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# Killing The State: The Cultural Afterlife of Edward Byrne

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**KILLING THE STATE: THE CULTURAL AFTERLIFE OF**

**EDWARD BYRNE**

by

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## ABSTRACT

### KILLING THE STATE: THE CULTURAL AFTERLIFE OF EDWARD BYRNE

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The death of a police officer provides us a chance to understand our current histories. As something tragic, the bodies of officers killed in the line-of-duty gain national attention. On display at police funerals is the enormous power of the state, as thousands of officers escort the casket, while helicopters and SWAT, accompanies the body to its final resting place. Following the officer's death is a nation's grief. As bills are passed in their honor, and weeks are named for those lost, the nation responds to such acts with general anger and disbelief. The killing of a police officer, generally, comes as a surprise, shocking an apathetic population into a groundswell of rage and anger at those held responsible. Engaging the political power of death, this dissertation analyzes the deaths of police officers as defining, and spectacular, events for the state. Focusing on the death of a New York City Police Officer Edward Byrne, killed in 1988 at the height of the "crack epidemic", the aim here is to show how a police officer's death reveals the unequal politics of death in the contemporary US. An unequal nature that is, in fact, understood by the hierarchical status of life as defined by the state. Furthermore, I look towards a thanatopolitics, a politics of death, to understand the ways in which Byrne's death operated as a productive power for the state while subjecting marginalized communities and peoples of color to police power's tactics of pulverization. The first of two substantive chapters draws on the narrative of Byrne's death, as one "occupying a chilling and solitary niche", that made possible a thanatopolitics that supported new tactics of police power in New York City. It is within these

new tactics and the continued remembrance of Byrne's death that makes the justifications of the killing of marginalized people, like Sean Bell, possible. The second chapter connects the federal grants named after Byrne, the Edward Byrne Memorial Assistance Grants, to the use of SWAT raids and no-knocks as a means of rationalizing thanatopolitics as techniques of pulverization. Ultimately it is argued, that Byrne's death and likewise other similar deaths, mobilize the state's power and reaffirms its violence as necessary.

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This dissertation is dedicated to Rex and Lucille Polly.

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## TABLE OF CONTENTS

Chapter	Page
1. INTRODUCTION .....	2
1.1 WHO WAS EDWARD BYRNE? .....	6
2. THANATOPOLITICS AND THE REANIMATION OF THE STATE.....	10
2.1 EXPOSURES TO THANATOPOLITICAL POWER OF THE SOVEREIGN/CRITICAL LEGAL STUDIES.....	10
2.2 REANIMATING THE STATE AND FABRICATING ORDER .....	17
2.3 POLICE POWER AS DEATHLY POWER: DEATHLY POWER AS POLICE POWER .....	19
2.4 THANATOPOLITICS: POLICE POWER AS DEATHLY POWER.....	23
2.5 METHODS .....	34
3. DEATHLY POWER AS POLICE POWER.....	43
3.1 EDWARD BYRNE .....	46
3.2 HAUNTED BY THE MEMORY OF A COP .....	57
3.3 THE THANATOPOWER OF EDWARD BYRNE: THE THANATOPOLITICS OF SEAN BELL .....	63
4. KNOCK KNOCK, “WHO’S THERE?” ME, PULVERIZATION .....	70
4.1 WHO’S THERE? .....	70
4.2 THANATOPOLITICS OF NO-KNOCKS .....	73
4.3 THE “HUMAN DIMENSION” OF BYRNE’S DEATH .....	80
4.4 EXIGENT CIRCUMSTANCES AND REFUSING TO KNOCK .....	86
4.5 DEALING DEATH TO MAKE LIVE .....	94
5. KILLING US SOFTLY .....	99
5.1 RECENT LITERATURE ON POLICE DEATHS AND POLICE VIOLENCE .....	100
5.2 RECLAMATION OF THE POLITICS OF DEATH .....	105
5.3 REFUSE TO ORDER, AN URGENCY TO THINK .....	109
REFERENCES .....	111
VITA .....	129



*Not even the dead will be safe from the enemy, if he is victorious. And this enemy has not ceased to be victorious.*

--Walter Benjamin, *On the Concept of History*

## CHAPTER 1

### INTRODUCTION

Following Ismaaiyl Brinsley's ambush and murder of New York City Police Officers Rafael Ramos and Wenjian Liu in 2014, President Obama signed into law a National Blue Alerts system – a bill so widely endorsed that it passed both the Senate and the House with only a vocal vote. Similar to the nationwide Amber Alert system, the Rafael Ramos and Wenjian Liu National Blue Alert Act of 2015 requires not only instant nationwide alerts of police officer deaths, but also serves to warn of threats to officers' lives and aids in tracking down those suspected of carrying out the threats. The appearance of death, here spectacular, creates the necessity to respond politically (Povinelli, 2008). President Obama, surrounded by the grieving family members of Liu and Ramos, emphasized the importance of such an initiative when he proclaimed,

It's important for us not only to honor their memory, it's also important for us to make sure that we do everything we can to help ensure the safety of our police officers when they're in the line of duty (Fabian, 2015 May 19).

In signing this bill, President Obama supported the growing refrain, *blue (police) lives matter* and that an infrastructure would be in place for all Americans to play an active role in keeping them safe from harm.

Lost in the press following President Obama's signing was that not only had Brinsley killed his girlfriend, but after killing the three victims, had fled into a subway and killed himself. Instead, the narrative focused on the connection between Brinsley's ambush and the highly publicized deaths of Michael Brown and Eric Garner by police officers. Placed in the larger national dialogue, Brinsley's attacks shed light on the growing discord between law enforcement and the grassroots Black Lives Matter movement – the movement attempting to make “visible”

the violence and lives taken by the police. Losing Officers Ramos and Liu, in this context, set forth an angry swell of support for “Blue Lives Matter,” a movement reminding us of the bravery police officers possess by the simple virtue of their jobs. President Obama’s signing, then, was an attempt to appease the growing discord and antagonistic rhetoric that has come to follow these fatal encounters. Yet, support for the bill suggests a nonpolitical response to a spectacular event; it implies that a far more nefarious environment is out there making it possible that some would target law enforcement officers simply because of their job. What results from measures to protect the police – the ones with the legal rights to violence – is a bifurcated process in which threats and violence directed at police originate in a misplaced political belief, whereas the legality of violence police officers are equipped with becomes a non-political measure of protection. With the families of Liu and Ramos as President Obama’s backdrop, the signing of this bill is seen as a non-political alternative to the (spectacular) death of a police officer, an alternative designed to help stem the tide of police officers’ deaths and provide further protection for their livelihood. This explains why in today’s political climate passing such a bill through a vocal vote makes so much sense. However, grieving the loss of police life, the signing of bills that look to protect officers nationwide, and other tactics of mourning *are* indeed political. Understanding the death of police officers as non-political, in fact, places a certain taboo on death that helps to maintain clear distinctions between life and death. Discussing the death of a police officer in this manner makes it all but impossible to see those left exposed to death at the hands of the state and the officers of its law.

Take for instance the recent series published by *The Guardian*, “The Counted.” Bringing attention to the lack of official transparency involving the use of lethal force by United State police officers, Jon Swaine and Ciara McCarthy (2016, April 13) report,

Officers involved in one in every six deaths recorded during the first quarter of 2015 have a year later been cleared of wrongdoing and returned to work despite no announcements being made by authorities or local media reports appearing.

Despite the recent upsurge in attention paid to police killings, the vast majority of the 1,146 people killed by US police in 2015 have already faded from the public's attention. Justified by the histories of race and class domination central to US cultural, the scene of the crime is washed away from the public's eye. In other words, "regional authorities often allowed cases involving killings by police to be forgotten" (Swaine & McCarthy, 2016, April 13). There is no press release, no local media reporting, and no policy requiring an announcement (*ibid.*). What is more, of the roughly 1,146 cases of police killings in 2015, only seven have resulted in charges; and, not one has been convicted for an on-duty death (King, 2016, January 5). Unlike the deaths of police officers, like Ramos and Liu's, there is no public celebration for those families who have lost their sons, daughters, fathers, mothers, aunts, uncles, sisters, and brothers at the hands, restraints, Tasers, batons, and jails to police officers across the country. And just like the lives killed at the hands of law enforcement officers, these families, too, are forgotten. This unremembering is more than accidental inattention, but rather, part of the state's power to create a means of livability for certain populations based on their exposures to legally justified death. What occurs is the state's power, acting through the dead body of a police officer, to make unrecognizable the death (and lives) of those most commonly on the business end of police power. As such, any reading of dead police officers must make visible the very political fact that death presents a notion of what life is, defined, in turn, by the nation who mourns it.

While the loss of life, on any occasion, is traumatic, what we see in this example is an unequal exposure to death. The symbolic communications associated with dead police officers, the news representations, and the unrelenting presence of the images of memorialization

continue to (re)structure state power. As the website PoliceOne announces, Heroes [Ramos and Liu] Live Forever!<sup>1</sup> This sort of enshrinement, which occurs at numerous locations across the cultural record, propels new techniques of law enforcement designed to prevent the loss of officers' lives; at the same time, Brinsley's girlfriend, Michael Brown, and Eric Garner, and the long list of those dead at the hands of police power wane from national memory. What becomes obvious is that those exposed to techniques of police power live an existence defined through their very exposures to political power mobilized by police deaths. That is, while exposures to death are unequal, such exposures tell us a far more complex story than simply addressing that of imbalanced cultural representations of deaths; rather, the exposures to these representations of police deaths make visible those bodies exposed to death through police power. It should come as no surprise to anyone reading this that the productions and distributions of "life, its qualities, vitalities, and borders" are neither even nor equitable (Povinelli, 2008, p. 520).

To show the deathly power of the state, I look to the murder of New York City police officer Edward Byrne. This is a murder that makes visible the fact that death in modern culture is indeed political, none more so than a police officer's. As political, Byrne's death operated as a means to define boundaries of improper and proper life while reanimating the state's power to operate through the very bodies of police officers. Death, in this sense, possessed a power to make life for the state. In this way, the death of Byrne, made possible exposure to death, and in doing so, made possible the (re)fabrication of liberal state order. What becomes apparent through both – those bodies exposed to death and the exposures to the representations of death – is that modern power can be understood through an analysis of the current state of death (Noys, 2005). Exploring the death of Byrne requires us to analyze the politics of death; in doing so, we are also able to come to grips with how life becomes defined by those exposed to this police power. In

<sup>1</sup> "HEROES LIVE FOREVER" PoliceOne.com.

other words, the definition of death, I will argue, depends on the definition of life – the meaning of life as defined by the state. While the death of Edward Byrne provides a case study for the analysis of the state’s thanatopolitics, such an undertaking must remain focused on the generalizability of police officers’ deaths as a means of both exposing and reanimating. Understood as a political death, exposures to Edward Byrne’s death help highlight a general logic that defines the boundaries from which we can process the loss of an officer’s life. By making visible the political power of a police officers death, then, allows us to take up the question of what it means to live in a world in which the loss of the police officer is clearly placed so much higher than those lives taken by the state’s constant attempts to confirm its own power.

### **1.1 WHO WAS EDWARD BYRNE?**

Violent drug dealers in South Jamaica, Queens, assassinated Officer Edward Byrne on February 26, 1988. In analyzing the exposures to Officer Byrne, I address the fact that this is not a system that condones such violence, or a system that allows the unaccounted violence of police; rather, this is a system fabricated through and by the very means of violence enacted by the actions of those honoring the badge. Byrne’s death offers the opportunities to address an ideological frame that closes alternatives and legitimizes state violence.

Murdered drug war execution style, the young rookie police officer became a symbol of the brazen new drug war in New York City. Yet, Edward Byrne became something much more than a symbolic figure; the images of his death and the photos of the violent Mafioso like hit captured and reaffirmed the growing fears of a society on the decline, of an organized and violent drug culture taking over – hard proof of impending doom. Images of the shattered

windows of the police-issued Caprice Classic intimated for viewers the ghastly event, and the lone memo book resting on the dash with a busted bullet casing established a particularly macabre finality to the scene. Such photos were seared into the social imagination arguably reaching far greater a scope than most deaths experience. Likewise, images of Byrne's funeral procession, including the lines of uniformed cops (counted at 10,000) weaving through the city, revealed a nation captured by the officer's death and a lasting reminder of police power (see Associated Press, 2012 for the related images). Byrne, as Mike McAlary (1992) recalls, was "an anonymous cop in a city of 27,000 blue uniforms, but by first light, he would belong to the nation" (p. 3). President Ronald Reagan's personal call to the Byrne family offering condolences and Presidential nominee George H.W. Bush holding on to his badge through the 1988 presidential trail (Messing, 2014) reflected a nation in mourning. The US became a nation in outrage.

Byrne's shocking execution "turned the corner on everything we [the NYPD] were doing," serving "to mobilize this city, and this community, and perhaps this country in a way that nothing else has done," announced, then, Police Commissioner Benjamin Ward (Griffin, 2014). What we see is that Byrne's death took on a life of its own, acting as a harbinger of state violence for harsher policies that would see police "take back the city" from the corroding forces of drugs and violence (Stelloh, 2013). And, in the continued remembrance of Byrne's death, whether it be through memorialization by national newspapers such as *The New York Times*, through the parole hearings of his murderers, or simply by the discursive power still attached to his name today, we see that not only was his corpse invested with life then, but maintains a certain state power to this day. Which is to say, the state still maintains control over his death.

Byrne's murder helped usher in the creation of NYPD's Tactical Narcotics Teams (TNT) and the Street Narcotics Enforcement Unit (SNEU). Importantly, these were specially trained teams geared towards fighting this war one street-level buy-and-bust at a time. Intended to be "very, very aggressive in cleaning the drugs out of the neighborhood" (Stelloh, 2013), these units would be the vanguard against the war on drugs. Later, Byrne was honored on the congressional floor through the renaming of the Anti-Drug Act of 1986 and the Omnibus Crime Control and Safe Streets Act of 1968 to the Edward Byrne Memorial Justice Assistance Grant. This Memorial Grant became a program that directs funding to local law enforcement agencies with the goals being to enhance officer training, technology, and equipment. Assured remembrance, recreation buildings, local streets, schools, and parks represented Byrne's name "as a monument to Officer Byrne's life work" (NYC Parks, 2015).

Yet, what made Byrne's death such a productive act? In New York City alone there were 1,896 deaths that year, and 2,167,999 total of that across the United States, the highest number of deaths recorded at that time (CDC, 1991). What made his death exceptional amongst the millions? Two other New York City police officers died that year by gunfire: Officers Michael J. Buczek and Christopher G. Hoban, partners attempting to arrest two suspects on drug charges were gunned down as well. What of the 78 other officers of the law across the nation who lost their lives due to gunfire that very year? What was it about his death that would usher in such aggressive policing strategies in those communities associated with drugs and violence?

As such, this project looks not to interrogate the biography of Officer Edward Byrne, but rather to examine how state power operates through the death of one of its state agents in three important ways: first, how did the state appropriate Edward Byrne's death from a private issue to a public issue; second, how did such discourse emphasize a certain nationalism that would usher



in and maintain a current present where certain communities are disposable; and third, how, in (re)appropriating Byrne's body, did the state achieve and disavow the very law-making violence commonly experienced by those marginalized communities and populations that have spurred decades worth of spending on police and prisons? The answer lies somewhere in the understanding of death, state agents, and the means by which power can be harnessed by way of the dead. The answer, then, lies in re-appropriating Byrne's death from the state's discourse.

## CHAPTER 2

### THANATOPOLITICS AND THE REANIMATION OF THE STATE

#### 2.1 EXPOSURES TO THANATOPOLITICAL POWER OF THE SOVEREIGN/CRITICAL LEGAL STUDIES

Understanding crime control has largely focused on the current turn towards US punitiveness. Researchers have focused on a myriad number of explanations as to why the United States has not only seen its incarceration rates soar, but also on how we as a public have become punitive. Some have focused on the political developments of the 1960s as the site where this turn began (see Zimring et al., 2001; Tonry, 2004). Jonathan Simon (2007) marked the election of President Lyndon Johnson and his “war on crime” as the duplicitous transition towards a “criminal-versus-victim” dynamic that would come to dominate both sides of the political spectrum. Marie Gottschalk (2006), on the other hand, notes the deeply bi-partisan approach towards tough-on-crime policies that involved not simply the War on Drugs but all-around tougher policies focused on harsher punishing. Her argument stresses the populace’s general need to punish criminals more severely as helping usher in such retribution. Others have looked towards the symbolic exposures to the criminal as an explanation. While criminology has addressed the larger structural problems of social anxieties and fear of disorder, death, and physical death of state agents in particular, remains a topic often side-stepped.

In *Visions of Social Control* (1985), Stanley Cohen traces the apparent changes and reforms in social control, broadly defined and understood. Furthermore, through five major schools, Cohen critically lays out the ways in which these changes have been examined. By not only helping to situate this research, but by also providing the mechanisms (foils) to speak against, Cohen provides an excellent format to add to criminology. Starting from what Cohen has

labeled as “political economy”, this dissertation speaks towards the interest of the powerful and the needs of capitalism as the predominant functions of social control. These changes in social control have been well documented. Marxist criminologists such as Richard Quinney (1973; 1977) and Randall Sheldon (2001) have brought attention to the techniques of social control as having historically been organized around the capitalist state’s needs to maintain and manage surplus populations. Institutions built around the criminal justice system (e.g. prisons, police, law) have helped maintain control over those classes deemed dangerous (Sheldon, 2001). Looking to illustrate the racial dimensions of the political economy of punishment, Loïc Wacquant (2009), sees certain aspects of social control as mechanisms of repression directed upon the poor at the intersections of race, finding that the historical institutions of social control line up closely to the continued regulation, criminalization, and general control of racial minorities. We can take from these authors that under the guise of equality the criminal justice system has, in fact, been created for the sole purpose of policing and punishing the poor, and more recently punishing poor communities of color disproportionately.

Maintaining a “political economic” approach to social control (see Cohen, 1985), I add to this literature by focusing on the death of a police officer. As put forth previously, death structures political life in terms of aversion and desire. The death of a police officer sits at the top of the unequal pyramid of exposure to death. These corpses afford an opportunity to pull back the mask on the underlying systems of a larger ideological frame that normalizes state violence and conceals the fundamental inequalities of the capitalist state.

