact that Zimmerman has some Hispanic ancestry, and that there was a Latino on the jury, does not blunt the racial angle. As Van Jones pointed out on CNN on 15 July 2103 (<http://www.politico.com/story/2013/07/george-zimmerman-trial-newt-gingrich-van-jones-94154.html>), there are many cities in which hostility, even violence, between African American and Latino youth is commonplace. Furthermore, Central and South America were colonised and developed with African slave labour in numbers far greater than in the US South. The legacy of Spanish slavery and racism is still apparent as millions of ‘Afro-Descendants in Latin America struggle for their human rights’ (see <http://www.oas.org/en/iachr/afro-descendants/>).

have learned to be domineering and, paradoxically, to respond to Alpha male leadership (Nerbum 2000; McDonald, Navarette & Van Vugt 2012).⁶ This is the ‘civilised’ male, the male who emerges after hunter-gatherer societies have been left behind (Prinz 2012),⁷ first for nomadic herding cultures and then, sedentary, hierarchical ones (Prinz 2012),⁸ replete with a government and a military force (Prinz 2012; <http://buddyhell.wordpress.com> 2012).⁹ This is a social, not a biological, construct (Prinz 2012).¹⁰

The nomadic, slave, feudal and early capitalistic societies that succeeded the hunter-gatherers were largely patriarchal in character (Engels 1884). As patriarchy and its economic basis has receded over the past century or so, say some feminist theorists (<http://www6.semo.edu/>), men – especially in the West and particularly in the United States – seem to be overcompensating to balance their loss of social power.

The psychological term for this behaviour is ‘hyper-masculinity’, and it involves the exaggeration of male physical strength, and aggression – a ‘belief that violence is manly’ – and ‘the experience of danger as exciting’ (<http://en.wikipedia.org/wiki/>

6 Evolution, they argue, has shaped men to be warriors. The authors claim that men are biologically programmed to form coalitions that act aggressively against neighbours, and they do so in order to get women, either through force or by procuring resources that would make them more desirable.

7 ‘In hunter-gatherer societies, [sexual] strength differential doesn’t allow men to fully dominate women, because they depend on the food that women gather.’

8 ‘[T]hings change with the advent of intensive agriculture and herding. Strength gives men an advantage over women once heavy ploughs and large animals become central aspects of food production. With this, men become the sole providers, and women start to depend on men economically. The economic dependency allows men to mistreat women, to philander, and to take over labor markets and political institutions. Once men have absolute power, they are reluctant to give it up. It took two world wars and a post-industrial economy for women to obtain basic opportunities and rights’; see also ‘farming technologies allowed men co-opt power over the course of human history’.

9 See also <http://buddyhell.wordpress.com/2012/12/16/spree-killings-mythology-hyper-masculinity-and-gun-culture/>, quoting Wilhelm Reich *The function of the orgasm* (Farrar, Straus & Giroux, 1973): ‘The character structure of modern man, who reproduces a six-thousand-year-old patriarchal authoritarian culture, is typified by characterological armoring against his inner nature and against the social misery which surrounds him. This characterological armoring is the basis of isolation, indigence, craving for authority, fear of responsibility, mystic longing, sexual misery, and neurotically impotent rebelliousness, as well as pathological tolerance. Man has alienated himself from, and has grown hostile toward, life’.

10 ‘The warrior hypothesis assumes there was constant warfare in our evolutionary past, but some anthropologists argue that ancestral populations were too sparse for frequent contact. It also presupposes that warfare increases male fertility, when it may actually reduce fertility for all. Fertility is probably maximized when men are non-violent and share in childcare, but in many societies men beat their wives, neglect their children, and practice sex-selective infanticide against girls.’

Hypermasculinity). Hyper-masculinity is also associated with ‘callous sexual attitudes towards women’ (<http://en.wikipedia.org/wiki/Hypermasculinity>), and in some cases with sexual and physical aggression against them (<http://en.wikipedia.org/wiki/Hypermasculinity>; Mosher & Anderson 1986; Parrott & Zeichner 2003; <http://www.dsm4tr.com>), reinforcing theories of hyper-masculinity as reflecting a growing fear of women’s capabilities and independence (<https://www.umaine.edu/>; Darnell & Wilson). Modern advertising promotes such attitudes and feeds on them (www.huffingtonpost.com/2013/), urging men to buy into a culture marked by violence, recklessness (<http://prezi.com/>; Poon 1993; White & Young 1999; Sabo 2004) and images of women as sexual objects (<http://prezi.com/>; Kimmel 1994).

Boys seeking cues on male behaviour in this upsetting milieu are easy targets. Some respond to commercial media images directing them to be ‘cool, strong and violent’ (Lamb, Brown & Tappan 2009) by ‘partying, pimping, slacking and bullying’ (Lamb, Brown & Tappan 2009). They learn that power over others is more important than integrity or respect, and that if someone crosses you, you must seek revenge (Lamb, Brown & Tappan 2009). Peer influence heightens the pressure through hazing, and a boy who does not himself engage in hyper-masculine posturing and bullying risks being called ‘geek’, ‘nerd’ or ‘faggot’ (Swearer, Turner, Givens & Pollack 2008; Pascoe 2007; Crothers, Field & Kolbert 2005).¹¹

11 ‘Boys who are bullied because they are accused of being gay or not masculine enough experience more physical violence and more psychological trauma than boys who are bullied for other reasons. These boys feel less safe at school and feel less in control of their own lives than their peers who are not bullied or who are bullied for other reasons. Challenging traditional male gender norms to broaden acceptance of boys who are not traditionally masculine is an important step in preventing some of the worst forms of bullying.’ See also CJ Pascoe *Dude, you’re a fag: Masculinity and sexuality in high school* (University of California Press, 2007). Available at <http://www.amazon.com/Dude-Youre-Fag-Masculinity-Sexuality/dp/0520252306>: ‘Boys are so afraid of being perceived as gay or “girly” that they call each other “fag” to prove and claim their masculinity. The slur is most often directed at straight boys who seem feminine or simply less aggressive. Being called “fag” is not about one’s sexual identity, or even sexual experiences, but about being non-manly. ... As one high school boy put it, guys get called “fag” for “anything ... literally, anything. This “fag discourse” within American high schools supports a valuing of masculine traits over feminine traits among boys so that “whatever they did, whatever they became, however they talked, they had to avoid becoming a faggot.”’

Among girls, bullying seems to be triggered by a similar push to conform to hyper-feminine female stereotypes: Laura M Crothers, Julaine E Field & Jered B Kolbert ‘Navigating power, control, and being nice: Aggression in adolescent girls’ friendships’ 2005 *Journal of Counseling and Development*. Available at <http://aca.metapress.com/openurl.asp?genre=article&eissn=1556-6676&volume=83&issue=3&spage=349>: ‘Stereotypically feminine girls [are] more prone to social aggression: Gossiping, exclusion, and other types of social aggression are a type of bullying that girls often prefer over physical aggression.’

These types of coping mechanism may begin early in a boy's school career (Renold 2001). Without proper adult protection and intervention, schools can become 'dangerous and hostile environments where one is constantly on alert of being attacked' (<http://naswil.org/> 2012). This problem is exacerbated when adults, principals, teachers and even parents who should be protective ignore bullying, do not punish bullies, or even bully students themselves (<http://naswil.org/> 2012).

American gun culture

To make matters worse, gun fetishism is also a big part of the American hyper-masculinity picture. A number of mass shootings have been traced to bullying incidents in which male bullying victims attempted to 'resolve a [consequent] crisis of masculinity through violent behavior' (<http://www.sciencedaily.com/>; <http://www15.uta.fi/>; <http://abs.sagepub.com/>). In this regard, they turn to the very cultural images and practices that have brought on the crisis in the first place – America's hyper-masculine obsession with guns and militarism, heightened by a fascination with violence found in the news, television programmes, film and the internet (<http://www.sciencedaily.com/>).

America's gun 'culture' (Hofstadter 1970) – a widespread idolising of firearms (Malcolm 2001; Dallek 2013), steeped in tradition and national identity (Schultz 2012; Cesca 2012) – makes it unique among modern industrial nations. US gun ownership is the highest in the world (Masters 2012). America's murder rate is 15 times greater than our peer nations with tighter gun control laws (*The New York Times* 2012; Fisher 2012). We have three times more gun-related homicides than Australia, Belgium, Finland, France, Germany, Holland, Norway, Spain, Switzerland, the United Kingdom and Canada combined (Fisher 2012).

Before the Civil War, only military servicemen or wealthy sportsmen owned guns (Bellesiles 1996).¹² However, the industrialisation that took place during and after the Civil War greatly increased gun production, leading to the general sale of guns as a commodity (Bellesiles 1996; Dizard, Muth & Andrews nd).¹³ By the late 19th century, guns were seen as a basis of manliness and power (Bellesiles 1996). Popular novels catered to the new image of manliness, depicting 'heroic' cowboys and lawmen pitted against outlaws and savage Indians.¹⁴ *The Wild West* shows (Perlstein nd) produced by

12 Personally owned guns might have been passed down as heirlooms, but were not for general sale.

13 Gradually, interest in and appreciation of guns increased. Hunting- and gun-related activities became more popular, symbolising status for the middle class.

14 See, for example, *The last days of Wolf Garnett* by Clifton Adams (frontiersman avenges the death of his wife, who was killed by an outlaw), *Gun man* by Loren Estleman (a boy becomes a gunfighter in the West) and *Wild times* by Brian Garfield (adventures of an Indian fighter and gunslinger). See 'Old West novels: Historical novels of American old West', <http://www.historicalnovels.info/Old-West-Novels.html>.

William Frederick Cody (Buffalo Bill) promoted gun sales for the Winchester Company (Burbick 2013).¹⁵ Buffalo Bill's 'victories' against the Indians projected American virility, vitality and 'know-how' (Rydell & Kroes nd).

Hollywood issued a number of 'Wild West' films in the early 20th century, and the genre remains a part of the industry's playbook, even today (Battle 2002). Television shows in the 1950s continued the trend, promoting men with guns as symbols of power and patriotism, with series such as *Lone Ranger* and *Stories of the Century* depicting a violent, gun-toting Wild West (IMDB nd).

The gun myth of the West has become deeply entwined with masculine values of honour (Perlstein nd; <http://buddyhell.wordpress.com> 2012),¹⁶ self-defence (Kurtis 2013), personal freedom (Hallowell 2013), and the ability to protect one's self, family and property (Hallowell 2013). Gun manufacturers, following the Winchester Company's original marketing model, sponsor advertising and organisations that promote gun toting as a symbol of masculinity and power, depicting men with guns as possessing virility, strength, resolve and heroism (Cesca 2012).

Gun lobbyists work hard to restrict gun control (Mayors Against Illegal Guns 2013) and to limit public access to information about firearms, even blocking government funding for *research* on the effects of gun violence (Mayors Against Illegal Guns 2013). The National Rifle Association (NRA) (Hallowell 2013; Perlstein nd),¹⁷ servant of the gun manufacturing industry, has played a pivotal role in creating and shaping America's gun culture (Hallowell 2013). They have rebranded gun control as a constitutional issue, leading the US Supreme Court's majority in this regard (Hwang 2013; Perlstein nd).¹⁸

15 Cody has been called 'the greatest gun marketer in American history'. On Winchester, see <http://www.pbs.org/opb/historydetectives/technique/gun-timeline/>: '1873 – Winchester rifle introduced. These rifles were affordable, and produced in such great numbers, that the Winchester became the generic rifle. The Winchester had such a powerful hold in some regions that it actually became known as "the gun that won the West". In 1887, Winchester came out with their first repeating shotguns. The next major milestone for Winchester came in 1903, when the company introduced the first automatic rifle that would become widely used.'