In the following, I bridge two different literatures to make visible the political power of death. This specific power operates through death as a political means through which boundaries of proper and improper citizen are distinguished while simultaneously justifying the very

violence this process requires. Drawing from both critical studies of police power and a biopolitical framework I look to expand the conceptual tools of criminology in ways that make possible a critical understanding of police power as productive power. Lastly, I will conclude with the methods and layout of the chapters.

### 2.1.1 Deathly Anxieties and Social (dis)Order

Moving against this literature, I also look to maintain a structurally affective theory, one that incorporates how politicians and state bodies of social control further the interests of the state. They do so by imploring entrenched police logics to understand and support the fabrications of the state's own order – mainly through death. Important here, is that death operates within a field of insecurities, both symbolic and real. The differing forms of social control have long been connected to the cultural forces of fear, insecurity, and anxiety. Writing about this “criminology of the other”, Simon Hallsworth (2000) notes how the “trading in stereotypes and demonized images of the criminal ‘other’” plays a necessary role in the current state of social control (see Garland, 1991). Here, images, anxieties, and rhetoric dominate the logics of social control. Social control, it seems, is influenced by emotion. For Hallsworth (2000), this fearful form of populism can help us fathom the dramatic exhibitions of violence that have become the criminal justice system. In laying out the symbolic politics of this form of social control, Tim Newburn and Trevor Jones (2005) show how the presidential campaign of George Bush in 1988 was able to take the deep-seated fear of the ‘criminal other’ and play it to victory. The use of Willie Horton as the dangerous (and black) other played upon the fears of the populace at a time where drugs seemed rampant and security seemed far from assured. Noted by Hurwitz and Peffley (2005), the “racialized criminal other” is still made use of today, oftentimes

in language that does not strike directly at the senses (Hurwitz & Peffley, 2005). For Wacquant (2009), these same insecurities stem not simply from the fear of the ‘criminal other’, but rather from the social insecurities that took shape in the early 1970s as the neoliberal market began to push out jobs and disrupt the social stabilities of the post-Fordist era.

What some authors have noted is that the emotional responses to crime, this “new punitiveness” (see Pratt, 2000; Hallsworth, 2002) can be attributed, not just to forms of social control, but that such emotions can be attributed to an ontological insecurity based on the profound anxiety and insecurity produced by the flexibility of the labor market (Bauman, 2000).

What Jock Young described as the “precariousness of being” (Young, 2007, p. 3), encourages

Repeated attempts to create a secure base. That is, to reassert one’s values as moral absolutes, to declare other groups as lacking in value, to draw distinct lines of virtue and vice, to be rigid rather than flexible in one’s judgments, to be punitive and excluding rather than permeable and assimilative (Young, 1999, p. 15).

For Young, (1999) such experience can be categorized as “a sense of insecurity, of insubstantiality and of uncertainty, a whiff of chaos and a fear of falling” (p.12). As a number of authors have pointed out, these anxieties have articulated most profusely when exposed to death’s unwanted presence. Coupled with a “perfectly timed” political arena “aimed at marshaling fear and racial animus with the spectre of ‘violence in the streets’”, such anxieties find root in the American psyche (Linnemann, 2015, p. 518). The same can be said of zombie attacks and state violence (see Linnemann, Wall, & Green, 2014).

These “existential anxieties” (Van Marle & Maruna, 2010, p. 8) not only offer insight into punitive attitudes, but rather, this macrosociological thesis becomes paramount when studying the deaths of police power. The visibility of police officers deaths suggest a certain

resonance – or perhaps, those killed by officers are simply too hard to keep up with.<sup>1</sup> In other words, police officers are remembered, memorialized in ways that those killed by police oftentimes simply are not. In receiving nationwide attention, police deaths, and particularly their funerals, suggest that such events possess a certain spectacular form – at least outwardly. Furthermore, the countless articles regarding the “turnout” and the “mourning of slain police officers” suggest that police officers do, in fact, elicit a reaction. Mayor Evelyn Winn-Dixon of Riverdale, Georgia’s recent expressions of grief over the loss of Officer Greg Barney as “a monumental loss for our city” clearly sums up the general political attitude to police death (11Alive Staff, 2016, February 11). Such loss provokes fear, fear amongst officers, the public, and the politicians who have continuously stumped for tough-on-crime legislation for the better part of the last century. This can best be seen in the saturation of political rhetoric depicting a war on police, a direct response to movements like *Black Lives Matter* and the “hands up; don’t shoot” narrative that spoke out against police violence experienced and forgotten. While the war on police has largely been discredited statistically, based on large part to the superb tracking of police officer deaths (Ferner, 2016), it still maintains its divisiveness as books like *Ferghanistan: The War on Police* (2015) liken the rise in narratives protesting cop violence to actual experiences of violence felt by police officers. This war on police, nonetheless, offers us an understanding of the general mourning and attention paid to the deaths of police officers. What we see is that such deaths are qualitatively different. The unambiguous deaths of officers are bound up by a “national-political fantasy” in a way that other deaths simply are not (Shields et al., 2014, p. 427). As sensually constructed spaces of contact, these deaths resonate with the nation (Linke, 2006). This war, then, shows a clear economy of

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<sup>1</sup> Counted as far back as 1791, the data broken down by year, state, assaults and injuries and an offer of the fatality report indict that police officers are, indeed, counted; see the National Law Enforcement Officers Memorial Fund, their motto: “Respect, Honor, Remember.”

power in which some subjects are deemed legitimately memorable and some are not (Bednar, 2013). In appearing to be spectacular, such events create an apparently necessary and ontologically ethical response (Povinelli, 2008), dividing between security (police) and insecurity (the criminological ‘other’). It is within this false binary that we see the justifications for violence and rationale for intervention (e.g. police control) (Young, 2007).

Resulting from the dead bodies of police officers is the creation of a political atmosphere based on the plaguing insecurities of the loss of security (e.g. in the very real form of the dead police body). For instance, in his analysis of methamphetamine specific legislation in the rural Midwest, Travis Linnemann (2013) has shown how the murder of a police officer, unscrupulously linked to the drug by savvy politicians, served as a touch stone for broader fears and anxieties and accomplished a number of related political tasks, the least of which were the passages of new bills, the bolstering of political careers and the further funding and armament of small town police. Setting divisive lines, the corpses of police officers strengthen arguments of a “war” against them, which in Linnemann’s case were “meth heads”, but if we take our lead from Mark Neocleous (2016) the “them” in question is always universal, *the enemy of all mankind*. A war now taken as a common political theme intent on making “blue lives matter.” This divisiveness is not simply formed from the threat of the “criminological other” that suggests an ontological insecurity, but rather the loss of security materialized by the haunting presence of the dead officer. In other words, we fear for our lives, and thus reassert our moralistically imagined values. Such values align with the bourgeois order of the state (Neocleous, 2000). Yet, it is not just the threat to our lives that sparks such divisiveness; rather the spectacular event of the police funeral and the subsequent mourning of life lost suggest that there is something far more

precious being lost here. Police funerals suggest that the anxieties against which humanity have to be protected from are threatened by the very real form of the corpse.

If, as Kristian Williams (2007) writes, police act to maintain social order, then the death of a police officer becomes a stand-in for a far larger ideological mechanism—the loss of social order. In dealing with death, the roles performed by the officer function as a policing method in and of themselves. Policing, as such, must be understood in the broader terms as a mechanism for the fabrication and maintenance of capitalist social order (Neocleous, 2000). The officer plays a vanguard role in sustaining the massive economic, political, historical, and social logics that function as the state (Neocleous, 2000). And much like the soldier's death, the police officer's body is continuously exposed to the culture of politics (Bauman, 2004). Killing a police officer prompts a disruption of these ordering logics. The dying body is not simply a police officer's death, but a symbolic threat to the body politic itself (Neocleous, 2003).

The spectacular event of a police officer's death can be understood as part of a constant, “flowing magma of normalized anxiety that erupts into extreme concern during unstable periods” (Hall, 2012, p. 137). What happens with the loss of police life is that we are again confronted by the precariousness of our own existence. The emotional response, then, becomes a justifiable fear, but perhaps, too, a justifiable anger. It is important, though, to note that this fear is not the “fear of crime” perception that criminology tends to address (see Lee, 2007); and thus it is not simply a punitive anger. Instead, this insecurity finds itself articulated as a fear of the break between subject and the socio-political order. As a stand in for social order, any challenge is a sign of social disorder (Neocleous, 2000). For Žižek (1989), this insecurity is an insecurity of the confrontation with the Real in its obscene presentation (Hall, 2012). The rituals of mourning, like the performances of the police funeral, exert specific political meanings by marking the



conditions of existence within the state (Castronovo, 2001). Being exposed to the dead police officer forces a confrontation of the official ideology. No longer capable of demarcating and disavowing the Real, we are left without our cynical acceptance of official ideology (Hall, 2012).

As Castronovo (2001) explains,

As both corporeal fact and political metaphor, death produces bodies whose materiality disturbs the impersonality of citizenship, but whose removal from sociopolitical life also idealizes the unhistorical and abstract nature of state identity (p.1).

As quickly as this presentation appears, we resort back to the resentments and hostilities seen in the reactionary form of the “criminological other.”

It is through this break in ideology that we can confront the underlying system reproducing these emotions. Not only is this break important in challenging the underlying systems, this break makes possible the exposures to dead police officers as a form of productive power for the state. The state and its citizens are mediated by a “necrophilic conjunction” of aversion and desire (Castronovo, 2001, p. 8). The fear of the collapse of the state creates, in turn, a longing for a supportive, and thus inactive, citizenry, while the stable existence of the state continuously requires death as a means to produce its own existence. What we see with the police officer’s death is that the corpse offers that possibility for the state to produce its own continuation, promising “a more perfect, resurrected body” upon initial destruction (Thacker, 2011, p. 151). That is, this break reanimates the state.

## **2.2 REANIMATING THE STATE AND FABRICATING ORDER**

As Lynn Cooper and his colleagues write, “no social order is held together solely by physical coercion” (1975 p. 145). The actual death of a police officer, the coercive arm of the state, acts as a hegemonic means of internalizing the logics of the state. Exposure to police

deaths are but one of these means by which citizens acquire this statist imaginary. For the state, death is the always-present force that enables its own life (Campbell, 2011). In this way, we can begin to think of death as a productive power, as a power that makes ‘state’ work possible (Neocleous, 2012). We can see that the exposures to police deaths help to fabricate a social order, to “disperse...the mythical entity called ‘security’ through civil society, and ... stabilize the order around the logic of peace and security” (Neocleous, 2014, p. 34). For the state, appealing to the suffering of the police officer’s body validates the political claims that are made in response to this suffering (Neocleous, 2014). It is the ability to make such claims that both resonates and raises (again) the powers of the state. Importantly, the exposures to police deaths do not simply remake the state in the light of these (now) past exposures but, instead, make possible the coming preparation of future trauma. Thus, making possible a *re-animation* of the state, an order born again in a new light equipped (now) to deal with future exposures to death – what this is, is nonlife (the corpse) animating life (Shields, Newman, & McLeod, 2014).

### 2.2.1 Exposing the Legitimizing Power of Death

Death, then, can be thought of as a mechanism of social policing: a way of ordering the world through death (Neocleous, 2003b). Exposures to death are part and parcel of a state power that looks to operationalize death as a means of control. The police not only operate as a key mechanism for masking the insecurities of modern society through its power to fabricate a statist order, but by reaffirming this order such power also operates to produce an ontology of violence that becomes legitimate (Wall & Linnemann 2014). For example, Travis Linnemann, Tyler Wall, and Edward Green (2014) confront the reaffirming powers of death through the body of Rudy Eugene, shot dead by police on a desolate Miami causeway while attempting to eat the face of a

homeless man. Through the cultural monstrosity of a zombie apocalypse, the discursive articulation of the effects of a certain concoction of drugs (e.g. the eating of brains), and the representation of the Other, we are exposed to a form of death in which state violence – particularly police killings – are disavowed or even necessitated. As such, the killing of an unarmed man by police officers became a means of orientating state power over the post-apocalyptic, non-state world, while confirming the need for police violence. Here, the anxieties surrounding “zombies” disavow police killings, yet this very same logic can be seen when violence is taken out on police officers.

The violence directed against police officers highlights the aspect of this logic by turning back onto those looking to harm the police. Not only is the state reanimated, but the very violence of police power is legitimized and justified as it is brought back in this process of reanimation. The fabrication of social order can be, once again, most starkly considered when we analyze our very own exposures to the death of police officers, those killed in the line of duty and the policed ways in which we see the killer (e.g. as a cop-killer). To understand the exposures to death it is best to look towards how this bifurcated exposure occurs. In so doing, we not only see the ways in which police power works to fabricate order, but in the legitimation of violence, we also see how such deaths expose certain populations to death.

### **2.3 POLICE POWER AS DEATHLY POWER: DEATHLY POWER AS POLICE POWER**

As I have previously laid out, the murder of a police officer is a violation of law and a stand in for a Social (dis)Order. We can turn to the murder of Jersey City Officer Melvin Santiago by a young black man named Lawrence Campbell in 2014 to highlight the very

distinctions that I look to address. Lawrence Campbell shot Officer Santiago after 911 calls claimed an armed man was holding up a local convenience store. Officers responding to Santiago's call would kill Campbell in the subsequent shootout. Important here are the actual exposures to death. For Officer Santiago, thousands of police officers accompanied by an honor guard of officers dressed in militarized outfits, a Tank, and helicopters would look to pay tribute to his life; while somber political figures questioned how "human life [was] so cheap today" – expressing a form of "trauma talk" (Neocleous, 2014). Striking, though, is the response from Campbell's wife, Angelique Campbell, who found it hard to grieve for the officer's life while simultaneously grieving for her husband. After sharing her concern for the officer's family, Angelique put it bluntly: "at the end of the day, [Lawrence] got a family, too. All they care about is the officer" (Mongelli, Valentine, & Golding, 2014).

The general anger directed at Ms. Campbell's grief make visible the clear economy of death, and the role that the death of a police officer plays in reanimating the state. Falling on deaf ears, her "inflammatory" comments would be used to call into question her mental state (*ibid.*). Sidewalk shrines, mourning the death of Campbell, were quickly torn down and broken-up by disgusted police officers and politicians. Neighbors of Campbell, however, were quick to support her comments; it was obvious to them that when a shooting like this happens police suddenly flood the streets of the predominately black neighborhood (Mueller & Santora, 2014). Here, the death of Melvin Santiago turned protest of violence into illegitimate and inconsiderate actions by those who were no right being angry.

This example lays bare two specific and intricately connected exposures to death: deathly power as police power and police power as deathly power. Exposures such as this, not only fabricate and reanimate a certain order, but also make possible that very order. First, we see how

the exposures to death of some reaffirm the power of the state to shape social order – deathly power as police power. Serving to fabricate a bourgeois order, this process operates on the basis of identifying and subsequently exterminating threats to that order (Wall, 2016). To double-back on our ideas of the reanimation of the state, then, we can fully understand how non-life makes possible the life of the state. The state, through very visible and vocal grief, ideologically offers the solution to such exposed securities through its own monopolization of physical force via law and its enforcement officers. Police power, in “a constant war against ‘enemies of order’” (Neocelous, 2014, p. 14), operationalizes the very death of one of their officers as a means of exposing to their power those bodies that accentuate disorder. We can understand deathly power, in this context, as police power.

While revealing those most likely to experience police power, the second “exposure” manages to shape human subjectivity through legitimate means of dispensing the state’s violence (Neocleous, 2000). By forming the threat to the order of the state, those made subject to police power highlight my alternate point – police power as deathly power. The power to subject populations to such violence completes the circle that is the state’s deathly power (*ibid*). The visibility of police deaths leaves open the possibility of unmasking the state, a perception that sees the police as a key mechanism of its power (see Agamben, 2000) and as a means of terror.

Important here is the legitimation of police power as deathly power. In other words, what we see is the power of the state to defend itself, and its order, in a form of violence that itself legitimizes (Wagner, 2010). We return, briefly, to Angelique Campbell’s response to her husband’s death at the hands of police officers. In her grief-stricken response to the loss of her husband, Campbell made a noticeable remark: “if they was going to stand over my husband and shoot him like a fucking dog, he should’ve took all of them the fuck-out”. In clarifying her

response, Ms. Campbell, though more reserved, stressed that: “he was my husband and a human being” (Associated Press, 2014). In attempting to claim a semblance of humanity for the killer of a police officer, Campbell’s remarks of how the officers treated her husband’s dead body resemble common descriptions by officers involved in such violence. Darren Wilson, for instance, on recalling those last moments of Michael Brown’s life couldn’t imagine Brown outside of such visually disturbing violence, even at such distances: “the only way I can describe it, it looks like a demon.” This same language can be seen in the demonstrations over Garner’s death. New York City Mayor Bill de Blasio, in his grief over the losses of Officers Rafael Ramos and Wenjian Liu, pleaded for the demonstrations over the lack of police accountability in Eric Garner’s death to be halted so that the City could honor two of its finest (Powell, 2016).

Interesting here is not only the juxtaposition of police and those deemed threatening, it is that we are reminded that the exposure to death remains unequal. And, what we see with Ms. Campbell’s anger, Wilson’s imagination, and de Blasio’s plea is not simply a response to individual circumstance, but rather an acknowledgment of the life constructed for those like Lawrence Campbell, a life shared by the psyche that Wilson seems to register with Michael Brown. Such constructions are the deathly forces that use the bodies of those like Mr. Campbell, Eric Garner, and Michael Brown as a means to mark boundaries between life and death, absence and remembrance. Importantly, these examples highlight the exposures of death. In unmasking these exposures we see how the (threat of) death of police operate as a means of reanimating the state and of how death is located within the operations of police power. This is articulated most clearly in the physical violence of the state, and as such, the double bind occurs as a means of exposing certain populations to death. It is not only that police deaths reanimate the state, it is

also that this reanimation is enabled through the always already figure of the police object. That is, the violent power of death becomes a legitimate means of governance for the life of the state.