16 'The gun is ... iconic, if not in its highly mythologized role in the forging of a nation and in the capitalistic sense of defending one's property, but also for its role in the construction of a hyper-masculine national identity that has become part of the national mythology but also an ideal of American masculinity.'

17 The NRA was originally a hobby club for sportsmen. In 1871 William Church and George Windgate founded the National Rifle Association to encourage and promote scientific rifle shooting.

18 The NRA has fought any new limits that have come along with gun control and gun ownership. They mobilise and perpetuate the idea that guns should be in the hands of every American. The NRA warns society to protect oneself and one's family by being prepared. It also suggests that families have access to 200 rounds of ammunition in the event they ever needed them.

The racial angle

Ironically, both the NRA and the Republican Party once favoured gun control (Perlstein nd). That began to change, however, as the Civil Rights Movement's 'Kingian' non-violence receded in the late 1960s and riots and gun-toting Black Panther Party members began to appear in its place. In one instance, Black Panthers claiming their Second Amendment right to bear arms appeared with their guns on the streets of a rich, white California neighbourhood that was the home of Don Mulford, a right-wing supporter of then-governor Ronald Reagan. Panthers also appeared fully armed while the California state legislature debated gun control. The lawmakers quickly passed the debated measure, the Mulford Act – the first high-profile state gun-control law since before World War I (Hallowell 2013; <http://en.wikipedia.org> nd).¹⁹ By the time of the 1972 election, the Republican Party as well as the NRA were supporting gun control (Perlstein nd).

As soon as African American militancy subsided, however, the right wing switched again, and began heavily promoting white male gun ownership (Perlstein nd) to check and control aggressive non-whites, a theme reaching back to Buffalo Bill's Wild West Show (Burbick 2013). By 1980, Republican Party presidential candidate Ronald Reagan, conveniently overlooking his support of gun control just eight years earlier (Perlstein nd), stated that gun ownership was a necessity, and implied that white people needed guns for self-defence and to protect their families (Chait 2014).²⁰ The NRA pivoted with Reagan, endorsing a presidential candidate for the first time in its history. The Republican Party followed suit, stating in their platform that they now 'believe[d] the right of citizens to keep and bear arms must be preserved. Accordingly, we oppose federal restrictions on firearms' (Perlstein nd).

These arguments, first aimed at the fear of armed African American men, have since taken root in a context of increased women's and minority rights (Burbick 2013). Gun sales surged immediately after Obama was elected in November 2008 – for example, 42 per cent higher than they had been the year before (Berger 2009). Since Obama's election, right-wing diatribes about government 'tyranny' and a resulting need for wider gun ownership have increased (Fox News 2008). The NRA promotes 'guns and gear' (<http://www.shootingillustrated.com/>), proclaiming that 'happiness is a warm gun' (Hwang 2013). The Republican Party panders to the NRA's audience (<http://www.cnn.com/> 2013), feeding the fascination with guns (Voorhees 2013)²¹ and spreading a culture of violence (Dizard et al nd; Cobb 2013).

19 The federal Sullivan Act was passed in 1911.

20 Compare Jonathan Chait on the racist subtext of many Republican political positions and policies.

21 Investigators found several firearms, more than 1 600 rounds of ammunition, 11 knives, a starter pistol, a bayonet and 3 samurai swords in the home of Adam and his mother, Nancy Lanza.

Black against black

The Panthers are gone, but an inordinate number of crimes committed by African American people today do involve aggression, assault and homicide. These victims are typically African American, not white (Poussaint 1966). An African American male is eight times more likely to be killed by a gun than a white male (University of Pennsylvania 2013), and gun violence is the leading cause of death among African American teenagers (Rooks 2010). But the perpetrators are typically African American, not white (Poussaint 1966). (The Trayvon Martin–George Zimmerman confrontation is unusual in this respect.)

While white males arm themselves out of fear of an unlikely African American uprising or crime spree in white communities, inner-city African American youths are arming themselves and killing *one another*.²² Many of these killings grow out of turf wars among drug-dealing gangs (<http://theboombox.com> nd), typically committed by criminals able to access a gun without a background check (Rooks 2010).

Inner-city communities contain disproportionate shares of poverty, unemployment (Battle 2002),²³ deteriorated housing, violence, poor nutrition and single parenting (Porter & Washington 1979; Richters 1993; Mandara 2000; Harlem Children's Zone, Inc 2003; Harper 2009).²⁴ Combined with low levels of municipal services, these conditions constitute an urban health crisis (Fitzgerald 2005; Battle 2002). Residents of such communities experience enormous physical and emotional stress and damage to self-esteem (Poussaint 1985).

22 See, for example, <http://www.urbanfaith.com/2012/03/unlearning-racism.html/>: 'As much as these racially charged incidents outrage us, the fact is that most crimes are intra-racial. Whites basically kill whites and African Americans kill African Americans. African American-on-African American homicide is the leading cause of death for young African American males ages 12 to 19. Both of my sons, while in high school, have had friends die this way. In my day, growing up in Brooklyn during the Howard Beach incident, I too had more high school friends who died at the hands of fellow young African American men. Why aren't we equally outraged by African American-on-African American homicide as we are when a white person kills one of us?'

23 Unemployment is extremely high for men in the 16–30 age group, which happens to be the same age group responsible for a large share of the crime.

24 In a study examining how family characteristics affect African American youth, researchers found that African American adolescent boys with non-married parents are more at risk of developing low self-esteem compared with other African American adolescents.

The Harlem Children's Zone, Inc teaches effective parenting, and promotes parent engagement in local educational, social and religious activities with their children. It also promotes sound healthcare, intellectual and social stimulation, and consistent guidance from loving, attentive adults for children in their community (Harlem Children's Zone, Inc. Growth Plan FY 2001 – FY 2009 1, 2 (Fall 2003)). Note that even in high-crime inner-city neighbourhoods, more than 90 per cent of children from safe, stable, two-parent homes do not become delinquents.

Further complicating matters, racism has left many African Americans with gnawing self-hatred, self-doubt, self-consciousness and an understandable cultural paranoia (Poussaint 1985). This residue often interferes with African American unity, sowing distrust and disrespect among community members (Poussaint 1985). These feelings can cause people to react negatively and even violently towards members of their own group (<http://www.youtube.com/> nd).²⁵ Furthermore, exposure to violence, either as a victim, a witness or a perpetrator, may cause increased mental health problems, which can lead to even more violence, and the problem feeds upon itself (Fitzgerald 2005).

The political and collective consciousness of the Civil Rights and Black Power movements has faded (Battle 2002), leaving a vacuum of positive role models now being filled by drug dealers and gang leaders (<http://www.urbanfaith.com/> 2012).²⁶ For poor, unemployed young males with a negative self-image (Porter & Washington 1979), the drug dealer's lifestyle, flashy material wealth, and large sums of pocket money offer an attractive caricature of African American manhood (Battle 2002).

This 'gangsta' role has much earlier roots than the drug dealing of the 1970s (<http://hakeemmuhammad.com/> 2012)²⁷ and even the street gangs of the 1950s, however (<http://www.aaregistry.org/> nd). It has evolved across many generations of young African American men, in revulsion against Southern segregationist images of African American males as servile, docile, emasculated 'Uncle Toms' (Richardson nd; Prinz 2012). The unfortunate result has been crime, violence and other antisocial behaviour (Battle 2002) that show little regard for the lives of others (Grayman-Simpson 2010)²⁸ and are destructive to the community as a whole (Porter & Washington 1979).

25 See Hood-to-Hood TV Clip, a very disturbing YouTube clip detailing firefights and ongoing sniper activity between the Mickey Cobras gang ('MCs') and the Gangster Disciples ('GDs'), rival gangs in control of adjacent buildings in a Chicago public housing project. Snipers occupy the highest floors in shifts, 14 throughout the day.

26 'African American-on-African American crime is still real, often effectively ending the lives of both parties. African American kids are still dropping out of school at alarming rates. Young African American men are still checking into prison at rates comparable to those who enroll in college, and too many of them are being raised in homes without fathers. They are struggling in failing public schools. Gangs are [lurking] around those schools and targeting our children on the streets. Every day, young girls are born into welfare-type situations and growing up to repeat the cycles modeled by their mothers simply because they have not witnessed an alternative. These children lose hope long before the age of 18, and as a result they often descend into committing crimes against humanity. We are all guilty. We cut the lives of these kids short and murder them with our complacency and our silence. Why? Because we are busy. As individuals, we have personal goals of success to pursue. We have to raise our own kids.'

27 Drug running began in African American communities as a way for the police to pacify gangs; the War on Drugs began when whites began to consume drugs.

28 Dr Nyasha Grayman-Simpson, psychologist, personal interview by Bianca Cooper, 20 November 2010.

The music of inner-city African American youth has also evolved. The late 1960s saw the emergence of protest poetry and music, and an underground hip hop and rap culture filled with calls to action (<http://www.bhurt.com/> nd). Today, the commercial selection and distribution of hip hop and rap music minimises these political sentiments and instead promotes the hyper-masculine aspects of inner-city African American culture (Seaton 2007; <http://dailyuw.com/> 2012).²⁹ Thus ‘gangsta rap’ celebrates and promotes misogyny, homophobia, violence (<http://www.pbs.org/> nd) and gun fetishism (<http://prezi.com/> nd; <http://theboombox.com/> nd),³⁰ conflating with the ‘thug’ life (<http://books.google.com/> nd) and turf wars (<http://books.google.com/> nd) that claim the lives of so many young African American men (<http://www.wpty.com/> nd). In this regard, ‘gangsta rappers’ collaborate with a commercial and political mainstream that uses African American youth both as objectified symbols of hyper-masculinity with which to sell clothing and music (<http://www.amazon.com/> nd) and as fearsome characters who are targets for the police, white vigilantes (<http://www.nydailynews.com/> 2013)³¹ and the prison industrial complex (<http://www.academia.edu/> nd; Enslin nd).

This is not to say that rappers are responsible for the conditions in the inner city (<http://theboombox.com/>). Some civil rights activists waged war against hip-hop, but spent insufficient time addressing the war on drugs, unemployment and the poverty afflicting inner-city communities (<http://en.wikipedia.org/>). Yet we cannot let rappers off the hook: for while they do not simply reflect conditions in the African American inner city, they do promote an apolitical, materialistic, commercialised hyper-masculine approach to these conditions for their own material gain. In this regard, they pimp for the mainstream.

What’s been tried already? An analysis of US gun control

The Second Amendment to the US Constitution enshrines the right to bear arms.³² However, the US Supreme Court recently made the Second Amendment even more ‘gun

29 Byron Hurt is quoted on this website: ‘We’re in a box, [a]nd in order to be in that box, you have to be strong, you have to be tough, you have to have a lot of girls, you gotta have money, you have to be a player or a pimp, know you gotta be in control, you have to dominate other men, other people, and if you are not any of those things, then you know people will call you soft, or weak, or a pussy, or a chump, or a faggot, and nobody wants to be any of those things. So everybody stays in the box.’