## **2.4 THANATOPOLITICS: POLICE POWER AS DEATHLY POWER**

In asking how police violence already-is-becoming a normal response, we have to address another distinct concept. In completing our understanding of the police death, we must lay out how the liberal state both legitimizes its own violence and imagines such violence as ordinary in its continued project of securitizing order (Wall, 2016). In creating life for the state, violent police power weaves throughout our exposures to the death of police officers and unmasks the very ways that death is political. It also shows the operations of death as a power implored by the state as a means to construct life, not just for itself, but for its citizens as well. Such power highlights the ability to publicly grieve over some life, while others remain invisible and inhuman (Butler, 2004) – as we’ve seen with Ms. Campbell and the protesters in New York. However, this “grievability”, itself, is bound within the logics of life death defined by the powers of the state. In other words, what we turn to now is the literature needed to understand the legitimation, normalization, and ordinary expressions of police power that are, in fact, violent means of establishing boundaries between life and death. As such, we must ask how police officers, on behalf of the state, wield deathly power as a legitimate tool to maintain order, and how the death of a police officer further exposes such bodies. In this way, we must confront “the ‘rule of law’ as a rule of state terror operative across different geographies” (Wall, 2016, p. 3).

### 2.4.1 The Biopolitical Meaning of Making Die

Michel Foucault (1978) believed that what he called biopolitics was a new technology of power, a multi-headed disciplinary power defining the meaning of life, a power that “deals with the population, with the population as a political problem, as a problem that is at once scientific and political, as a biological problem and as power’s problem” (p. 245). This biopolitical framework is a politics informed by life, a politics about life “as much as it appears, strategically, to belong to life itself” (Murray, 2006, p. 193). It is a “perspective” that focuses the techniques and strategies of control at the level of life (Rose, 2001). For Michael Dillon and Luis Lobo-Guerrero (2008), biopolitics is a “complex array of changing mechanisms concerned with regulating the contingent economy of species life” (p. 268). Linked to the “specific art of governing human beings” (Lemke, 2011, p. 45), biopolitics sees life’s unquestionable value. Promoted as a universal good, life is a regulated, maximized event, managed through governmental policy, free-market global capitalism, medicalization, and understood in an ever-increasing discourse of legality (Rose, 2001). The rule of biopolitics occurs through producing and making life live (Murray, 2008). Its goal, defined as the welfare of the state’s population, is to oversee “the improvement of its [population’s] condition, the increase of its wealth, longevity, health, etc.” (Foucault, 1991, p. 100). Population, according to a biopolitical framework, is a technical-political object of the management towards life (Tyner, 2014). The techniques of biopolitics are understood to be “management, surveillance, and auditing of life at the level of populations” through processes of docilization (Allison, 2015, p. 119).

As Prozorov (2013) makes clear, however, it is not simply seeing life in medical terms, but as an expansion of the general understanding of life’s role as a means of governance as, simply put, a way to manage, control, and cordon off acceptable bodies for governance. The



power of biopolitics – its biopower – is not just concerned with management, it is also the harnessing of power to “make life live” (Debrix & Barder, 2012). In making life live, biopower turns “individual and collective lives into information and knowledge,” in turn, making possible intervention on behalf of such life (Rose, 2007, p. 53). In other words, the living subject becomes the driving force behind political battles and the center of the new economic strategies of the modern era (Lazzarato, 2002).

It is the health of the “body” politic that is the center of biopolitics, and part of the requirement is the elimination of foreign bodies (Thacker, 2011). In its focus on the health of this “body”, the maintenance of a certain level of immunity for and through its citizens requires biopower to function as a means not only to make life live, but to correct perversions and disruptions. In stressing such “health”, biopolitics must develop a certain calculative quality used for investment, extraction, and refinement. It follows that certain lives may prove to be detrimental to the “circulation of life in which this investment driven process of biopolitics continuously trades”, and will have to be removed if they remain hostile to the biopolitical operation (Dillon, 2005, p. 42). The biopolitical project’s stress over “care for all living”, finds unique, and eliminate-able threats towards its investments. As Foucault (2003) stressed, biopower functions to also let life die. In other words, not all life is suitable for biopolitical life. Such unique threats, then, require de-investment (Dillon, 2005). It turns out that in this biopolitical order, some life is left to die so that other life can be made to live.

#### 2.4.2 The Deathly Legalities of Biopolitics

Biopower, in making life live, creates certain spaces where the act of letting die occurs outside of law, meaning that law does not protect the lives of those inhabiting such spaces. The

defining features of a disciplinary power built on the managing of proper life reveals forms of exclusion, killing, and the destruction of life as the very means of creating life. Extracting the logics of biopolitics, then, confronts us with the fact that in making life live, biopolitics is indeed “a lethal business” (Dillon, 2005). Biopolitics, it seems, must wage peace.

The securing of life inherent in biopower occurs through the “continuous warring against life which does not fit” (Dillon, 2015, p. 150). Death becomes an always already form of daily living for those inhabiting such “death worlds” (Mbembe, 2003). Violence, defined by biopower, makes itself known through legitimate means to correct, eradicate, and make proper. Targeted assassinations of Palestinians by Israel military (Weizman, 2011); preemptive strikes at what may emerge (Massumi, 2015); the invisibility of populations imprisoned in conditions accordance to the state (Clough & Willse, 2011); refugees fleeing one country to be refused entrance to another (Topal, 2011); and those left exposed to the destructive nature of natural disasters (Giroux, 2006), all experience the biopolitical resistance to “direct violence” (Weizman, 2011). Achille Mbembe (2003) describes these inevitable connections as the “subjugation of life to the power of death.”

Populations gripped by a biopolitical lethality become the socially disposable, ‘at-risk’ peoples that inhabit, not the productively powered political realm, but the soft, secret, dark prison of our necropolitical death-worlds (Mbembe, 2003). What we see is the creation of a necropolis (Thacker, 2011), or “macabre spatialities” in which certain lives are dehumanized and devalued (Alves, 2014, p. 324). As Agamben (1998) finds,

It is as if every valorization and every “politicization” of life...necessarily implies a new decision concerning the threshold beyond which life ceases to be politically relevant...and as such can be eliminated without punishment (p. 139).

Biopolitics, as such, is nothing other than a security zealously gripped by death, a security of life preoccupied by death (Mbembe, 2003). While death may look to be contradictory to the workings of biopower – fostering life while disallowing death – the power to preserve through management of life finds itself inevitably coupled with the determination of those who must die. Shedding light on the macabre side of biopolitics we begin to understand how the bombing, invading, and killing of peoples across the world are recognized as the management of life (Agamben, 1998; see also Foucault, 1978).

Biopower, with the capabilities of mobilizing life, is always already accompanied by the power to mobilize death (Debrix & Barder, 2012). What we see in explosions of police violence, then, are not shameful yet unfortunate casualties of crime fighter and criminal clashing, but, in fact, bodies both left for death and targeted for death, and as such, functioning as necessary casualties of the political machine (Neocleous, 2014). The techniques of biopower that target certain bodies for death move beyond its focus on life. Biopower does not simply discriminate between those lives worth living and those not, but rather the object of biopower is death itself (Mbembe, 2003). This is a move beyond biopolitics, in that the biopolitical “creation of death worlds” (Mbembe, 2003, p. 40) functions as a “necropolitics of death life” (Dillon, 2008, p. 169). Revealed in this spectral underbelly is a biopolitics obsessed with death, a politics of security gripped by the work of death (Mbembe, 2003), “profiting both politically and economically from living death, or deadly living” (Clough & Willse, 2011, p 8). Death is a permanent shadow on everyday life, delayed only until the body is exhausted of all power (Ghanim, 2008).

### 2.4.3 Thanatopolitics: The deathly construction of life itself

In order to understand the death of a police officer we must move beyond the biopolitical notions of life, and, instead, focus on the power of death to construct life. Reworking the logics of biopower finds death to be “the field” in which power operates (Noys, 2005, p. 35). This reworking combines the traditional biopolitical management of death with sovereign force and violence. Placing death, rather than life, at the center of political power allows us to understand how regimes of power both target populations for death and enforce deathly policies upon these very same populations. As Benjamin Noys (2005) suggest, “this is life that is left exposed to death by power, and so the shadowy border between life and death is a political matter” (p.11). Agamben (1998) refers to this framework as thanatopolitics. Making possible death, directly or indirectly, through the promotion of life has become the dominating way in which power is dispersed today (*ibid.*). If biopolitics focused on population management, this new twist “is the management of death and destruction” (Ghanim, 2008, p. 67).

I take up Agamben’s argument that Western culture has become thanatopolitical, dominated by a politics of death “that leaves us more and more exposed to both death and the operations of power” (Noys, 2005, p. 11). For Agamben, at the center of this thanatopolitics is the exposure to death, a form of life he calls “bare life.” Linking Foucault’s biopolitics with his own work on sovereignty, Agamben argues that sovereign power leaves us exposed to death, and that this exposure is built-in to the political today. Death, rather than a biological moment, is a political moment with the powers to define life. And, instead of private trauma, death is, in fact, a public expression, and indeed a political situation – and not the absolute limit of life (Clough & Willse, 2011).

Contrary to Foucault's reading of biopolitics as a focus on multiple spaces of power, it is, in fact, sovereign's fundamental space of power that has become indistinct, "a sign of the dispersal of sovereign power throughout the social body" (Noys, 2005, p. 40). While sovereignty remains the space of power, no longer is it localized under individual control. It can be seen in the hands of doctors, judges, governmental officials, and police officers who make legal decisions on death in the name of the sovereign. As such, we live in a constant zone of indistinction, a space of sovereignty that is no longer stable and secure (Noys, 2005), one that moves throughout spaces and bodies. Furthermore, this space of power makes possible the production of bare life, a space noted as the "point of indistinction between violence and right" (Agamben, 2000, p. 104).

In *The State of Exception* (2003), Agamben notes that the sovereign's ability to mark indistinction between violence and right occurs through its own ability to proclaim a state of exception. The sovereign is not only granted power through law but maintains the ability to be above it. This allows the sovereign to suspend "the validity of the law" for the sake of emergency (Agamben, 2000, p. 104). The sovereign's ability to suspend law operates through its own ability to mark political lives as bare life, including them within the spaces of power while excluding them from all protections. It is this exceptionality, of being outside of law, which allows bodies to be exposed to death.

However, along with Neocleous (2006) and Wall (2016), I argue that this exceptionality is problematic in that it gives the appearance that such acts are outside of law, and perhaps more importantly, uncommon. When, in fact, the opposite shows itself to be true time and again. As Wall (2016) notes of these exceptional powers, they are "internal to law" (p. 14). It is not necessarily that these bodies, those Agamben calls "bare life", do not possess juridical value, but

rather their value is understood as a part of the state's own reanimation processes. While they do not make up the inclusive, these bodies very much play a role in making up the sovereign's subjects – subjects whose fate rests in the hands of the sovereign's determinations of death. Yes, such deaths occur without the “commission of a homicide” (Agamben, 1998, p. 139), but importantly, those deaths are required for the life of the state as they are marked out by deathly power. More importantly, these lines of exposure continuously fluctuate, excluded when the state needs to reanimate order – oftentimes when the excluded attempt to become visible by force. These bare life, then, follow in line with the critique of the state of exception, in that while they appear outside of law, they are, in fact, experienced (and thus exposed) within law. These are not simply excluded bodies, but rather totally inclusive bodies, excluded by way of their very inclusion. This helps clarify the notion of indistinction by simultaneously marking the boundaries of livability by exposing life to death

Useful from Agamben's argument is that we are able to consider the issues of power that expose populations to death. The sovereign's power to define zones of indistinction, between both life and death and of its own spaces of power, makes possible a political life that is bare life. The power to mark such bodies for bare life, thanatopower, is maintained by the sovereign. For Agamben the sovereign is a space of power in which bare life is produced. Thus, we can see, once again, how our “political identity is founded on our exposure to death” (Noys, 2005, p. 28). For Agamben, this bare life is a zone of indistinction, a place where one's exposure to death creates a reality defined through this very exposure – a deathly life. Connecting indistinctions to the police, Agamben (2000) writes

The rationales of “public order” and “security” on which the police have to decide on a case-by-case basis define an area of indistinction between violence and right that is exactly symmetrical to that of sovereignty (p. 104).

The marking of bodies, or the capabilities of sovereign power, is exclusively a police operation. In other words, police provides the point at which the state makes contact with, and exposes bodies to, the political. This makes the zone of indistinction neither a state of exception nor of banality, but a domain where “an upsetting scene of living...has been muffled in ordinary consciousness [and] is revealed to be interwoven with ordinary life after all” (Berlant, 2007, p. 762). When the experiences within such zones inhabit both an extreme form of violence and one of ordinariness, these zones of indistinction become spaces of indifference.

#### 2.4.4 Sovereign Power of Death and the Biopolitical Power of Surveillance

For Achille Mbembe (2003), merging sovereign power and disciplinary power can be seen in colonialism, in what he calls “deathscapes”, spaces where the sovereign enacts its ability to kill by making use of the biopolitical techniques of surveillance and population management. Jamie Allinson (2015) expands on this concept by incorporating the drone: “the drone’s eye view is a fundamentally biopolitical one, in that the sense that it surveys and audits”, yet “its purpose is to destroy bodies, not render them docile” (p. 120). In merging both Agamben’s use of sovereign power and Foucault’s disciplinary power, we can look towards the concept of racism as it plays out in policing to help us bind together the notions of sovereign’s power towards death and biopolitic’s power towards docilization.

Racism, operated through the implication of divisions within and between populations, separates proper and improper living, “between what must live and what must die” (Foucault, 2003, p. 254). Operating as a sovereign tool of biopower, racism performs two functions: to organize biological life on unequal terms, and to make possible the mass killings through the biopolitical claim of preserving life (Su Rasmussen, 2011) – this is the destruction of

“unhealthy” populations. Following Mbembe (2003) this form locates sovereign power as the “synthesis of massacre and bureaucracy” (p. 23). In this sense, we can read racism as a form of biopolitics and “not a matter of individual prejudice or (just) the ascription of certain characteristics to a subjugated population” (Allinson, 2015, p. 119). In this way, we can see racism as furthering the production of Agamben’s bare life (Noys, 2005). Such an addition to thanatopolitics allows us to see not only how death functions as the *modus operandi* of political power, but of how it legitimates the surveillance and management of populations identified as threats (Mbembe, 2003).

The law and the police, by operating to both manage populations and ensure security, highlight the ways biopolitical state violence makes and unmakes populations. Possessing the capacity to create and define personhood through thanato-rationalities, law encapsulates, sustains, and invigorates the creation of exposed life (Dayan, 2011). At the same time, law gains power over this exclusive operation by making it the subject of political control (Agamben, 1998). The body incorporated into law, then, is the site where biopolitics looks to separate, it is “the blade caesurae that cuts off human from the animal, the citizen from the non-citizen, and the civilized from the savage” (Pugliese, 2013, p. 4). The bodies of those made to die simply operate as “points of intersection, where multiple forms of state violence are produced and normalized” (Alves, 2014, p. 327).

Exercising state power, by ordering who may live and who must die, has oftentimes fallen under the auspices of police work. As executioners of the law, police prove an articulated manifestation of law and state violence as the brute force in the development of “racial management” that moves along lines of “biopolitical inclusion” to “necro-political destruction” (Singh, 2014, p. 1093). It is with the permanence of the relationship between state violence and



law that we see that such violence offers not only a reflection on life, but on death, as well. Alves (2014) finds such expression prevalent in the favelas of Sao Paulo, where the astronomical figures of black homicides, lack of social welfare, and continued “humanitarian policies” can only be explained by the state’s lack of response, a response that responsabilizes the inhabitants for their deaths. Razack (2013) notes this rationality in the processes of medicalizing the deaths of Aboriginal people in police custody. Understood as pathologically frail once in custody, Aboriginal people are themselves blamed for the lack of services provided to them by the State who ripped them from their lands. They are subsequently reduced to quantitative figures of death, referred to by police as “Tombstone data.” Razack (2013) calls this the “dance of death”

It begins with the state ostentatiously performing the arrest for being drunk in public place, and it proceeds with the booking, the filling of forms and the routines of custodial care. At the inquest, the dance continues as protocols and polices are hammered out to describe the things we must do as a civilization when confronted with flesh that has decayed and minds that have lost their rationality. Throughout, an astonishing negligence and violence prevails. Left untreated, wounded bodies give out and their owners’ demise is seen as natural and inevitable (p. 353).

The recent case of the death of Eric Garner, a 43-year-old African American man, at the hands (and forearm) of a New York Police Officer emphasizes the legality of this type of power. Officials framed his death in biopolitical terms: Garner was overweight and in poor health; he was an annoyance to shop owners who complained of his selling of untaxed cigarettes outside their stores; and, he resisted arrest (Hays & Long, 2014). It would seem that “[Garner] contributed to his own demise” (Hays & Long, 2014). With such attention, “resisting arrest” became legal justification for homicide-by-police. The medical examiner later found that while the chokehold was the actual cause of Garner’s death, his asthma, obesity, and cardiovascular disease were the contributing factors to his death. He was overweight, he was a criminal, and he was resisting arrest, such logic indicates the cause of death to be Garner’s inability to care for

himself. The grand jury, tasked with determining whether the police officer involved in Eric Garner's death could be charged, accepted these justifications. Despite the evidence that Garner would not have died had he not been in a chokehold, the officer involved was found innocent of any wrongdoing. What results is a representation of Garner as beyond saving; little could have been done to save his life (except, perhaps not putting him in a chokehold to begin with, of course). Biopolitical distinction refuses the sovereign power's ability to mark for death as anything but legitimate.

Shown here, the police not only operate through deathly power, but as deathly power. The combination of Agamben's thanatopower and Foucault's biopower, at the hands of the state, leave populations exposed to death, unequally. It is not just the discussion of the death of the police that reanimates and legitimizes the state's violence, but that the processes of reanimation requires an unequal exposure to death for those populations so disproportionately exposed to police power. Exposures that create boundaries, mark citizens and non, and make life indistinct. Reanimated from these fragmented parts of the social body (Pugliese, 2013) are the technologies of violence I look to discuss in the death of one particular police officer.