30 Rappers have been jailed for gun possession, and a number of them killed by gun violence.

31 Compare the case of Bernhard Goetz, who shot several young African American men on a New York subway, claiming self-defence. Even without the benefit of a ‘stand-your-ground-law’, Goetz went free. But Goetz was at least being harassed by the teenagers on a public subway car. Zimmerman, on the contrary, followed Martin and a confrontation ensued: <http://www.businessinsider.com/is-george-zimmerman-like-bernhard-goetz-2013-7>.

32 ‘A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.’

friendly' than the Founders intended. In *District of Columbia v Heller*,³³ the Court severed the individual right to possess a firearm from service in a militia, suggesting that anyone, regardless of their mental state, has a right to a gun (Bellesiles 1996; Winkler 2007; Xia 2013).³⁴ This strained political opinion (Fallon 1997)³⁵ implies that the Amendment was meant to foster personal violence (Fox News 2013) rather than a well-regulated civilian defence to preserve national security and civic order (Bellesiles 1996: 454).

Today, most of the guns used in to commit crimes in America are obtained legally or by exploiting loopholes in our lax gun control laws (Noyes 2013). Indeed, America's current gun laws allow criminals and terrorists to buy assault weapons, high-capacity magazines and extraordinary amounts of ammunition from private dealers without showing any ID or completing a background check (<http://cognoscenti.wbur.org> nd).³⁶ The gunman in the Aurora, Colorado movie theatre shooting purchased four guns and 6 000 rounds of ammunition on the internet over a period of six months prior to the shooting, for example (Sandell 2012).

These conditions persist despite a parade of American gun-control laws, which have usually missed their mark. These go as far back as New York State's Sullivan Act (1911) (Froman 2007), which required owners to register small, concealable firearms, and the National Firearms Act (US 1934), which regulated the automatic weapons (Prevent Tyranny nd)³⁷ and short-barrelled shotguns (Prevent Tyranny nd)³⁸ associated with Prohibition-era gang battles (Prevent Tyranny nd). The Federal Firearms Act of 1938 expanded the scope of federal gun control legislation, regulating the selling and shipping of firearms through foreign or interstate commerce, requiring dealers to obtain licences, and restricting sales to individuals with permits and without criminal records (Gettings & McNiff <http://mlk-kpp01.stanford.edu/> 1971; *United States v Miller* 1939).³⁹

A 30-year hiatus then ensued, broken in 1968 by the Gun Control Act,⁴⁰ passed in the wake of the gun assassinations of John F Kennedy, Robert Kennedy and Martin Luther

33 *District of Columbia v Heller*, 128 SC 2783, 2785 (US 2008).

34 According to Winkler, the key issue to the Amendment's interpretation is whether it protects the rights of individual citizens or a collective right of states to maintain militias free from federal interference.

35 Fallon analyses the tools courts use to translate rights into practical doctrine.

36 Under the 'cash-and-carry' policy, which makes it possible for anyone to purchase a gun with cash and own it without undergoing any background check or record of the sale.

37 In terms of the Act, 'weapons that can fire multiple shots with a single pull of the trigger.'

38 That is, 'shotguns or weapons made from a shotgun with a barrel length of less than 18 inches, or an overall length of less than 26 inches.'

39 In *United States v Miller* 59 SCt 816, 818 (US 1939), the Supreme Court turned back a challenge to the NFA, holding that the Second Amendment did not bar Congress from regulating certain firearms, so long as it did not limit firearms completely (a far cry from the approach of the contemporary Court!).

40 Gun Control Act of 1968 §101, Pub L No 90-618, 82 Stat 1213.

King Jr (Froman 2007). The law reached mail-order sales (Simpson nd), required dealers to keep permanent records (Simpson nd), limited their ability to sell to individuals with mental illness (Stray 2013) and other ‘prohibited persons’ (Simpson nd),⁴¹ increased background checks⁴² and laid the groundwork for the Bureau of Alcohol, Tobacco and Firearms (created in 1971) (Gettings & McNiff <http://mlk-kpp01.stanford.edu/> 1971). The law still left some large loopholes, however, such as an exemption for the occasional seller who is not a regular gun dealer⁴³ (the so-called ‘gun show loophole’, which allows unlicensed dealers to sell 40 per cent of the guns Americans own) (Cook 2005).

By 1986, the Republican Party’s shift to the right on gun control yielded the Firearms Owners’ Protection Act, easing restrictions on gun sellers and the sale of guns while tightening them on criminals and felons (Gettings & McNiff <http://mlk-kpp01.stanford.edu/> 1971). The Brady Handgun Violence Prevention Act, prompted by the assassination attempt on President Reagan himself in 1981, was not signed into law until 1993 (Graves 2011)! The Brady Law imposed a five-day waiting period before a gun purchase (Simpson nd), but limited federal access to background check information (Gettings & McNiff <http://mlk-kpp01.stanford.edu/> 1971; Stray 2013)⁴⁴ and failed to curb ‘straw purchases’ (*Chicago Tribune* 2013; Berlow 2012). The 1994 Assault Weapons Ban (Gettings & McNiff <http://mlk-kpp01.stanford.edu/> 1971,⁴⁵ passed in the wake of a number of high-profile mass shootings (Woods & Roth 2004), regulated military-style (Assault Weapons FAQ nd; Plumer 2012; Woods & Roth 2004) semi-automatic weapons more closely (Woods & Roth 2004), but has proved easy to evade by slightly modifying the weapon itself (Plumer 2012).