## 2.5 METHODS

Officer Edward Byrne is the center of this project. Byrne's death, while unique, can be understood within the logics of legitimized state violence. In that, yes, the death of Edward Byrne receives our attention, but I also hope to show how the general story of a police officer's death makes possible our current history. Investigating the death of Byrne "can lead to that dense site where history and subjectivity make social life" (Gordon, 1997, p. 8). In that, those deaths at the hands of police officers, counted and uncounted, the ones "nobody has spoken" (Reed-Veal,

2016), and the dead still with us, can be understood through the project of recovering Byrne's body from state discourse. Made visible are the structures of violence erected from the past that organize today's present logics of death (see Powell, 2016).

Investigated here, is a story that unfolds over time, told in a number of different ways, for the purposes of emphasizing, disbursing, and subsequently maintaining state power. As such, we cannot limit ourselves strictly to one field or the other. We must be aware that it is not just the images but also the sound, the affect, the memory, the situation, and the symbolic power working together to form the state's discourse (see Young, 2010). Because Byrne's death stretches throughout our political, social, cultural, and economic histories, processing such information requires an interdisciplinary approach, one that offers "liberating" possibilities (Rafter, 2014, p. 130).

In the process of re-appropriating Byrne's death, I employ what Hugh Gusterson (1997) terms "polymorphous engagement", meaning "collecting data eclectically from a disparate array of sources in many different ways" (p. 116). It means collecting information from unrelated and often contradictory sources by refraining from the limitations of one singular approach.

Photographic research, discourse analysis, and attention to popular culture all provide real spaces for studying social interaction. Thus, it becomes possible to follow our unit of analysis anywhere and everywhere it can go. This methodological negotiation allows the researcher to maintain the necessary flexibility that this story requires (Klincheloe, 2005).

As *The New York Times* reminds us, Edward Byrne is still with us, memorialized every five years by journalists, police, and citizens alike – the most recent being Tim Stelloh's recollection in 2013 for *The New York Times*. As such, the frame of Edward Byrne's story, intentional or not, begins in 1988, but may not have ended just yet. As his name letters parks, bridges, and grant

programs, we see that his presence is still with us – whether we like it or not. And while we can acknowledge there is a timeframe in which the mediated productions of Edward Byrne must be stopped – at the start of this research – his presence remains hauntingly familiar. What this means is that various sources of information about Edward Byrne are available, from local and national newspapers, to crime dramas and television segments beginning with his death and ending because of the researcher’s need to write a dissertation. As such, we can look to Altheide and Johnson (2000, p. 290) who suggested limiting research to what is “relevant and serviceable for some application of knowledge,” by situating our research questions around: “is it useful?” and perhaps more importantly “does it...liberate, or empower?” In this way, Edward Byrne is the search term; it is through his name that the characters, images, and words make up this story of deathly power. Orientated as polymorphous engagement, the inclusion of pictures of police memorials, the mythos centered on the dead police officer, and how the US celebrates these deaths become reliable means to detail Byrne’s story.

### 2.5.1 Layout of Chapters

Designed around the death of Edward Byrne, each chapter focuses on a specific insight into reclaiming his body. The idea is to show Byrne’s death through a number of different lenses, making possible the use of far-ranging literature to conceptualize state violence. While different in scope, both chapters show how this police death has played out in the making of our current histories.

Chapter 3 introduces us more thoroughly to Officer Byrne, the unfolding of his extremely public death, and the eventual aftermath of his death saturating the veins of state discourse. What is important, argues Anthony Giddens (1991), is “a person’s identity is not to be found in

behavior, nor – important though this is – in the reactions of others, but in the capacity to keep a particular narrative going” (p 54). Understood as essential in sense making, the death of Edward Byrne shines light on a narrative of police logic, and of the ways in which we come to make sense of police deaths (Presser & Sandberg, 2015). Rather than being concerned with the validity of the story, in the case of Byrne, we see that the narrative makes things happen, whether true or not (*ibid.*). The narrative here is not just about Byrne’s death, but of how his death builds on the narrative of both New York City, and the nation, as politicians, professional organizations, and the ever more punitive public look to expand and maintain their crime control policies, and of how these very policies come to define the state’s ability to reanimate.

As such, I show how the story of Byrne’s death maintains a certain narrative of police logic. I look towards a discourse analysis to create and analyze the story of Byrne’s death. As Helene Starks and Susan Brown Trinidad (2007) note, analyzing discourse requires an examination of “how understanding is produced” by words and images and “*how* the story is told, what identities, activities, relationships, and shared meaning are created” (p. 1373). A deductive approach to the language and images presented in the discourse, along with the repetition of key ideas and certain words were noted and highlighted as an, obviously, important part of discourse.

Macabre images, haunting statements by the police officers tasked with tracking down those guilty of such outrageous violence, quotes from the courts as the perpetrators went to trial, and statements from politicians became prominent in building this story. Specifically, a LexisNexis search of Edward Byrne from February 1988 (the month of his death) to December of 1990 (the final trial of one of the accused murderers) provides the parameter by which I will analyze this discourse. Resulting in 58 newspaper articles that ranged from anger over his

murder, to being mentioned by both the Mayor of New York City and Presidential candidates, Byrne's death showed itself to be a complex picture of anger, grief, and vengeance. However, LexisNexis is unable to provide more than a simple description of the images connected to the writing, the images associated with the news articles only described rather than shown. To provide an extra layer to this analysis, a search of Old Dominion University's microfiche cache for a number of specific articles found by the LexisNexis search that included an actual reference to the associated images was also conducted. This allows further development of the cultural depth that characterized Edward Byrne's death and memorialization.

Making use of a critical discourse analysis approach, I draw together themes throughout the retelling of Byrne's death and the subsequent aftermath. This deductive approach to the language and images allows the fleshing out of discourse in a way that helps build Byrne's narrative. Furthermore, noting the repetition of key ideas and words helped build the general themes that I incorporate into Byrne's story. For instance, while the word sacrifice is only mentioned twice in the collected newspaper articles, key phrases such as "killed in the line of duty," "laid down his life", and "died for the community" all possess deep undertones of sacrifice. In developing themes, sacrifice, while not necessarily mentioned numerous times, has a certain ghastly presence and deserves to be analyzed. In drawing such connections, building themes helped articulate the progress of the narrative, and in turn make visible the logics of police deaths as means of the state's violent reanimation.

Chapter 3, then, revolves around the story of Edward Byrne's death and its uses within state discourse. As the chapter finds, Byrne's death played an integral role in the thanatopolitical development of New York City. The logic, grief, and compassion expressed in the mourning of Byrne left room for the punitive and aggressive policies that would come to define the city,

particularly daily life in its most contemptible boroughs. Just as important as the story of Byrne's death are the realities his story helped create – and still creates today. What we see in the death of Byrne, the vengeful and grief-stricken anger and fear, would be reflected in a murder almost 20 years later in the same community; this time the police were the ones executing deathly action. This chapter, then, looks to explore the connection between the state's story of Byrne's death, and that of the murder of young black man two decades later.

Chapter 4 takes an alternative approach to Edward Byrne. Speaking against the liberal and libertarian literatures of accountability and militarization, as well as the more critical extrajudicial explanations of police violence, I trace the political and financial power of a national law enforcement grant program named in tribute to his sacrifice. I look to show the dispersal of thanatopolitical rationalities as police logic. The violence of this program laces itself through the state-crafting processes as thanatopolitical rationalities of police logic. In constructing this story, I draw specifically on an historical review of Congressional reports in which Edward Byrne's name is mentioned, in the 100-102 session of 1988. Searching ProQuest Congressional – the daily edition – during the year 1988, the term “Edward Byrne” resulted in 49 different reports that mentions his name in either the House of Representatives or Senate, ranging from mourning to public addresses on the War on Drugs. These reports speak to the emotional register of the state, its imagination, and the legal dimensions with which Byrne's death could be understood. Furthermore, I look to incorporate the amendment that renamed the Anti-Drug Abuse Act of 1986 (Title, I, Subtitle, K, the State and Local Law Enforcement Assistance Act of 1986, of P. L. 99-570, and the Anti-Drug Abuse Act of 1986, 100 tat. 3207-41 through 3207-46) to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs to honor the way in which he was killed. In turn, these provisions further amended

sections of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741-3766B), and in 2008 completely replaced the act through the 110<sup>th</sup> Congress bill 3546 in the House of Representatives and 232 in the Senate. It is not just these reports that are of interest, but the renewal of funding each year requiring an amendment, and the continued justifications for the renewal of this governmental aid to local and federal police agencies across the US. Each bill offers further insight into the continued materialization of Edward Byrne's death – his ghost still haunts us today.

This funding, in turn, ties directly to the rise of SWAT teams, and particularly the use of “no-knock” search warrants as techniques of thanatopolitical rationale and thanatopower enforcement, continuing the historical exposure to death disproportionately effecting minority populations. Here, I use the Byrne Grants as a point to confront these techniques. In so doing, I incorporate, not just the federal funding, but the historical Supreme Court rulings on knock-and-announce procedures as well. I was able to access the archives of Supreme Court rulings through FindLaw searches of court cases that dealt specifically with the legality of these procedures. In understanding the seminal cases pertinent to no-knock cases I developed a method that drew heavily on research that discusses these Supreme Court rulings. Using Witten's (1996) discussion on Knock-and-Announce issues I was able to develop five major cases that the Supreme Court used to developed legal precedents for No-Knock techniques. While a number of cases dealt with the no-knock procedure (eleven), I focus particularly on the cases starting with *Wilson v. Arkansas* in 1995 and end with the 2011 case *Kentucky v. King* (Witten, 1996). Five particular cases have defined the legality of the no-knock warrant. The initial case of *Wilson v. Arkansas* was the first major case following the creation of Edward Byrne Grants to local police departments and is key in setting the legality of exigent circumstances that have made no-knock



warrants possible (Witten, 1996). The remaining four cases have each been noted by a number of sources as being seminal to the development of this specific policing technique (see ACLU, 2014; Balko, 2014; Balko, 2013b; Balko, 2013d). These cases have generally been included in responses to the increasingly violent police culture cultivated by increased SWAT usage in serving warrants and participating in search and seizure tactics, policies and tactics supported by the new policies of the Edward Byrne Memorial Assistance Grants. The Supreme Court has dealt with the issue of knock-and-announce and “no-knock” warrants in five different cases during this period. A number of cases have dealt with warrant requirement, exceptions to that requirement, and probable cause, yet the cases under study here deal with those that strictly addressed the knock-and-announce rules and exceptions to those rules (see ACLU, 2014; Balko, 2013b). Because “no-knock” warrants are generally new techniques for the Supreme Court to rule on, this grouping incorporates the current histories of policing while maintaining our connection to Byrne’s death. In analyzing the Supreme Court rulings, I dissect the thanatopolitical rationalities of state violence through the simultaneous funding of SWAT and the Supreme Court’s continued justification for police power as deathly power.

The following dissertation attempts to re-appropriate the death of Edward Byrne. A death that, rightly, struck a chord with the nation, but a death that also resulted in parents having to bury their son, and countless others having to talk to their children through cages and burial markers. As such, this project understands the grief felt at this particular loss, and in no way does it attempt to speak against his death. Rather, I look to speak to the ways in which the state (re)uses bodies, like Byrne’s, and emotions, like his parents, to implement a project of violence felt throughout our bodies, lives, and histories. Specifically, I look to how the role of death disrupts the conventional binaries of life and death, and forces new conversations of what it

means to live and die in a world that makes some deaths traumatically grievable and others necessarily just. If our strong moral reaction to the police officer being killed is based on the *kind* of death it signifies, than our lack of visible and moral reaction to those killed on the other side of the door remain within this same symbolic field. Where the death of the police officer takes place in the spaces of everyday life, the attack and death of those facing the police take place in everyday spaces of death. What the *kind* of death of those killed by police signifies are the state's use of legitimate violence for the protection of its life. Thus, our inability to count, to react, to remember, to grieve, and even our indifference, make sense in such places and within such a politics of death. Lastly, this dissertation confronts the terror of death as a way of rejecting this suddenly fantastic dimension of reality with the hope of making recognizable law's persecutory animus towards those threatening the life of the state. Thus, this dissertation urges the dead be taken from the state's contemptuous control.

## CHAPTER 3

### DEATHLY POWER AS POLICE POWER

*I kill therefore I am.*

--Phil Ochs, *I Kill Therefore I am*

23 year-old Sean Bell was killed on November 25<sup>th</sup>, 2006, the morning he was to be married. Five of the seven plainclothes and undercover police officers who confronted Bell and his friends after their bachelor party, opened fire on their vehicle, unloading 50 rounds into the car, killing Bell and wounding two of his friends. Police would later claim that the confrontation was initiated on suspicion of Bell “getting a gun” from his car. A quick investigation revealed no weapon in possession of any of the suspects or in the car. Similar to previous shootings of unarmed citizens by the NYPD, like Amiadou Diallo and Osumane Zongo, after a long and public trial, the three officers, who were charged with first and second-degree manslaughter, second-degree reckless endangerment, and first and second-degree assault were acquitted on all counts. Sadly, this should come as no surprise to anyone familiar with such cases, as Sean Bell’s death continue(d/s) a long line of excessive force deaths committed by NYPD officers against unarmed black men (see Mathias & Schwartz, 2014). Such deaths highlight the utter finality of police power; that which can be seen, not only in the deaths of unarmed young men, but in the violence of stop-and-frisk, the rise of SWAT and other police paramilitary forces, and the increasingly active militarized components that police are increasingly adopting. Understanding the articulations of police power in such violence – instances like the shooting of unarmed black men 50 times (in the case of Bell), or 41 times for pulling out a wallet (in the case of Diallo) – requires a look at how the political formations surrounding such accounts justify these killings as necessary and life preserving.

The murder of Sean Bell did not occur in a vacuum. In fact, long lists of policies manifest themselves in such explosions of police violence that culminate in death. Undercover and plainclothes officers searching for guns, incessant harassment under the guise of stop-and-frisk, the militarization of police officers across the country, mass incarceration, the war on poverty/crime/drugs/violence, and a shoot first mentality, materialized by way of policy after policy, that in turn, reimagines communities like the one in South Jamaica, Queens as places where the killing of an unarmed black man becomes justifiable homicide. What we see in such places, places where the demonstrative expressions of police power resemble the necropolitical landscapes of Achille Mbembe's (2003) death worlds, are "new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of *living dead*" (p.40).

For the Sean Bells of New York City, and across the United States, these "justifiable" homicides operate within a world defined, understood, and reasoned through the politics of death. Sean Bell's death is important because it allows us to look at another death in South Jamaica, Queens helps us understand the murder of Sean Bell. Eighteen years earlier, and just nine blocks from where Bell was shot, Edward Byrne was shot and killed. While these deaths are separated by 18 years of police presences, political motivations, and economic changes in South Jamaica, these deaths reside alongside one another. As Christine Hauser (2008) of *The New York Times* suggests in remembering both shootings, "both shootings, low points for the police in their respective eras, occurred in the 103<sup>rd</sup> Precinct" and are connected, not just by location, but by the battles the police have waged. Because South Jamaica, Queens, "is also where the New York Police Department has fought some of its toughest battles of the last 20 years, from trying to beat back the raging crack cocaine trade at the time of Byrne shooting to extending an olive branch to

the community after Mr. Bell was shot” (*ibid*). In remembering Sean Bell it is clear that the death of Edward Byrne is still with us.

Through Byrne’s death we can see the beginnings of what would focus the imaginary, cultivate the fear, and provoke the policies that helped encourage a nation to rise up against violence and drugs nationwide. Through it all, the policies, money, and manpower defined by the death of Edward Byrne would help mark those living in communities like South Jamaica – residents like Sean Bell – for death. While taking the life of an unarmed black man – even through the excessive succession of bullets raining down upon a vehicle full of unarmed black men – has always been justifiable, the death of Officer Edward Byrne spurred the national support, public policy, and ultimately criminal justice policy that would continue that state’s necessitation of such violence. That is, the death of Officer Edward Byrne helped continue the definition of such acts as nothing more than ordinary for the protecting and serving of communities threatened by illegitimate violence. In fact, it sparked national funding to support such actions. This is not just a story of racist rhetoric, racist police officers, and racist courts, but rather, an analysis on the processes by which the taking of the lives of the residents of places like South Jamaica, Queens matters little to a nation defined and understood through its grief over the loss of police lives. The logics of grief over the death of a police officer, alongside the legality of homicidal police officers, define the politics of death.

Through an understanding of how the State governs through death *and* life in the case of Edward Byrne, uncovering the construction of those like Sean Bell as unworthy becomes possible. Through a thanatopolitical framework, the exposure to the murder of NYPD Officer Edward Byrne lays bare police power as deathly power. Focusing on the processes of national memory highlights the symbolic power behind violence towards State agents, and illuminates the

twisted state logics of violence that are pushed back onto marginalized communities. The question that must start this process is this: How has the murder of a state's agent, Edward Byrne, propelled the state's own power over the affairs of the living *and* the dead, turning communities like South Jamaica, Queens into battlefields, ending life and marking boundaries between those lives deemed worthy of life and those declared already dead.

### 3.1 EDWARD BYRNE

*"If our son Eddie, sitting in a police car representing and protecting us, can be wasted by scum, then none of us is safe."* –Edward Byrne's father, Matthew (Magnuson, 1988)

"It all started with Eddie," recalled Detective Richie Sica quietly (McAlary, 1998). Sica, the first respondent on the scene, would live and breath Byrne's death for the rest of his career, and so too did the nation. Edward Byrne was a rookie cop assigned to the 103<sup>rd</sup> precinct in South Jamaica, Queens. A "22-year-old young man just starting life" (Gannon, 2015), Byrne was a blue-eyed, mustachioed Irish kid still living in his childhood home with his parents in Long Island (Marxulli & Gendar, 2008). He played tailback and linebacker for his high school. Not a college athlete, Byrne wanted to follow in his father's footsteps – he wanted to be a cop. On the evening of February 25<sup>th</sup>, Byrne was assigned to watch a key police witness on the corner of Inwood Street and 107<sup>th</sup> avenue. He was "sitting in a patrol car in the battle-scarred South Jamaica neighborhood nicknamed 'Crack Alley'", when Todd Scott and David McClary approached the police cruiser with deadly intent, leaving Philip Copeland and Scott Cobb behind as lookouts (Connor, 1999).