Today, those who obtain guns legally in the United States can easily resell them to ‘prohibited persons’ (Fox News 2013), people from states requiring background checks buy guns in states without such requirements, while background checks are not required for private sales at all (Cesca 2012). Such loopholes leave Americans vulnerable to horrific gun violence. Resistance to gun control, anchored in hyper-masculinity, right-

41 ‘Prohibited persons include: anyone with past or pending criminal charges, fugitives, drug users, anyone who has been committed to a mental hospital or anyone who is deemed mentally unstable, anyone who has been dishonorably discharged from the military, individuals who have renounced their US citizenship, individuals with a restraining order against them from a partner or child, and anyone who has been convicted of a domestic violence misdemeanor.’

42 18 USCA §923 (National Instant Criminal Background Check System (NICS)).

43 A person is only ‘in the business’ if he or she ‘devotes time, attention, and labour to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms’: 18 USCA §921(a)(21)(C).

44 The new law required that a National Instant Criminal Background Check System be put in place and run by the FBI, but precluded it from using background check information to create a federal registry of gun owners.

45 Title XI, subtitle A of the Violent Crime Control and Law Enforcement Act of 1994.

wing politics and gun manufacturers' profits, remains strong (Hwang 2013) despite the occasional pushback by groups such as Mayors Against Illegal Guns (Siddiqui 2012) and public outcry over the latest mass shooting (Condon 2012).

The gun control agenda becomes clearer every time (O'Keffe & Farenthold 2013): closing underground markets that illegally sell guns (Cook 2005; Noyes nd; Cook & Ludwig 2010),⁴⁶ universal background checks (Gun Show Loophole 2013; *New York Times* 2012; NRAILA 2013),⁴⁷ extending the ban on assault weapons (Plumer 2013),⁴⁸ gun buybacks (Lenihan 2013; Raftery 2012),⁴⁹ and the taxation of guns and ammunition (Berger 2013; Jessup 2013).⁵⁰ Yet the sensible gun laws of our peer countries in the

46 In 2005, Cook, a professor at Sanford School of Public Policy at Duke University, painted a detailed picture of the underground gun market using government surveys of recent arrestees, administrative data regarding violent crime, and interviews with gang members, gun dealers, police officers, school security guards, and inner-city teenagers. But this is a non-starter because criminals obtain guns less in underground markets and more through straw purchases and corrupt licensed gun dealers. Lawbreakers surveyed said if they wanted to illegally obtain a gun, it would take more than a week. Purchasing a gun through an underground market is also more expensive than obtaining a gun legally. A \$100 legally purchased gun is priced from \$250 to \$400 in the underground market.

47 The National Instant Criminal Background System (NICS) database established by the 1968 Act has proved very effective in regulating the 60% of gun sales it actually covers. It enabled 100 million background checks that prevented the sale of 1,5 million firearms to 'felons, fugitives, drug addicts, and the mentally ill ...'. Ammunition Background Check Act of 2013, S 174, 113th Cong (1st Sess 2013). The NRA Members Gun Safety Act of 2012, HR 6725, 112th Cong (2nd Sess 2012), would have made NICS background checks mandatory for all gun sales, a measure supported by 92% of Americans and 93% of Americans *with guns in their households*. However, the NRA continues to block the extension of background checks.

48 The proposed 'Assault Weapons Ban of 2013' aims to broaden the 1994 Assault Weapons Ban on semi-automatic weapons and high-capacity magazines from 18 firearms to 157, to require background checks for the sale or transfer of existing weapons, and to make the 1994 ban permanent.

49 Gun buy-back programmes give gun owners the opportunity to exchange firearms for money, without question, and aim to reduce the number of firearms in circulation. Cities across the country hold local gun buy-back programmes, hoping to reduce the number of firearms on the street. US Representatives Gerald Connolly, D-VA and Ted Deutch, D-FL argue that \$200 million would be sufficient to remove one million guns from the nation's streets. Unfortunately, buy-backs tend to turn up old, malfunctioning guns that pose little danger.

50 A tax on the purchases of guns and ammunition is a 'sin tax', similar to the taxes imposed on cigarettes. Lawmakers hope the tax will deter some buyers from purchasing guns at all, and generate revenue to support gun violence research, mental health research, and gun control programmes and initiatives from those who still do buy guns.

developed world remain elusive (Rogers 2012; Ghosh 2012; Lendman 2012).⁵¹ (Unlike the United States, most advanced countries regulate gun ownership, use and transportation very closely (Palmer 2010).) I believe our culture must change if we want to reduce gun violence drastically in America.

What can we try that's new? Community-based approaches

Groups such as Mothers Against Gun Violence (Anderson, Fifer & Winbush)⁵² and 'One Million Moms for Gun Control' (Watts 2013),⁵³ as well as 'public health' (*The Columbus Dispatch* 2013; Braunstein 2013; Tellawi 2011)⁵⁴ approaches to gun violence address the special problems of the white community – accidents, suicides and mass shootings.

CeaseFire Chicago, on the other hand, is based in an inner-city African American community and responds to the special problems of such communities – gang violence, drug turf wars, and domestic and neighbourhood conflict.⁵⁵ CeaseFire Chicago presents community-based programmes (Industrial Area Foundation nd)⁵⁶ such as outreach to high-risk youth, clergy outreach, safe havens and gang mediation. It also engages in political and legislative action, organising community protests to show resistance to violence, and calling for a faster law-enforcement response to shootings in the community (Grayman-Simpson nd, 1).

51 See, for example, the laws of the European Economic Community which prohibit automatic weapons, regulate semi-automatics and restrict sales to those who have gone through a background check and obtained a gun licence (Council Directive 91/477/EEC, 1991 (EU)); Japan, where most guns are simply illegal; Canada, where gun violence is seven times less frequent than in the United States, its pioneer culture spared the American gun marketing and promotion of the late 19th and early 20th centuries; and Australia, which banned assault weapons and shotguns, tightened gun licensing, and financed gun amnesty and buy-back programmes in the wake of a mass shooting, as an antidote to the American obsession with guns.