A full minute passed before sirens announced to the New York City streets what *Time* magazine called a "brazen assassination" (Magnuson, 1988). Quickly realizing that Byrne was "savagely murdered...by paid killers" (Gannon, 2013), Police Commissioner Benjamin Ward

called the killing “an attempt to intimidate not just the witness,’ but all who cooperate with the police in battling drugs” (Lyall, 1988b). Headlines in *The New York Times* declared to the waking world, that Officer Byrne had been “slain” while “guarding [a] drug witness” (Fried, 1988). Tony Keller, one of the first officers to the scene called it “an all-out assassination” (Associated Press, 2012).

Within hours, ghastly images of Byrne’s patrol car, glass blown out, and blood spattered across the inside of the car would grab the attention not just of the city, but the nation. These were macabre images of a “cold-blooded” declaration of war, a war on the police, a war on society, and an all-out war on all those who stand up for justice (Editorials, 2012). Grisly, blood-soaked descriptions of his death followed; the gory scene alongside the picture of the rookie police officer in uniform became standard for any reports of his death: here was a young life, taken too soon, and here was the scene where violence exploded into our lives. The description of the death, describing in ghastly detail, how “the top of the head was blown open,” would make the public weep and police colleagues squeeze their eyes closed (Fried, 1989).

Byrne’s death was different, and would mark the boundaries of insecurity and blur the lines between life and death. Recalled retired NYPD Lieutenant Phillip Panzarella:

The climate among cops and the community was filled with shock and outrage. This couldn’t be compared with other cop homicides...this was an out-and-out assassination” (Goff, 2014)

The death of Edward Byrne highlights police power as a means of marking boundaries, the politics of death readily apparent in the defining of some lives as killable and others as livable. Police power articulates death as a political decision rather than a biological moment, marking such power as indistinct, meaningful and meaningless, visible and invisible. Not only does killing a police officer tend to grab national media attention, such attention establishes

insecurities within our very ontological necessitations towards order and order maintenance.

Killing a police officer means that “none of us are safe” (Barron, 1988). Such insecurity would be embodied by the state, helping the state and its populace to embark on the longest war in its history.

### 3.1.1 Declaration of War

*“No matter how blood-soaked the city had become, no one had ever imagined that a gangster would cold-bloodily declare war on the police” –Editorials (2012)*

By February 29, 1988, the identities of those involved and the motive for murder were revealed. It “was a message from brazen dope dealers” proving that if a uniformed cop guarding a witness was not safe, “no one in New York City was” (Marzulli & Gendar, 2008). To hammer in the need for action, continual footage of the grieving family allowed America to share in the toll that the loss of a child has on a family– and now a nation. This particular grief is socio-communal, as if the death of Edward Byrne was personal – we should all share in this grief.

The only legitimate means of interacting with this incident was by way of grief. To act within this discussion one was required to show compassionate respect to the fallen officer and his family. Bringing the cameras into the Byrne family’s world of grief legitimized the response to Edward’s murder: compulsory grief (see Bednar, 2013). In our compulsion, we function in ways that re-establish the social order around police grief, intimately and subconsciously reinforcing the ideologies inherent in our understanding of the police officer. Similar to an Althusserian interpellation, tears and compassion hail individual subjects as subjected to the ideologies of police grief and police memory, reinforcing these very logics through a grief compelling us as subjects of discourse (Althusser, 2014).



A retired police officer himself, Edward Byrne's father, Matthew, became a public figure, touching New Yorkers and the nation as he spoke of his loss and his fear that America's streets were becoming "as lawless as the streets of Beirut or Bogota" (Barron, 1988). It seemed that the only way to grasp the dismal reality of the US was by invoking the specter of violence and drugs in the Middle East and Global South. In the words of one prosecutor, this coldblooded assassination was "a declaration of war," and the bullets ending Byrne's life "tore away at the fabric of our society" (Connor, 1999). Here, we see the development of the war metaphor, which blurs the line "between warfare and police work" (Steinert, 2003, p. 266).

While "people had been dying for years", Byrne's death made "the country aware of what was going on with crack and narcotics" (Marzulli & Gendar, 2008), and of the "creeping drugs crisis" that "contaminates the veins of a nation" (Binyon, 1988). Tracy Connor (1999) would remember that, "the five bullets that drug-gang henchmen pumped into Officer Edward Byrne's skull on Feb. 26, 1988, shattered a city already in the midst of a vicious drug war." It was clear that Edward Byrne's death operated in a "solitary, chilling niche" (Dwyer, 1999). As such, Byrne's death was *the* signifier of this war, a war not just against the police of New York City, but, as Justice Thomas Demakos declared when sentencing Byrne's killers, a war "against the very foundations of our society" (Fried, 1989). While Neocleous (2014) makes clear that war power and police power are "always already together", the consequences of such metaphors (re)make indistinguishable the zone between "enemy" and "criminal" (Steinert, 2003). As such, Byrne's death marked the escalation of hostilities as a moment in which the nation declared domestic racialized warfare on gangs and drugs (see Rodriguez, 2012). With the addition of such powerful exposures, the advancement of the retributive criminal justice policies had a home

within the US public's psyche, its racialized nature made unrecognizable by the corpse of Officer Byrne.

As this "war" unfolded, Byrne's death remained powerful. As the narrative developed, his death quickly became one of sacrifice; he became a guardian who "died protecting a citizen who said 'Enough'" (Gannon, 2015). For Mayor Koch, Byrne became a "martyr in what amounts to a war for national survival" (Magnuson, 1988). Dying in the line of duty, such discourse suggests Byrne was a selfless actor thrown into violence that he played no role in setting (see Arbona, 2015). Reverend Christopher O'Connor found that Byrne's sacrifice reminded "us of the sacredness of human life" (Khan, 2008). Others saw Byrne as a "silent guardian" who stood "up for something bigger and better" (Gannon, 2015). His was a death that mattered to people. His sacrifice resonated. Mike McAlary's (1992) dramatic retelling captured this resonance: alive, Byrne was "an anonymous cop in a city of 27,000 blue uniforms," but dead, "he would belong to the nation" (p. 3).

Mayor Ed Koch of New York City, presidential candidate George Bush Sr., and even President Ronald Reagan, took time to grieve Byrne's death. Moved by Byrne's assassination and making "certain he didn't die for nothing" (Marriot, 1988), Mr. Koch authorized the use of \$12,900 from his re-election committee to take out an ad in *The New York Times* mourning the loss of life. Battle lines were drawn when Mayor Koch declared on CBS This Morning, "We are truly in a war with the drug pushers, but the President is not acting as the commander in chief. If anything, he's acting as a wimp" (Associated Press, 1988, February 29). Calling President Reagan a "wimp" for his lack of effort in policing such violence (Kurtz, 1988), Koch reminded the nation that drug violence was not "simply New York's problem" (Marriot, 1988). The

President's response was to personally call and offer his condolences to the parents of Edward Byrne, promising the grieving parents that something would be done to right this wrong.

George H.W. Bush, perhaps one of the more dedicated to grieving Byrne's death, brought his badge, and Matthew Byrne's support, with him along the campaign trail. Calling out his opponent, Michael Dukakis, Bush carried the shield as "a symbol of his pledge to fight crime", demonstrating his "promise to eliminate drug dealers" (Richie, 1989). Ringed by uniformed policemen and Matthew Byrne, Bush called on Dukakis to "join him in backing a drug bill in Congress that would include the death penalty for major drug dealers" (Rosenthal, 1988). He would use the ghost of Byrne to remind the nation of the effects of being too soft on crime – a specter of racialized insecurity that would ultimately help win him an election and envisage a world made safe by the thanatopolitical technologies of police power. Finally, in honoring Byrne, Congress renamed the Omnibus Crime and Safe Streets Act of 1968 the Edward Byrne Memorial Justice Assistance Grant. By 2006, it would become the largest funding opportunity for local and state police departments to fight drugs and violence.

In such police deaths, the gap between reality and representation does not matter. Given the relatively low number of police officer deaths (195 total in 1988)<sup>1</sup>, the reactions to killing a police officer must reside somewhere other than in the number of dead (Rose, 2004). The common rhetoric that sees the officer as the "thin blue line" signifies the ways in which policing is not a job, but a calling for all those who seek to protect others against the darkness of criminality. While the reality suggests some danger in being a police officer, numerous jobs are

<sup>1</sup> The National Law Enforcement Officers Memorial Fund has tracked the number of police officers who have died while on duty since 1791 (<http://www.nleomf.org/facts/officer-fatalities-data/year.html?referrer=https://www.google.com/>).

far more dangerous.<sup>2</sup> The death of a police officer, then, must be understood differently. Here, “the Real” is that any police death is an “event.” Something experienced as a traumatic breach in the symbolic order that breaks down the signification of everyday life and causes a rupture between the known and unknown. This is existential uncertainty in the face of death radicalized in the Real. The specter of death punctures our very experiences of everyday life when a police officer is attacked; this is an attack on those we ought to feel most protected by. Police deaths, as such, bring us face-to-face with “the Void”, as Lacan would say, and explains why “no one could have ever imagined” such an incident (Editorials, 2012). This is a death that proliferates and remains.

What we see in the instances of violence directed towards police officers are depictions of destabilization, a fear of the possibilities (and insecurities) of a society without rules, and a place where safety and protection are no longer guaranteed. As the now retired NYPD Lieutenant Phillip Panzarella put it after Byrne’s death, “now crack was everybody’s problem” (Goff, 2014). In such rhetoric, we see, as the nation mourns, how the actual mourning occurs over the loss of possibility and a threat of what is to come. Byrne’s death, then, is not simply another causality of drug violence, but in fact, a stand in for the big Other, our social order (Žižek, 1993). Insecurities spawning from such perceptions operate as representations of the life and death of our existing world. If we can no longer imagine a world outside of capitalism (Hall, 2012; Jameson, 2010), then the role of the police in maintaining a capitalist order remains a part of this imagination; or rather the inability to imagine a world without such forces remains an impossibility wrapped up in the construction of capitalist order. A society without rules (i.e. without police officers) becomes unimaginable. At the end of this path resides a nothingness:

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<sup>2</sup> Police fail to crack the top 10 in most dangerous jobs, and are a distance second to taxi cab drivers in murder rates (Ehrenfreund, 2015).

death. The killing of a police officer then, is the gravest insecurity, for this marks the death of civil society (Neocleous, 2000). A world without police protection is a world of chaos and death – the haunting presence of this loss is the “terror of death” (Neocleous, 2000). When society is forced to confront its own mortality, we become more attached to what we know, that police power represents a known form of safety (Becker, 1975). We see with the death of Officer Byrne, that in fact, police officers symbolize life. The seeking of security reaffirms police power – police power as life. The policies, strategies and discourse related to the death of Byrne resolve our anxieties of an insecure life (Van Marle & Maruna, 2010). While the rhetorical procession of grief over the loss of life to the terror of social death highlights the insecurities common with the killing of a police officer, it also closes any further discourse. For the death of Edward Byrne, this rhetorical procession would become a literal procession, one that would help reanimate society by providing a power for the reinforcement of life. For the city of New York, Byrne’s police funeral gave life back to the state.

### 3.1.2 Reanimating Grief: Police Funerals and Legitimate Violence

It was the nation who tuned-in to watch 10,000 police officers from around the country line the streets of New York City to salute a fallen officer (Magnuson, 2001). The local news channels broadcasted the somber event, followed by a four-minute tribute to the short life of Officer Byrne. Said to be the largest police funeral in history (Goff, 2014), the turnout was “an expression of the officers’ horror” (Lyall, 1988). It was, as some officers’ described it, a “sign of resolve” (Ibid). A sign that life, indeed, was evident in expressions of police power. Such a large turnout served as an expression of the life visible at the time of death. The funeral became a way

to demonstrate to a reeling nation how the insecurities of death could be beaten back, and with 10,000 officers, they looked to show it.

The funeral connected the grieving subjects with police grief, establishing and supporting a “tremendous groundswell of rage” (Lyall, 1988), that would be used to fight such violence, the “cancer to which no community is immune” (Marriot, 1988). Accounts of the accused perpetrators laughing at the murder (Fried, 1988 October 13), convicted felons who “managed to swagger through the criminal justice system like they do the drug-infested streets of southeast Queens” only helped to incentivize a nation already in mourning (James, 1988). The hope was that Byrne’s death would provide the state “with a moment to do something dramatic to reverse the disease” (Lyall, 1988). This was “a war for national survival,” declared Koch.

As a symbolic message, Byrne’s death brought the drug war home, a way for politicians and citizens to envision the reality of the drug war; and with Byrne’s death, the realization that the nation might be losing it (James, 1988). And, as 250 police officers avidly watched on, Justice Thomas A. Demakos of the State Supreme Court in Queens sentenced Philip Copeland, one of four men accused of murdering officer Edward Byrne, to 25 years to life in prison. Declaring Copeland “unfit to be a member of our society”, Justice Demakos made it clear that “this vile act was...a deadly declaration of war against the very foundations of our society and a defilement of the cornerstone on which our criminal-justice system is based” (Fried, 1989 May 17). The city was “sick of murderous”, “vicious”, drug dealers and drug kingpins controlling the streets (Marzuilli & Gendar, 2008). The murder of Edward Byrne not only elicited such cannibalistic hunger from courtroom Justices and cops, but from the city of New York itself, and the millions of individuals across the nation fearing for their life as drugs and the war on drugs

descended upon marginalized communities across the nation. Retired NYPD Officer George Reynolds made it clear, this “was a wakeup call” (Marzuilli & Gendar, 2008).

The shifting rhetorical procession, from mourning Byrne to a re-emphasis on police power, clearly showed that “the city got the message”. Becoming a “turning point in the war on crack” Byrne’s murder helped to initiate strategies and policies to solidify a social order threatened by the unexpected loss (Marzuilli & Gendar, 2008). Within days of Byrne’s death, Mayor Koch wanted to increase pressure on those who he felt were protected by a pendulum that had “swung too far” by ramping up policing tactics in neighborhoods associated with drugs (Samaha, 2014; Gardiner, 2009). To “win this battle against drugs” (Ward & Harding, 1988), Mayor Koch and Police Commissioner Benjamin Ward announced the creation of the NYPD Tactical Narcotics Teams (TNT), to work in combination with the City Anti-Drug Task Force, which consisted of a network of 23 city agents (Letwin, 1990). Wanting “to send his own message”, Mr. Ward set out to make drug dealers pay (James, 1988). Part of the largest local narcotics program ever established, Frankel and Freeland (1990) noted that New York City spent \$116 million on the program, representing what Police Commissioner Ward called a commitment of “more resources to the war on drugs than any other municipality in the country” (Marriot, 1989). This was a drug war army second only to the federal government’s own Drug Enforcement Agency (Letwin, 1990).

Designed “to eliminate quality of life conditions in the target area that foster drug trafficking and use” (Letwin, 1990), TNT teams flooded the streets of predominantly African American and Latino poor and working class neighborhoods, moving from neighborhood to neighborhood with a team of investigators and undercover officers conducting buy-and-bust operations, picking up mostly low-level drug dealers (Letwin, 1990). Occasionally, these teams

would return to previous neighborhoods for what they called “maintenance” days (Frankel & Freeland, 1990). Loaded with battering rams, SWAT gear, and employing military tactics, TNT units set off to stop the spread of crack, starting at the source; this was a strategy to saturate “drug-infested neighborhoods” with a police presence (Frankel & Freeland, 1990). The inaugural TNT operation took place in a square-mile area of South Jamaica, Queens (James, 1988). Claiming success, the mayor and police officials’ pointed to the increased arrests and the development of a new narcotics court in Queens that sped up the processing of said arrests (*ibid*).

By May of 1990, TNT had netted over 35,000 drug arrests (Letwin, 1990). In the first 11 months of 1988, city-wide felony drug arrests made up 90,000 of the 279,000 total arrests, “more than twice that of five years before” (Letwin, 1990) As a result, drug prosecutions soared, with drug felony filings increasing by 288% between 1985 and 1989 (Wachtler, 1989). State prison sentences for felony drug convictions rose by 16.9% in 1988, and by April 1, 1990 roughly 5,400 people entered state prisons as a direct result of TNT-based convictions and sentences (Frankel & Freeland). As a result, by 1990 “more than 30% of state prison inmates (9,719) [were] serving sentences for drug-related convictions, compared with 3,194 in 1986”, an increase of over 300% (Letwin, 1990). Such increases led the city and police officials to declare that TNT was “able to provide a positive impact and restore social order to our communities” (Ward & Harding Jr., 1989). Order, here, meaning mass arrests in poor, urban marginalized communities of color. Policing marginalized communities of color is life. Looking back, such police tactics would emphasize the “greatest policing comeback” ever witnessed, (Mastrosimone, 2013). Resuscitated through such policies, the state was alive again.

The funds diverted to the TNT would come from the sacrifices in other government programs (Lubasch, 1989). To make room for the overflow of female jail inmates caught up by



the likes of TNT would mean the eviction of 200 men from a homeless shelter (Hemphill, 1989). While other measures included cuts in the “Fire Department, sanitation, foster care workers, drug treatment for children, home-care services for those with AIDS, child care, job training, libraries, schools, parks and recreation” (Preston, 1989). In an even more ironic turn, cuts proposed by new mayor David Dinkins included reductions in the funding for drug treatment, a solution to the drug problem already nearly impossible to find for the poor. As Letwin (1990) would conclude, “these measures make it even more attractive for inner-city young people to use and/or sell narcotics.” It was clear that the life and safety of the community could only ever be achieved through police power targeted directly at marginalized populations. This “comeback” then, should be thought of as nothing less than the reinforcement of Mbembe’s death worlds.