52 This was begun in 2003 by mothers in Milwaukee whose sons had been killed in gun violence. The group expanded dramatically in the wake of the tragedy at Sandy Hook Elementary School.

53 This group was also formed in the wake of Sandy Hook. It advocates assault weapons bans, requiring universal background checks, reporting the sale of large quantities of ammunition, and limiting the scope of concealed weapons laws at the state level.

54 Doctors urge the government to treat gun control as any other public health issue, and to respond 'with responsible legislation, as we do for seatbelts, food safety, childhood sports injuries, etc'.

55 United States Department of Justice, Evaluation of CeaseFire – Chicago, 2008.

56 The Industrial Areas Foundation ('IAF') is a Chicago-based national organisation that has engaged in community organising for more than 50 years and has recently begun to turn its attention to gun violence.

The National Association for the Advancement of Colored People (NAACP) has a Smart and Safe programme that repudiates ‘tough on crime’ rhetoric and promotes holistic strategies that reduce violence and victimisation (Rooks 2010). A fundamental principle of this programme is that communities will become safer when trust is built between the criminal justice system and the communities they serve. This programme focuses on providing community-based interventions and treatment in lieu of incarceration, creating alternatives to prison as the default technique for ensuring public safety (Rooks 2010). Excessive spending on prisons to incarcerate adults and youths has only made communities more vulnerable and has done little to make those communities safer. Shifting resources from prisons to educational institutions is a public-safety strategy and an investment in young people for the future (Rooks 2010). If we invested as much money on education and community initiatives that are needed in cities such as Chicago, we could greatly reduce crime rates and the number of young people who are going to jail. The Smart and Safe initiative focuses on educating youths rather than putting them in detention or prison, and calls for politicians to reform ‘war on drugs policies’ and challenge racial disparities in sentencing, addressing the root causes of crime rather than using prisons to warehouse people, even those suffering from addiction and mental health issues (National Crime Victimisation Survey 2009).

St Sabina’s Church (St Sabina Church nd), a predominantly African American Catholic Church located in the south side of Chicago, has developed several ‘community take-back commands’ to prevent violence by working with individuals on their specific issues and vulnerabilities (St Sabina Church nd). One such project requires every firm doing business with the church to employ at least one young person part- or full-time during the summer (St Sabina Church nd). The church also provides workshops challenging young community members to recognise that they can be powerful without making others powerless.

Building a movement

In addition to legislative and political action, we need a strong cultural movement to disentangle masculinity, virility, power and patriotism from gun ownership (Cesca 2012), undoing the damage dating back to Buffalo Bill. Surely there are better definitions of manliness to which our youth, of all races, can aspire, models based on service and character (Harper 2009). Families, friends, schools, churches and service-based organisations all play an important role in building the kind of social capital that can reduce levels of stress, even in the face of high levels of poverty, crime and community disorganisation (Fitzgerald 2005). In every community, regardless of race, we need to project ‘new and more constructive images of masculinity’ (<http://www.sciencedaily.com> 2008), educating our youth to pursue social justice as well as peace.

The American mainstream has gone into periodic uproar whenever violent occurrences have taken place, but after the horrific incident in question, concern has

tended to subside (Van Jones 2013). I have written elsewhere that this type of periodic or episodic engagement is not enough, and that citizens need to build ‘civic infrastructure’ (McDougall 2012) to keep the pressure on government (in this case, to counter the NRA) and on business (in this case, gun manufacturers). Small groups and coalitions can thus aggregate to create a progressive social movement for gun control and against gun machismo and violence (McDougall 2012). New patterns of interacting, problem-solving and organising, and new norms and values can emerge in such a process, reforming that part of America’s ‘cultural DNA’ (McDougall 2012) that has thus far been wedded to firearms and violence.

However, there is something more. Young African American men in this country are angry about their life choices, and they have good reason to be wary. Just telling them to behave and dress appropriately may not be sufficient. Young African American men in America need role models who are not thugs or suits. The problem with *both* these models is that neither is really trying to fight against the racism and injustice that still sully our country’s reputation.

Another role model – the one presented by the young men who were the ‘shock troops’ of the Civil Rights Movement, people such as Stokely Carmichael – is no longer available. Stokely inspired a whole generation of us who saw that one way to be manly – frankly, to poke your chest out – was to fight racism and injustice *directly*. Young African American men today have few such options.

In a *Huffington Post* blog on the 50th Anniversary of the March on Washington, I stated that, like Martin Luther King, Jr, I have a dream (McDougall 2013), but my dream is very different from his. I dream that the Student Nonviolent Coordinating Committee (SNCC) (<http://mlk-kpp01.stanford.edu/> nd) reappears, or something very much like it. I see chapters in high schools and colleges all over the country (not just in the South), spontaneously organising as the idea catches on, drawing in young people from a variety of neighbourhoods and a variety of backgrounds. I have a dream that this will give African American youth a chance to struggle against what is really bothering them – racism, injustice and the denial of opportunity.

I dream of young African American men and women sitting in at police stations where police brutality and racial profiling are rampant. I see them sitting in at prisons where too many African American men have been forced into modern-day slavery in the name of a war on drugs. I see them sitting in at schools and school board meetings in districts where African American children are denied a quality education. I see them sitting in at the NRA for gun control, boycotting banks engaged in predatory lending, and shaming radio stations that broadcast the hate speech of right-wing talk show hosts. I see them sitting in at the offices of the right-wing American Legislative Exchange Council (ALEC) that sponsors and promotes ‘stand your ground’ and voter identification laws. I see them boycotting businesses that spite African American communities and speaking out at ‘town hall’ meetings of politicians who spend too much time with big donors and not enough with the people who elected them. I see them eventually joined

by youths of all races and class backgrounds, who then engage their own communities on their own issues.