### 3.2 HAUNTED BY THE MEMORY OF A COP

*The windshield, he remembered was pink mist. “I can never get away from that window...and no cop who saw, and understood, can forget Eddie Byrne”*

--Mcalary (1998)

Setting out to name a street in South Jamaica, Byrne’s former precinct sought to safeguard his memory, fulfilling a promise to never forget (Gannon, 2013). In doing so, the 103<sup>rd</sup> made clear the distinctions of livability. Memorializing Byrne in such a way highlighted an issue over which victims of New York City’s drug wars should be honored, and how and by whom (Bohlen, 1989). For many residents of the neighborhood where Byrne died, he was one of many in a war ravaging their community. The question for Connie Felton, serving on the Community Board 12 at the time,<sup>3</sup> was that “if we are going to honor officers, why could we not honor others who also gave their lives?” (Bohlen, 1989). For instance, 61-year-old Mildred Greene was a

<sup>3</sup> The Community Board 12 is the governing body, comprised of community residents, that votes on and determines the naming of streets, parks, and other buildings.

woman who was “slain because she agreed to step forward as a witness in a drug case” (*ibid*). For the community of South Jamaica it was not simply *just* Edward Byrne’s life, it was the fact that there were a number of individuals considered heroic and grieved for, that should be remembered. To the community, Mildred Greene, similar to Byrne for police officers, was “a positive symbol” says James Heyliger a former Community Board 12 official (Bohlen, 1989). As such, the Community Board voted against memorializing Byrne over others, blocking the logics of police memory for the time being, because Greene, too, was a life lost to the scourge of drugs, and was someone worth memorializing. But the political workings of Greene’s death required an absence of remembering. Unlike Byrne who had 10,000 officers from across the country escort his casket to his final resting place, Greene, working as a taxi dispatcher, was uninsured, and had no one paying her funeral expenses (Bohlen, 1989).

The issue of which victims are worth honoring, and thus worth remembering, would surface again when former colleagues of Byrne’s began hanging street signs with his name on 91<sup>st</sup> Avenue, a violation of both law and procedure within the community. While the responses to such a breach highlighted who the community felt should be mourned, the hierarchical relations of death were imposed through the precincts own project of livability. Coming from a precinct that ranked fifth in the ranking of the top twenty corruption-prone precincts in the city in 1995, and with the fourth-highest total complaints from residents about officers of any precinct in New York City, it is no surprise that the community pushed back against the 103<sup>rd</sup>’s tactics of memorialization. In the words of one local resident, this was a precinct that had officers “tell you to turn away from the car when they roll up on you so you can’t see the numbers on the side”; these officers were called “bad boys because they try to instill fear” (Holloway, 1995).

Yet, the responses made of those in power supported this form as a way to honor Byrne. Those who spoke out against such memorialization became objects of discourse, cast as external threats to the subjects within discourse – these were citizens failing to respond to the compulsory grief (Bednar, 2013). In fact, Mayor Koch would publicly chastised Community Board 12 for their resistance to memorializing just Byrne and their call to honor all those victimized by drugs and violence. Continuing, the Mayor vowed to rename the street with or without community approval, stating that “to smear the name of Ed Byrne by not honoring him in this small way” was “unbelievable” (Bohlen, 1989).

The logics of police grief were clear as other officers responded to the community’s pushback. It was not the fact that they were not respecting the community, but as Walter Conry, the community relations’ officer at the 103<sup>rd</sup> Precinct felt, it was just that the police “can’t see any reason why this single block can’t be named after a 22-year-old kid who died protecting this community” (Bohlen, 1989). The correct form of life, the responsible biocitizen, operates within, and actively reproduces, the projections of the police logic onto the citizens of the body politic. So, in order to belong to the State, to be worthy of a life worth living, one must not only play a role in keeping it safe, but must also bear the state’s mark and enliven the logics of security that create the state in the first place. In such grief, we see the marking of boundaries and the indistinguishing of lives. Those of the community speaking out against the politics of remembering (and death) were seen as objects, as external threats, and thus marked for death by the life-ensuring force of police power. Outside of biocitizenry, understood as objects and threats, communities resistant to these politics find themselves managed by the politics of death and destruction – police power. As lives indistinguishable and unremarkable, such non-biocitizens cannot expect remembering, for their lives never once enter the political decisions of

mournability and grief – which explains the ability for the police to bypass the community and post Byrne street signs anyway.

A few months later, the Queens Community board had reversed its original decision, proclaiming the honoring of Edward Byrne (Fried, 1989). Furthermore, a \$14 million Police Athletic League complex featuring computer labs, a library and two gymnasiums built in 2004 in South Jamaica, Queens named after Edward Byrne signaled the very same police logics (Woodberry Jr., 2004). Attempting to explain the honoring of Byrne’s death, it was reasoned that “when Police officer Byrne gave his life, he gave it for all of the community regardless of race” (Burke, 2004), successfully sterilizing any other deaths within the community through police logics.

Buried underneath these police logics is a conception of whose life is worth living and thus honoring– and whose life is not. Here, we see how police memorials counter the political memories of police violence, and sanitize the world we live in. Naming streets and buildings in honor of Byrne, while disregarding others lost in the very same drug war, highlights how police narratives sterilize police violence. This counter includes saturation techniques familiar to South Jamaica residents following Byrne’s death. The enmity towards such counter narratives, not just emitting from the 103<sup>rd</sup>, but even from the city’s political figures, showed police power working to sterilize the past with police-only accounts. So, when the head of the Patrolmen’s Benevolent Association, Patrick Lynch, addressed the community’s disgruntlement over naming the PAL center after a white police officer instead of a black community member, he was attempting to sanitize the counter narratives of life. By saying “Officer Byrne gave his life...for all of the community regardless of race”, Lynch was working within police political propaganda that enforced amnesia of police violence while enabling the ongoing criminalization of targeted

groups under a deceptive guise of victimization. Thus, this discourse successfully silences calls within the community, while reinforcing the necessities of a police presence (see Arbona, 2015).

On the eve of the parole hearings for Byrne's murder, Mayor Michael Bloomberg attempted to reject their attempted freedoms, finding that "the crime still resonates in our city – not only in the hearts and minds of those who loved Officer Byrne, but in the millions of people who remember his story" (Kemp & Parascandola, 2012). "Every child," says Patrick Lynch on the site from which Byrne was murdered, "[that] has been born here since then is safer because of him" (Gannon, 2013). A sentiment shared with a still grieving public twenty-five years later on the site in which his young life was taken, a site now enshrined in police lore. Twenty-five years later, we see the death of Edward Byrne punctuating the everyday lives of the community of South Jamaica, Queens through distant and vicarious grief (see Auchter, 2014). The same cannot be said of Mildred Greene. It is with the defining and deploying of life that power comes to be revealed. With the remembering of Byrne, we see the state's ability to exercise its control over the definitions of life.

### 3.2.1 Socio-communal grief and continued haunting

Not simply left to the everyday passing of the PAL center, or walking down the blocks named after him, remembering Byrne also came in acts of revulsion still felt by a city unforgiving of those cop killers. Speaking on behalf of the city, Mayor Bloomberg felt that sentences for men like this were "not over yet." Writing to the parole board in 2012, Bloomberg claimed "it would be a gross abuse of justice if those who committed a premeditated assassination of a police officer" were able to walk free after serving their 25 year sentences – cop-killers deserve no justice (Kemp & Parascandola, 2012). Yet, the coverage of these killers

also helps to sustain police grief, building and strengthening a story supporting nationalistic and hegemonic cop memory (see Arbona, 2015). Such discussion reiterates to the reader, turned mourner, the very levels of victimization envisioned by this particular form of remembering. Cop-as-victim becomes the political narrative, once again, suppressing alternatives to police power itself.

This narrative maintains itself through similar incidents where violence pushes back against those wearing the badge. It is not simply that Byrne is remembered every year on the anniversary of his death, or even when those convicted for his death come up for parole, but the fact that Byrne's death is remembered within a continuum of violence directed at police officers. We see this in the recent murders of two NYPD officers in December of 2014, where Byrne's death comes back to haunt us (Hicks, 2014). "Conjuring up memories of one of the city's darkest eras [Byrne's death]", the murders of officers Wenjian Lie and Rafael Ramos helped ignite fears of more targeted assassinations (Hicks, 2014). And, in the aftermath of protest against police violence, these particular deaths were portrayed as evidence of a hostile environment for police officers. Such deaths, while tragic, help raise specters of violence that conquer counter memory. Describing the current atmosphere as "poisonous" following the non-indictment of Officer Daniel Pantaleo in the murder of Eric Garner, Commissioner Bill Bratton rejected any such counter memory. Such regimes of police memory highlight the clear economy of power "in which some subjects are deemed legitimately memorable and some are not," and where memorializing some lives is legitimate while others are not (Bednar, 2013, p. 340). While grief declares who is worthy of mourning and whose death is unremarkable, remembering operates as an ongoing political process of order and meaning making (Acuther, 2014).

Even in the aftermath of the tragic loss of others in the line of duty, Edward Byrne's death was not forgotten. The funeral procession that would help reaffirm police power, the saturation of TNT through marginalized communities, and the fact the Edward Byrne Memorial Assistance Grant is still the largest source of grant funding for state and local law enforcement, ensures his memory by defining the boundaries of livability. Such practices and performances of remembering exert specific political meanings (Castronovo, 2001). Communities experiencing life-making police power exist within the shadows of conquered memories, and as such, exemplify thanatopower most acutely. The socio-communal grief, memorialization, and policies of saturation become thanato-techniques pushed through by a politics of death. Here, we see thanatopolitics operating in the form of death for the mobilizing of political life. Such mobilization of life must mark its distinctions. Moreover, in marking such distinctions, the use of Edward Byrne's death to mobilize a certain political life leaves in its wake the necessary negation of other deaths. Thanatopolitics makes it necessary and justifiable to kill in order to make life, emphasizing that the right to live remains anything but equal.

### **3.3 THE THANATOPOWER OF EDWARD BYRNE: THE THANATOPOLITICS OF SEAN BELL**

*"This was premeditated and it was meant to send a signal to society in general, not only the police department," he said. "It made a permanent difference in the way we policed" declares Mayor Bloomberg.*

*--Kemp & Parascandola, 2012*

The murder of Edward Byrne haunts the murder of Sean Bell. The politics of death apparent in the remembering of Byrne come alive in the bullets fired at Sean Bell and his friends. For the officers who unloaded 50 rounds of ammunition towards the car Sean Bell and his unarmed friends were in, it was not simply an example of excessive use of force, rather it was

their fear from threat that initiated the instinct to fire. In their surveillance of the club, the same club where Sean Bell and his friends were celebrating his soon-to-be nuptials, the police were expecting guns. Thus, when confronting Bell and his friends, they *did* hear “yo, get my gun”, regardless of whether or not the words were actually ever said. Despite the events surrounding this confrontation: the fact that the plain clothed and undercover police officers admittedly never announced their presence as police officers, the fact that part of their surveillance was the following and surrounding of Bell’s Altima, or the fact that no gun was found at the scene, Bell and his friends offered sufficient evidence to warrant their death. In this, we see the presence of Byrne haunting the very same streets of South Jamaica. The thanatopolitics of Byrne clearly take shape in the killing of Bell, “it is as if every valorization and every ‘politicization’ of life...necessarily implies a new decision concerning the threshold beyond which life ceases to be politically relevant...and as such can be eliminated without punishment” (Agamben, 1998, p. 139). Byrne’s memory haunts the streets of South Jamaica, recalled in the moments of fear in those encounters with residents who have already always been established as “becoming dangerous” – the racialized body of the South Jamaican resident. Byrne’s assassination leaks into the police mantra, “your job is to go home at night,” reinforcing it with macabre images of windows blown out and “pink mist” covering the dash. The mechanisms of statecraft, of ordering and limiting, revolve around the notions of killability and rememberability. Offering life, policies and strategies stemming from Byrne’s death reanimate the state. Here, we see the logics to defend, deployed to destroy.

Police power, perhaps, has always been thanato: thanatopower *is* police power. As we see, the identifying of police power as sole political logic (and imagination, for that matter), simultaneously suggests deathly power as the sole operating political logic of our time. When



police logics become threatened, the logics of thanatopower operate to (re)solidify boundaries, marking those for death through new strategies, technologies, and techniques. In this sense, we see that police power operates by turning marginalized communities, which experience police power so acutely, into combat zone.

A seemingly innocuous quote helps propel us towards the end of Sean Bell's life: as police looked back, Byrne's death helped "take back this city corner by corner, door by door, street by street" (Samaha, 2014). It is this "taking back" that explains the TNT's saturation; it is the "corner by corner" that put the police officers at the scene of Sean Bell's prenuptial celebration; it is the "door by door" policies that would ultimately see 50 rounds of bullets fired towards a car full of unarmed black men with deathly intent; it is the "street by street" of South Jamaica; and it is the killing of Byrne that would lead this charge. The strategies and techniques following Byrne's death function as the means for the management of death and destruction that rely on spaces where killing unarmed citizens becomes justifiable in the prevention of loss of proper life. That is, policies stemming from Byrne's death put forward zones of indistinction between fully human and the merely alive in a thanatopolitical fashion (Ailio, 2013). What we see is the marking of boundaries and ending of lives.

Thanatopolitics highlights the role that death plays in both governing and enabling a certain embodiment of life within the body politic. Closely connected to the state, the politics of death define both the life of the state and life *within* the state (see Shields, Newman, & McLeod, 2014). Making the connection between the killing of Byrne and of Bell throws light on how such politics define *our* lives. We saw the recreation of life through Byrne's death. The anxieties over threats to the social order and the ontological insecurities that crest at the moment of life lost is reassured by policies, strategies, and visual showings of force looking to quell these anxieties.

Sparking life for the state were forms of compulsory grief and mourning that interpellates subjects as mourners. The visually expressive power of 10,000 police marching through the streets of New York City highlighted the foundations of life for the state. What viewers and mourners witnessed was the power of life in the death of Byrne. On an ideological level, police enabled a particular kind of life for the state through the pretense of threat to Order. This pretense empowers the very conceptions of life as citizens of the state (Newman & Giardina, 2014). The result is a state reaffirmed in its power over life and death through a politics that exposes, neglects, and targets subaltern and marginalized populations, to the point of disposability (Giroux, 2006) – the shadow of death exhausting all power.

The violence of biopolitics, exercised indirectly through a selective affirmation of encouragement of certain life, functions as a means of statecraft: ordering and limiting the ways by which we remember life. Made most visible through the remembering of Byrne over others in a community with negative experiences of police-resident interaction, this remembering can be understood as “remembering like a state”<sup>4</sup>, where honoring “our” dead, closes off discourse (Auchter, 2014). The Mildred Greenes of South Jamaica have long been forgotten. It is not just that certain lives have become ungrievable (see Butler, 2006), but that mourning itself has become a political process, a tool for government (Bargu, 2016). The mourning of Byrne and not of Greene exemplifies lines of demarcation drawn by thanatopolitics. Let us recall that there is a national police week, a memorial with all the names of police killed in the line of duty, but no such memorial or remembering can be said for the 1,140 killed by police alone in 2015 (Swaine, Laughland, Larey, & McCarthy, 2015, December 31).

<sup>4</sup> Like James Scott’s (1998) *Seeing Like a State*, remembering like a state is a similar ideological process of “a state’s attempt to make a society legible, to arrange the population in ways that simplified the classic state functions of taxation, conscription, and the prevention of rebellion” (p. 2). In other words, remembering enforces the subjectivity of being part of the state, making manageable populations.

In understanding the processes of mourning, we can draw on the (lack of) connection between Byrne and Bell. These deaths constitute the borders between which the proper biocitizen may exist, and the boundaries of national life constructed in relation to police-national strength. While the reanimation of the state occurs through Byrne's funeral procession, it also occurs through the legitimate violence exercised against those "socially dead" and thanatopolitically "alive" others, the communities like South Jamaica, Queens which experience the saturating techniques of the TNT (see Linnemann, Wall, & Green, 2014). In gaining back life through the death of Byrne, the state not only gains its own life, but also the ability to produce the thanatopolitical lives of its citizens through "the systematic production of people who come to necessary death and the practice of actually killing them" (Shields et al., 2014, p. 427).

It is to these saturation policies that we must now turn to, for we see Sean Bell's murder is a direct descendent of the justified policies of drug sweeps created out of Mayor Koch and Benjamin Ward's Tactical Narcotics Teams and financed by Edward Byrne Memorial Justice Assistance Grants. Following the US Congress' renaming the Safe Streets Act of 1968 to the Edward Byrne Memorial Justice Assistance Grant (JAG), we see the aftermaths of the politics of death. As the largest national funding opportunity for local and state law enforcement to support the war on drugs and violence, these JAG grants help mark the necessary distinctions of thanatopolitics.

As Radly Balko (2013a) states, JAG funding has led directly to the creation of regional multi-jurisdictional narcotics task forces "with little federal state, or local oversight." These grants, Balko continues, "incentivized the type of police that has made the war on drugs such a destructive force in American society." As a result, "we have roving squads of drug cops, loaded with SWAT gear, who get money if they conduct more raids, make more arrests, and seize more

property, and they are virtually immune to accountability if they get out of line” (Balko, 2013a). Operated as a means to gain back the life lost in the drug war through techniques and technologies implored in life creation are now indistinguishable from those implored in the destruction of life – and perhaps more importantly, are commonly acceptable objectives (Debrix & Barder, 2012). The technologies of the TNT and the funding of the JAG grants operated within the rhetoric of preserving the community, preserving order, and preserving life. While turning communities of color into combat zones, “deathworlds” experience thanatopolitical violence through the managing of deadly and destructive conditions by which they are continuously exposed to violence, *and* specifically targeted for death (Mbembe, 2003). Death, in such communities, is not power’s limit “but the field on which it operates” (Noys, 2005, p. 35).

The use of Edward Byrne’s death to mobilize a certain political life left in its wake the necessary negation of other deaths. Death is the always-present force that enables *bio*, to become amenable to order and control (Campbell, 2011). Thanatopolitics makes it necessary and justifiable to kill in order to make life. Managing life not only takes place when death falls under the state’s purview, but when a state’s own people can be properly killed. It is the sovereign right to kill in the name of life that provides the means to practice a thanatopolitics. What makes the death of Bell thanatopolitical is that the improper killing of Bell, is in fact proper. After a long and public trial, the three officers charged with first and second-degree manslaughter, second-degree reckless endangerment, and first and second-degree assault, were acquitted on all counts. Similar to Mbembe’s “deathworlds” created through the rhetoric of targeted drone strikes, such killings are legally justified – committed in the name of life. Here, the officers felt threatened; in their heightened sense of fear, their deathly power articulated itself as legitimate violence. As such, death continues to circulate as both an absolute punishment and state of being for those

victims of South Jamaica, Queens. Thanatopolitics, then, are forces, strategies, and techniques that enable expressions of power through “the threat of death, the fear of death, the example of death, the calculated exercise of death” (Rose, 2007, p. 57).