I see these sit-ins and demonstrations and boycotts and other ‘direct’ actions as strategically and tactically focused, and of relatively short duration. In both respects, unlike the recent Occupy activities, I also see them as student-run and organised, without allegiance to any existing leader’s or organisation’s agenda.

I dream that in this way the agency and autonomy of the Civil Rights movement, lost when it shifted away from directly confronting racism and injustice, can be recovered. I dream that this will occur not just by marching and demonstrating and sitting in, but by creating a civic infrastructure to hold business as well as government accountable. And, in the process, I dream that African American youths will find a new sense of purpose and engagement that can help them succeed in everything they do.

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ANNEXURE A

Michelle Alexander ‘The new Jim Crow: Mass incarceration in an age of colorblindness’ (available at <http://www.urbanfaith.com/2012/03/trayvon-martin-and-the-myth-of-the-%e2%80%98criminalAfricanAmericanman%e2%80%99.html/>):

‘As we worked through Michelle Alexander’s book over the course of the next couple of weeks, my students began to rethink their assumptions about how post-racial we as a society really are, even in an era of civil rights and [an] African American president. This happened as they began to understand the reality of what Alexander, an Ohio State University law professor, coins the “criminal African American man”. In condensed form, here are the 22 statistics from her book that – cumulatively grasped – served as the scalpel for removing the colour blind scales from my white students’ eyes:

- To return to 1970 incarceration rates today, we would need to release 4 of every 5 inmates. (p 218)
- Federal law requires that states *permanently* exclude anyone with a drug-related felony from receiving federally funded public assistance. (p 153)
- Inmates work in prison for less than minimum wage, often for \$3 an hour but as low as 25 cents an hour, even though child alimony and other payments continue to accrue. (p 152)
- In the past 25 years, multiple fees have been added for those awaiting trial. These include jail book-in fees, jail per diems to cover “room and board” while awaiting trial, public defender application fees, and bail investigation fees. (p 150)

- Post-conviction fees include public defender recoupment fees, work-release program fees, parole fees, probation fees. Example: Ohio courts can order probationers to pay a \$50 monthly supervision fees as a condition of probation. (p 150)
- Four of five drug arrests are for possession, not sales, of drugs. (p 59)
- More than 31 million people have been arrested for drug offenses since the drug war began. (p 59)
- There were 3 000 SWAT deployments a year in the early 1980s, but 30 000 by 2001. Driven by federal grants based on arrests, special tactic teams often act in military fashion as they “blast into people’s homes, typically in the middle of the night, throwing grenades, shouting, and pointing guns and rifles at anyone inside, often including young children”. (p 74)
- Forfeiture laws (which allow local police departments to keep a substantial portion of seized assets and cash) are frequently used to allow those with assets to buy their freedom, resulting in most major kingpins getting short sentences or no sentences while small-time dealers or users incur long sentences. (p 78)
- Tens of thousands of poor go to jail each year without ever having talked to a lawyer. In Wisconsin, 11 000 indigent people go to court without legal representation since anyone who earns more than \$3 000 a year is considered capable of hiring a lawyer. (p 83)
- Prosecutors routinely “load up” defendants with extra and questionable charges to force them to plead guilty rather than risk longer prison sentences resulting from the trumped up charges. (p 86)
- Some federal judges have quit in protest over minimum sentencing laws, including one conservative judge who quit after being forced by minimum sentencing requirements to impose a five-year sentence on a mother in Washington, DC, convicted of “possession” of crack found by police in a box her son had hidden in her attic. (p 91)
- Most people convicted of a felony are not sentenced to prison. In 2008, 2.3 million people were in prisons and jails, but another 5.1 million were under probation or on parole. (p 92)
- Even those convicted of a felony for a small amount of drugs are barred from public housing by law and made ineligible for feed stamps. (p 92)
- By 2000, about as many people were returned to prison for parole violations as were admitted to prison in 1980 for all reasons. One can be returned to prison for any number of parole violations, including being found in the presence of another convicted felon. (p 93)
- “Although the majority of illegal drug users and dealers nationwide are white, three-fourths of all people imprisoned for drug offenses have been African American or Latino.” (p 97)
- White young people have three times the number of drug-related emergency room visits as do African American youth. (p 97)

- In 2006, 1 of every 14 African Americans was behind bars, compared to 1 of every 106 European Americans. (p 98)
- A study of Maryland highway stops found that only 17 percent of drivers along a stretch of I-95 outside of Baltimore were African American, but African American people comprised 70 percent of those stopped and searched for drugs. This was the case even though the study found that whites who were stopped were more likely to be found actually carrying contraband in their vehicles than people of color. (p 131)
- States typically have mandatory sentencing for drunk driving (a statistically “white” crime with 78 percent of arrests being white males) of two days in jail for a first offense and two to ten days for a second offense, but the “African American” crime of possessing even tiny amounts of cocaine carries a mandatory minimum sentence of five years in federal prison. (p 201)
- White ex-offenders may actually have an easier time gaining employment than African Americans *without* a criminal record. “To be a African American man is to be thought of as a criminal, and to be a African American criminal is to be despicable – a social pariah. To be a white criminal is not easy, by any means, but as a white criminal you are not a *racial* outcast, though you may face many forms of social and economic exclusion. Whiteness mitigates crime, whereas African Americanness defines the criminal.” (p 193)

The one statistic, however, that finally broke through the rural white Midwestern defences was this one: “Studies show that people of all colors use and sell illegal drugs at remarkably similar rates. If there are significant differences in the surveys to be found, they frequently suggest that whites, particularly white youth, are more likely to engage in drug crime than people of color” (p 7).’