Thanatopolitics operates on the creation of life through the negation of others. Residents of places like South Jamaica, Queens experience this negation and the life-making violence inherent in this police power. Whether it is the slow death of criminalization, or with the killing of Sean Bell, a thanatopolitics must again-and-again mark those lives worth living. It must repeatedly define itself through the negation – a negation that can always take the form of death. In beating down the young black man, the politics of life are expressed through the police officer’s fist, through the police officer’s baton, through the police officer’s gun, and ultimately through the police officer’s badge, defining itself through the negation of lives considered long dead.

## CHAPTER 4

### KNOCK KNOCK, “WHO’S THERE?” ME, PULVERIZATION

*All you need to understand is that the officer carries with him the power of the American state and the weight of an American legacy, and they necessitate that of the bodies destroyed every year, some wild and disproportionate number of them will be black.*

--Ta-Nehisi Coates, *Between the World and Me*

#### 4.1 WHO’S THERE?

Marvin Louis Guy, an African-American man, was the target of a no-knock drug raid on May 9, 2014. Narcotics officers, operating on a tip from an informant who claimed that Guy was selling bags of cocaine, carried out a SWAT raid on his home in Killeen, Texas at around 5:30 AM – and Guy grabbed his gun and opened fire. Charles Dinwiddie, one of the officers, was hit and died two days later [three others were shot, one wounded]. Guy was charged with capital murder, and prosecutors are seeking the death penalty despite his assertions that he thought he was acting in self-defense ... No drugs were found during a search of Guy’s home, only a glass pipe and a grinder (Henderson, 2015).

During a videoconference from the jail, Marvin Guy claims: “The only thing I know is my window was busted out.... I was in fear for my life, and I fired some shots out the window. After that, all hell broke loose” (Thorp, 2015, October 30). The trial date for his capital murder charge is set for September 26, 2016. While the loss of police life remains relatively uncommon, the procedures that animate Guy’s story function as an integral part of law enforcement’s emergency police powers. Important in this story is not just the ordinariness of this procedure as an everyday technique of search and seizures felt disproportionately by black and brown bodies, but how this particular police raid – one coupled with the killing of police life – can be understood within the historical contingencies that define our present state.

This example highlights the paradoxical nature of law, of “being-outside and yet belonging” (Mills, 2007, p. 191). Such “rotten ambiguity” (Benjamin, 1978) justifies the use of violence as a legitimate means to a legitimate end; yet, this ambiguity can never fully separate

law from its violent means. As such, police power can be thought of as perpetually slipping between law as a means of securing human life and law as a means of justifying the self-preservation of the sovereign's own lawful power (MacGregor, 2015). The example here, of no-knock raids, expresses the law's legitimate means to conquer, rendering violence outside (or against) this violence (Guy, in this case) as lawless, uncivilized, and irrational (Sarat & Kearns, 1992).

As both the ACLU (2014) and Peter Kraska (2007) confirm, the use of SWAT to execute search warrants in drug investigations has become commonplace, making up 79% to 80% of deployments. No-knock warrants, like the one Marvin Guy experienced, make up roughly 60% of these searches. These types of raids "constitute a proactive contraband raid" (Kraska, 2007, p.7). Recent transparency measures in Utah and Maryland concerning the usage of SWAT and no-knocks corroborate the ACLU's statistics (see Utah Commission, 2014; Balko, 2015). Similar to the well-known racial disparities documented in the study of stop-and-frisk policies, the use of SWAT tactics in drug searches target primarily people of color. In a survey of 818 SWAT incidents, the ACLU (2014) reported that 50% of the people impacted by deployments were people of color (39% black, 11% Latino), 20% were white, and the rest went unreported.

Made clear in the limited but corroborated data collected on the use of SWAT raids is that these techniques of policing wreak havoc on communities of color. For example, in Allentown, Pennsylvania, Latinos are 29 times more likely to be affected by a SWAT raid than whites. Blacks are 23 times more likely. In Huntington, West Virginia, blacks are 37 times more likely than their white counterparts to be victims of a raid. In Burlington, North Carolina, it is 47 times more likely for blacks than it is for whites. In North Little Rock, Arkansas, it is 35 times more likely, while in Ogden, Utah, it is nearly 40 times more (ACLU, 2014). The havoc wreaked

by these raids pulverizes marginalized communities with the routineness of such brutality that it is unrecognizable. Pulverization, then, is the reduction of flesh that renders the search for enemies pointless. This does more than kill. The living who occupy such spaces, those being pulverized, exist simply as targets for brutality.

As undoubtedly violent, during such events numerous officers “armed with assault rifles and grenades approach a home, break down doors and windows...and scream for the people inside to get on the floor” (ACLU, 2014, p. 3). In the city of Hallandale Beach, Florida, pulverization is understood in the disproportionate usage of SWAT raids in the city’s poor majority-black neighborhoods over the course of eight years, where 33 of 38 deployments took place. Interestingly, none of the raids led to busts (Iannelli, 2016). It can also look like the 2010 murder of Aiyana Stanlye-Jones as she lay next to her grandmother when Detroit police officers entered the home and Officer Joseph Weekley’s gun went off. Or, it comes in the form of balaclava covered, ballistic wearing, armed officers raiding massage parlors from Birmingham, AL to Houston, TX. And, pulverization can even come in the regulatory powers of the state that use the muscle of SWAT to ensure Florida barbershops have the proper documentation for their barbers to cut hair. In schools, pulverization looks like the 2003 video of a police raid at Stratford High School in Goose Creak, South Carolina:

Recorded by the school’s surveillance cameras as well as a police camera... The tapes show students as young as fourteen forced to the ground in handcuffs as officers in SWAT team uniforms and bulletproof vests aim guns at their heads and lead a drug-sniffing dog to tear through their book bags... No drugs or weapons were found during the raid and no charges were filed. Nearly all of the students searched and seized were students of color (Alexander, 2010, p. 76).

Pulverization is the terror, trauma, and stories that often start like this: “unable to hold back tears [victims] described police ransacking their homes, handcuffing children and grandparents, putting guns to their heads, and being verbally (and often physically) abusive” (Little, 2003).



What might seem like “over-policing” of possibly “minor violations” are, in fact, routine forces of pulverization allocated by the state in its struggle to fabricate order.

Oftentimes, a limited discourse centered on responsabilization eschews such pulverization tactics. For Marvin Guy, and others who have found themselves in similar situations, the question is “who would shoot a police officer?” This question makes unrecognizable the violence that legitimates busting down doors in search of drugs, focusing instead on seemingly illegitimate violence suspected in those like Guy. Sadly, the only uncommon characteristic of this raid was the fact that Guy was not killed, though the social death of criminality always remains a possibility.

#### **4.2 THANATOPOLITICS OF NO-KNOCKS**

How are we supposed to understand this story and ultimately the general rise in this type of policing? A number of authors have touched on the rise of SWAT techniques and the subsequent warrantless no-knock search and seizure method (i.e. ACLU, 2014; Balko, 2013b; Kraska, 2007; Whitehead, 2013). Created to deal with emergency situations such as hostage, riot, and active shooter scenarios following the Watts Riots, SWAT teams are now more commonly associated with drug searches, raids, and busts (ACLU, 2014). Federal funding largely supports this trend by providing local and state law enforcement the financial means to fight against violence and drugs (ACLU, 2014; Balko, 2013b). Byrne JAG funds, along with other federal funding sources, provide the financial and emotional catalyst for the increased reliance on SWAT-like techniques and multi-jurisdictional drug busts that have become infamous in the War on Drugs (ACLU, 2014) waged primarily in and on communities of color. Today, these programs are the primary sources of federal financial assistance to state and local

law enforcement efforts (Balko, 2013c). In 2011, 585 of those task forces were funded directly by Byrne Grants (NCJA.org).

Many scholars argue that the role of policing has become “militarized,” defined as “the process whereby civilian police increasingly draw from, and pattern themselves around, the tenets of militarism and the military model” (Kraska, 2007, p. 1). The violence associated with this shift finds its resolution in accountability narratives and bureaucratic solutions that suggest, “we need to police the police.” My critique does not suggest that these authors are wrong; in fact, they are among the first to point out this important aspect of police power. However, such ideas present the problem as “fixable” through a number of different options that attempt to make police more accountable – i.e. camera monitored officers; independent agencies to monitor for racist officers, tactics, and procedures; and further laws. Even the more critical approaches focus on police power as understood within a discourse of corrupt culture. Such aims force confrontation with the order of police, while legitimizing the order of the state. The problem, as Colin Dayan (2011) puts it is, “it is not an absence of law but an abundance of it that allows government to engage in seemingly illegal practices” (p.72). In other words, these solutions fail to address the politics of livability. This bureaucratic narrative functions as a measure of check-and-balance for a just state, which mask the nature of police power (and ultimately of state violence) and its ongoing projects of violence enacted through law, while reassuring the doctrine of democracy in the US: all are equal under the eyes of justice.

The fact of the matter is that police departments disproportionately killed black people in 2015: [mappingpoliceviolence.org](http://mappingpoliceviolence.org) reports that 41% of victims were black, despite comprising only 20% of the population living in these cities. Following a number of authors (e.g. Linnemann, 2016; Jones, 2015; McMichael, 2016; Neocleous, 2014, Wall, 2016), I suggest that

the use of such raids highlights the already togetherness of war power and police power (Neocleous, 2014). The use of tactical no-knock raids is an example of police power: the power to determine and fabricate a certain statist imaginary that further maintains, expands, and reproduces inequalities (Neocleous, 2000). However, we must note that while this order is built on the definitions of livability, it is the politics of death and destruction operating through techniques of pulverization that fabricate order in the state's image.

This politics can be seen in the double-movement of biopolitical management (i.e. survey) alongside the sovereign's will towards death (i.e. the power at the end of the police officer's gun, fist, baton, Taser, lack of treatment). As a technology of pulverization, this thanatopolitical technique fabricates a specific social order dependent upon the exclusion of certain bodies from "human-beingness" in whatever space they inhabit (Warren, 2016, p. 108). Dealing with issues of militarization and excessive violence logically transforms thanatopolitical understandings of police violence into a bureaucratic problem intent on the necessity of scaling back police power, an a-political account that looks at how police can be better at their job. While such explanations recognize the racialized nature of these techniques, they look past the historically racialized nature of police and the state (Rodriguez, 2012; Singh, 2014). Arguments that "we went too far in protecting the safety of society," or, that such "techniques" are racist, fail to recognize, and oftentimes obscure, that the very function of the police lies in maintaining "necro-political" order built on whiteness (Singh, 2014).

Laying out the thanatopolitics of the no-knock procedure requires two separate, equally important tasks. First, I place the no-knock raid within the historical context of the War on Drugs and the murder of New York City Police Officer Edward Byrne. Particularly important here is the introduction and widespread support of federal funding towards local and state law

enforcement for the War on Drugs. This funding, as we will see, is critical to the expansion of the no-knock technique to its present and ubiquitous form, with the largest of these funding opportunities being the Edward Byrne Memorial Justice Assistance Grant. Then, we will see how these federal grants opened up further possibilities to expand and (re)define police powers by providing a logical base for no-knock warrants. Finally, turning to the legal justifications for this expansion, I highlight the role of Byrne grants in both making possible these techniques, as well as the legal rationalities legitimating police violence that offer further insight into the thanatopower of the police.

This project hopes to draw out the deathly presence of the state through the very notions of the life it seeks to protect. The rationalities of SWAT, its financial support and judicial legality, can be read as a means of fabricating order by way of the notions of death and destruction. The current state can be read through both the death of Byrne and the life of SWAT raids. The no-knock is at the historical juncture of the two, formulated in the thanatopolitical processes of planning, managing, and ethically justifying killing in order to make life live.

#### 4.2.1 The Rise of SWAT and the No-Knock Warrant

While the focus is on no-knock procedures, drawing out the historical roots of search and seizures makes plain that the power of this particular police technique is anything but new. Search and seizures begin and end with the fourth amendment, which protects citizens from unreasonable searches. Constitutionally legal searches require the announcement and serving of warrants before entering private residences. Briefly, the federal knock and announce statute, ratified during emergency conditions to prosecute espionage rings and arms smugglers during World War I were set in place to allow the officer to enter upon providing “notice of his

authority and purpose” (Witten, 1996, p. 453). Policing dissension against the state highlights the necessity of these emergency powers. Since this 1917 enactment, the statute has governed the ways in which law enforcement execute search and seizure warrants (Witten, 1996). The legality of this technique situates the rising search and seizure task forces we have come to define as SWAT. Specifically, while we can identify the following as exceptional forms of police power and violence, it is better understood as the masked spectacle of liberal violence. These emergency measures of policing, as state violence, “are part of the everyday exercise of powers” understood, not outside of law, but rather “as part of a unified political strategy” (Neocleous, 2000, p. 206). To understand these emergency powers as normal powers essential to the liberal paradigm, we must look at the rise of the knock-and-announce technique as a concept of emergency “deeply inscribed within the law and the ‘normal’ legal condition” of the state (*ibid.*). These routine techniques underline the rule of law “as a rule of state terror” (Wall, 2016, p. 3).

We can begin to understand SWAT through an already established lens of thanatic-possibilities. Knock-and-announce is nothing more than an ethical way to conduct police violence. Justice Brennan, writing for the Court in *Miller v. United States* (1958), lays out the importance of the knock and announce principle, finding it to be “deeply rooted in our heritage...” and “embedded in Anglo-American law” (301). Not only does this allow us to situate the following within the already determined rationalities and logics of thanatopolitics, but also highlights the larger historical context surrounding law, death, and techniques of pulverization.

Having police “knock” and then “announce” their presence justifies police aggression on the basis that these “warning” techniques inform the population about forthcoming attacks in

private homes.<sup>1</sup> This justifies the entrance and serving of search warrants (read here as police aggression) on a calculative basis by causing only the minimally necessary damage to civilians who are given the opportunity to plead their innocence. The assumption is that if you are innocent then you have the ability to lay claim to your innocence before police enter your private residence. Rendering legitimate targets means that the target is unable to prove their innocence, which subjects these objects of the police to the destructive forces of the law (Weizman, 2010).

Not only is this part of the police's calculative power, such thanato-procedures are also a means of framing populations on the other side of the door, not as passive victims, but as actively responsible for their own fates, including deaths on certain occasions. Being subjected to this technique positions the subject within thanatopolitical responsabilization that resists the target's ability to improve their situation (Hannah, 2011). For search and seizures, such justifications function as a sort of "ethical polishing" of police aggression (Joronen, 2015). Serving as a warning technique, knock-and-announce transfers accountability for death, destruction, and aggression from the police to the bodies being search and seized (see Joronen, 2015). Citizens become accountable for their own destruction. Knocking down doors, dragging half-naked suspects out of their houses, and ultimately ransacking private property looking for illegal contraband is justified by legal language that shifts the responsibility of causality to the subjects targeted by the police. Occurring here is the simple fact that police are simply serving warrants. Those on the other side of the door experience these powers, not as aberrational, but as a permanent emergency, a caesura that fragments the social body into those killable and cageable, and those not.

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<sup>1</sup> As such, we can read these very same techniques in the violence expressed by Weizman (2010) and Joronen (2015) on the Israeli Army's use of roof-knocking techniques. In reading this connection, I also read the implications of war power and police power as always already together (Neocleous, 2014).

Such responsabilization means that the subject must actively reclaim their status by convincing the police of their own innocence by acting in ways that police consider appropriate to the knock-and-announce procedure (Hamann, 2009). Acting in ways that police consider appropriate becomes important as such considerations shift along lines understood as exigent circumstances. Understanding “how to act” not only becomes an ever-changing (and often unattainable) task, but also provides police moments of opportunities of inappropriate actions to occur. By knocking and announcing, thanatopolitics offers a form of power that insists the citizen-subjects make themselves known as citizen-subjects through declarations of innocence. As such, while police power expresses thanatopolitical mechanisms of ordering society by death and destruction, knock-and-announce practices set the citizen up for defense against their own pulverization. What falls from view here is the role of police power in this destruction. Such responsabilization makes possible the recognition of police power as ethical.

Detailing the knock-and-announce procedure provides us with two specific points that I wish to elaborate on briefly. First, these procedures, while developed as “emergency” powers privileged to police officers, are in fact representative of “ordinary” policing. Speaking against the recent militarization literature, knock-and-announce techniques offer insight into the always-already fact of war power as police power. The history of the emergency dictates that such power emerges from within law rather than some exceptional source (Neocleous, 2006). Second, the ordinariness of these emergency powers suggests that rational actors must prove their innocence. In this way, we can understand those on the other side of the door as justified police objects, exposed to the pulverizing politics of death.

Presented with this history, we can understand the rise of the no-knock raid, not as a sudden shift in policing, but as a move along a continuum that understands the emergency

powers of this tactic as normalized. What is unique, however, is how the death of Byrne adds to the politics of death at play. Here, we see the added dimension Byrne's death gives to the continued pulverization of these communities, materialized as funding for the support of SWAT. Attached to federal funding, Byrne's death served as the deathly presence that shaped the future of search and seizure tactics. Providing the necessary fantasmatic reaction to reanimate the state, Byrne's death would be used as a tool of pulverization from which police could (re)establish a statist imaginary. Defined by the politics of death, these techniques resulted in the continued pulverization of marginalized communities and peoples. Treated as "becoming-dangerous" (Dillon & Reid, 2009), suspects, or police objects, experience the realities of indistinction associated with thanatopolitics: the techniques of life that are indistinguishable from those destroying their lives.

#### **4.3 THE "HUMAN DIMENSION" OF BYRNE'S DEATH**

Edward Byrne's death "brought a human dimension" to the War on Drugs (Mrazek, 1988, p. E719). As a means of establishing a hierarchical status of personhood (Dayan, 2011), this distinction is important. This "dimension" (re)made the production of a legal fiction that justified and rationalized the cruelty of the War on Drugs as a means of racial domination, while it (re)affirmed police power as ordinary. Reflecting biopolitical configurations, New York Representative Jan Mrazek's statement helped to focus the management of populations "'above' and 'below' the scale of human" (Thacker, 2009, p. 135). Byrne's death brought to life the defining rationalities of thanatopolitics, which emphasized law as a caesura that renders legal personhood and non (Travis, 2015). Representative Mrazek, who made this declarative statement while standing on the Congressional floor, clarifies the facets of humanness in the Drug War.



It is within thanatopolitical dimensions of personhood that Byrne's death functions to secure the life of the liberal state, by breathing life into the emergency powers needed to fight the Drug War (i.e. rise in multijurisdictional drug task forces and the finances of SWAT). Drawing again from the language of Representative Mrazek, we can see clear messages of security. Angered, and perhaps fearful, Representative Mrazek (1988, p. E719) declared that "drug lords threaten to become the masters of all they survey"; such fear, in turn, played a part in justifying the techniques needed to suppress these threats to sovereign power. A permissibility defined by inevitability, in fact (Thacker, 2009). Here, suppression demarcates those lives already lost from those lives not yet lost.

This can also be read as insecurity in need of securing. The insecurity expressed by Rep. Mrazek becomes "a tool for the marketing of new security mechanisms" while "security becomes a tool for the re-shaping of individual behavior and notions of citizenship" (Neocleous, 2008, p. 87). Needed to ensure security, (i.e. the Life of the liberal state) technologies, resources, and manpower expand police emergency powers through an insecurity personified by Mrazek's drug lord. Read another way, the pretense of threat enables the very conception of life as a citizen, the state's recognition of humanness. Not only does the murder of a police officer highlight certain threats to this liberal social order, the threat of drugs is held responsible for such trauma, and as such, constitutes an outlet for expressions of thanatopolitics.

Following Byrne's death, Mrazek (1988, E719) pleaded to the Speaker of the House of Representatives for Congress to reaffirm "support for the funding of aid to state and local drug enforcement." In this way, Byrne's death helped push forward a federal approach to crime control by stipulating federal funding support for local and state law enforcement in the fight against drugs and violence. As Representative George Hochbrueckner of New York (1988)

exclaimed, Byrne's death showed that "drugs must be made a top priority of the nation," which meant that this "national problem...requires national support" (p. E719). The added "human dimension" of Byrne's death provided the drug war with the emergency powers of the police necessary to secure the state from exceptional evil. Standing on the Congressional floor, Rep. Hochbrueckner (*ibid*) criticized President Reagan for his lack of federal support for state and local law enforcement. On March 22, 1988, Congress would pass the renaming of the Anti-Drug and Crime bill of 1986 to honor Edward Byrne's sacrifice, while calling for new stipulations and more funding. While already in place, the renaming of this bill ensured the legacies of police logic and memorialization – no one would forget a fallen officer. It is his death that shapes this militarization. We can picture Byrne's death tagging the ballistic armor, military-grade weaponry, and tattooed on the arms of SWAT members, as each has been paid for by his death.

Furthermore, amending the Omnibus Crime Control and Safe Streets Act of 1968 to the Edward Byrne Memorial Justice Assistance Grant Program guaranteed that the maximum amount of funding would be for this program. Byrne JAG programs ushered in federal control of crime control, and the provision of funds for law enforcement to purchase equipment, pay for more officers, and develop multijurisdictional drug task forces to fight against drugs and violence in the community (Balko, 2013b). Administered by the US Department of Justice (DOJ), the programs are meant to assist state and local governments in strengthening and improving their operations of law enforcement. In 2009, the American Recovery and Reinvestment Act provided a one-time boost of \$2 billion to the program. While today funding hovers around \$500 million a year, Byrne Justice Assistance Grants (JAG) are capable of funding upwards of \$1.095 billion per year, with the majority of the expenses going to law enforcement according to the National Criminal Justice Association ([ncja.org](http://ncja.org)).

Faith in these specific security techniques re-emphasized the fundamental myth of police power, the marking of boundaries between order and chaos. Byrne's death envisaged the thin blue line, the symbolic representations of distinguishing between threats and non-threats. Legislating funds towards these Byrne JAG programs exemplifies the mechanisms of sovereign security – that is, police power. If what Rep. Biaggi (1988, p. E471) says is to be believed, that “Byrne's death goes beyond the realm of human dimension,” the purpose of this funding is to (re)secure social order around the defining notions of what it means to be human. The death of Edward Byrne, in being defined as human, stands to mark the distinctions between proper and improper life. Those on the wrong side of this power, those caught up in the drug wars by SWAT raids, drug task forces, etc., fail to achieve the necessary status of personhood under the law. Thus, Byrne's death justifies the means to (re)produce the security necessary for life to continue.

Grafting our thanatic-logics onto this funding first requires a (re)framing of how we understand biopolitics. We see that it is not just the “life” of the body that the state's political order is shaped around; rather, it is death that is the ideologically vital site around which personhood and politics order the life of both sovereign power and its citizens. The fact that Byrne became recognizable, politically, only upon death, highlights our first example of this deathly operation. In the name of this dead officer we see financial support for expressions of police power operating within the thanatopolitical rationalities of marking (particularly black and brown) bodies for death and destruction, while also limiting those bodies from ever becoming biocitizens who are capable of living fully as members of liberal order<sup>2</sup>. Death, in this light, not

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<sup>2</sup> It is also important here to point out that the operation of biopolitics does not operate within a binary, either in or out. Rather, different experiences, places, spaces, institutions, etc., function to manage populations and can oftentimes have contradictory livabilities. With that said, law, in particular, focuses on reproducing the particular livabilities of black and brown bodies (Pugliese, 2013). The disproportionality, as will be shown, is a product of thanatopolitical means of governing populations and creating always already dead subjects.

only marks distinctions, it produces those very distinctions. It is not simply a biological moment of failure and finality, but an ideological mechanism and governing technique that orders the bodies for the liberal state. Naming the largest federal funding for local and state law enforcement to purchase death-dealing equipment after a dead police officer exemplifies this.

#### 4.3.1 Byrne's Death and the Funding of No-Knock Raids

At the outset, the Byrne JAG grants placed financial emphasis on the creation of multi-jurisdictional drug enforcement units, or task forces. The fight, then, is taken to wherever suspects supposedly lurk, to the shared living quarters, office spaces, or apartment complexes. The sounds emitting from these areas of suspicion, populated by known threats, and as such, marked for death, justify the use of police power for the state's protection against drugs and violence. Multi-jurisdictional task forces such as SWAT teams, pulled from surrounding locales, offer up the necessary permanence of this unbounded power. These task forces allow local officials the ability to shift their focus from day-to-day operations to large-scale distributions of drugs and trafficking networks. While originating in the War on Drugs, they now "work collaboratively across jurisdictions on gangs, human trafficking, prescription drug diversion initiatives, and to prevent, detect, and respond to terrorist activity" (ncja.orgA). Notice the slippage of police power as it traverses the bounds of what is to be policed. It is no surprise to read that these Byrne JAG funds are thought of as the "cornerstone federal crime-fighting program" (ncja.orgB). While both the Reagan and Bush administrations set up drug task forces on US border zones, the Byrne grant program established similar task forces across the country. The success stories of this grant (i.e. the \$15 million in illegal drugs Utah's task forces removed in 2010; 4,849 arrests Ohio achieved in 2009; or Arizona's seizure of 325,203 pounds of

marijuana, 1,662 pounds of cocaine, and 1,118 of methamphetamine in 2009) highlight the affective celebration and reaffirmation of the state's lawful violence. Travis Linnemann (2016) would perhaps read these as *proofs of domination*. It is important to remember, however, that the majority of SWAT raids recover far less than what these numbers suggest, as the majority find only small amounts, if any, in private homes (ACLU, 2014).

Of the 79% of SWAT deployments to private homes, 62% involved searches for drugs. Only 7% of incidents were for hostage, active shooter, or barricade scenarios. Most of these searches are low-level investigations, suggesting that the use of SWAT to search peoples' homes for drugs have become routine for a once-believed-emergency-scenario technique of policing. Furthermore, the ACLU (2014) found that these routine procedures primarily impacted people of color: 42% of people impacted by a SWAT deployment to execute a search warrant were Black, and 12% were Latino. In the use of SWAT for drug raids, 61% of all people impacted were minorities. Furthermore, 65% of SWAT deployments resulted in some sort of forced entry into a private home (i.e. imploring a battering ram, boot, or explosive device); the majority of those who experienced these forced entry search and seizure tactics were suspected of drug crimes (ACLU, 2014). With police performance measures that include the number of arrests, number of people charged with gun crimes, number of judicial warrants, and number of new task force cases (Chettia, Eisen, Fortier, & Ross, 2013), it is no surprise that these grants have led to the creation of regional multi-jurisdictional narcotics task forces with little federal, state, or local oversight (Balko, 2013b). By relying solely on the number of arrests as performance measures these grants financially compel police officers to make more arrests and for departments across the US to create new task forces encouraging, "the type of police that has made the War on

Drugs such a destructive force in American society” (Balko, as cited by Harwood, 2014). As a result,

We have roving squads of drug cops, loaded with SWAT gear, who get money if they conduct more raids, make more arrests, and seize more property, and they are virtually immune to accountability if they get out of line (Balko 2013b, as cited by Harwood, 2014).

Such techniques of pulverization are the direct results of the thanatopolitically driven Byrne JAG funds, which saw an increase in no-knock tactics from roughly 3,000 in 1981 to over 50,000 by 2005 (Kraska, 2007).

#### **4.4 EXIGENT CIRCUMSTANCES AND REFUSING TO KNOCK**

Incentivized by the Byrne JAG grants, the recent developments in knock-and-announce, no-knock/quick-knock raids further distinguish the rationalities of police power as thanato. On the grounds that there is some emergency requiring law enforcement to enter the private residence or business right away, “no-knock” warrants allow law enforcement the legal right to raid a citizen’s home without knocking and identifying themselves. The sordid history of this particular expression of police power finds its only means of justification within the politics of death and destruction. As a focus of drug wars, no-knock raids have been legalized through of the thanatopolitical rhetoric driven by Byrne Grants, and represent the connections between pulverization and the rise of SWAT deployments. The Byrne-sponsored multi-jurisdictional task forces and SWAT teams, in turn, take advantage of these types of raids to maintain their funding levels and to justify their expenses (ACLU, 2014). The rationale for the exigent circumstances of no-knock raids—to catch more criminals and make more arrests—solidify these forms of raids as profitable for departments. These emergency procedures, defined by the exigent circumstances

from which they originate, operate as mechanisms that reinforce the state's techniques of governing through death.

The cases of *Miller v. United States* (1958), *Wong Sun v. United States* (1963), and *Kerr v. California* (1963) laid the groundwork for what Justice Brennan would call exigent circumstances that justified disregarding knock-and-announce procedures in serving out search and seizures (Witten, 1996). Through the 1980s these types of raids were rare, but as the drug wars ramped up, federal support made these thanato-tactics legal. As Byrne grants began to roll out, the use of no-knock raids began to see an uptick in use. By 1995, the legality of no-knock raids had reached the Supreme Court. In *Wilson v. Arkansas* (1995), police officers obtained a warrant to search Charlen Wilson's home after she sold narcotics to undercover agents. On arriving at the home, the police officers found the main door open and proceeded to unlock the screen door and walk in, identifying themselves, and subsequently finding a small amount of an illegal substance. Wilson argued that the police failed to "knock" and "announce" before they entered, rendering the evidence illegally obtained and thus inadmissible. In a unanimous decision (9-0), the Court acknowledged the legality of the "Castle Doctrine" and the requirement for police to both knock and announce in order to give innocent suspects the opportunity to persuade the police that they have targeted the wrong residence. They contended that requiring announcement also helped protect police from armed and fearful homeowners. While it appears the ruling in favor of knock-and-announce would eliminate no-knocks, the opposite was true. Writing the Court's opinion, Justice Thomas stated the Court's ruling in favor of knock-and-announce was "not to say...that every entry must be preceded by an announcement"; that is to say that there is a "flexible" requirement to the reasonableness of knock-and-announce (*Wilson v. Arkansas*, 1995, p. 1918). In other words, there are exceptions to this principle. What Justice

Thomas described as “exigent circumstances” defined the three major exceptions to the rule: felony drug cases; threat of physical violence to the officers executing the warrant; and, citing the 1963 case of *Ker v. California*, a no-knock “entry may be justified where police officers have reason to believe that evidence would likely be destroyed if advance notice were given” (p. 1919).

The ruling in *Richards v. Wisconsin* (1997) would find the Justices continuing their support for exigent circumstance and no-knock raids, particularly when police had reason to suspect that announcing their presence and intentions may be dangerous and/or futile, or result in the destruction of evidence. The 2003 case, *US v. Banks*, further defined these exigent circumstances. In a unanimous decision, the Court held that 15 to 20 seconds was a reasonable period for police to wait before entering a private residence when investigating suspected drug activity. Here, Justice Souter, writing for the court, made clear that “[I]t is imminent disposal, not travel time to the entrance, that governs when the police may reasonably enter” (*United States v. Banks*, 2003). In other words, Justice Souter found that the decisions of reasonable wait time, before balaclava-wearing men break down your door, is determined by the believed length of time it would take to dispose of the suspected drugs. With this in mind, a legal no-knock raid can occur in one of two ways: law enforcement can make the case for exigent circumstances to a judge before the raid; or officers can determine at the scene whether or not these exigent circumstances exists and the courts determine legality after the fact.

*Hudson v. Michigan* (2006) further addressed the no-knock search and seizure. Justice Scalia, in writing the opinion of the Court, found that while knock-and-announce requirements were violated, the exclusionary rules that find the omission of evidence discovered illegally were not in effect with these types of raids. In other words, while there are rules to protect human life,



property, and elements of privacy that can be lost in the sudden entrance of law enforcement, the evidence found did not fall under these protections. As such, no-knock search and seizures, while hypothetically illegal at times, are justifiable and legal when evidence is found to support their case. That is to say, law enforcement is justified, retroactively, in search and seizure when there is a successful seizure. This is also important because these arrests still count towards the quantifying justifications of Byrne grants and federal support. The legality of such illegality highlights the ordinary nature of these exigent circumstances. No-knock warrants are always already present whether police officers come knocking or not.

#### 4.4.1 Exigent Analysis

These exigent circumstances offer a look into the pulverizing procedures of thanato-enforcement. The language of biopolitical inevitability (Thacker, 2009) offers the ability to understand the Court's acknowledgement of possible exigent circumstances. Understood here is the need for "adaptive learning" (Dillon & Reid, 2009), where police officers possess the necessary skillset to be ready for anything. Exigent circumstances make possible a biopolitical imperative of adaptiveness: we must always be (in)formed; or, we must always be ready for the inevitable (Thacker, 2009). This goes back to Byrne's death and the congressional discussion of his death. This was what was meant when the Byrne Grants made drugs "a top priority" (Hochbruckner, 1988, p. E719). No-knock raids are the articulation of the histories of knock-and-announce rationalities combined with the deathly power imbued by Byrne's death. The goal of such funding was to prepare the state's police force for anything that comes at it.

Exigent circumstances also imply that law enforcement must be prepared, in advance, for the dangers of police work. Legal justification offers the abilities to perform with such

advancement. So does the preparedness of SWAT. Armed with the powers of exigent circumstances and its strike-ready capabilities of destruction, the use of SWAT to serve search and seizure warrants are intended to reassure life by dealing destruction to those bodies who threaten the state. These are the already-dead bodies of the suspect, and the object of the state's eye. The adaptiveness of exigent circumstances becomes a measure to divide those already lost from those not yet lost, and provide the reassurance that the police are the ones to do such a job.

Exigent circumstances suggest that in search and seizure raids passive victims shift from being merely victims of the killing power of calculative thanatopolitics to active individuals responsible for their own fates, and indeed, their own deaths. Passive victims no longer exist, it is now simply the responsible suspect. This makes possible the creation of places and of peoples already marked as improper – why else would law enforcement be required to enforce these warrants? In other words, there is no need for a knock-and-announce; the always already guilty suspect deserves no such warning. Here, something like the association with drugs becomes a reasonable suspicion of improper living, the no-knock technique becomes a legitimate means for the police to mark the suspect as already living dead, and thus, enforce its lawmaking violence. Such tactics suggest an already probable proof of guilt that makes those suspected legally susceptible to pulverization.

Just like the techniques of stop-and-frisk, such policies reflect the disproportional focus of this power towards black and brown bodies. 28% of deployments are deployed against people of color, yet the actual numbers of those actually impacted shows that 50% were people of color (ACLU, 2014).<sup>3</sup> Meaning that not only were SWAT used against a disproportionate amount of

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<sup>3</sup> Because of the percentage of instances where race was not reported (34%) these numbers are suspected to be far larger and far more disproportionate.

people of color, but that the total number of people impacted show a far greater variance of disproportionality.

Those marked as improper offer themselves up as fodder for these techniques. The police's action in performing such techniques fall in line with the continuum of racial management that moves from biopolitical inclusion to thanato-political destruction (Singh, 2014); here, destruction comes in the form of increasing vitality (e.g. exigent circumstances) of the body politic. As a thanato-caesura, these techniques make distinctions between populations, those kill-able and those able to be saved. It should be no surprise that within these exigent circumstances, we see the same parallels to other criminal justice policies.

#### 4.4.2 The “King” Trial

The 2011 case of *Kentucky v. King* is an example of these culminating rulings. After following a suspected drug dealer into a building, Kentucky police successfully argued that it was permissible for them to bust down a door of an apartment without a warrant to search for the suspect because they smelled marijuana in the apartment and heard the sound of a toilet flushing. The assumption was that the dealer, who ran into the apartment complex, must have entered this apartment; police made this assumption from the compounding evidence of smell and sound. While the police were wrong in assuming the dealer they were looking for had fled into this specific apartment, they were still able to arrest the occupant for having marijuana and cocaine. A protective sweep of the apartment found more drugs, cash and drug paraphernalia. In ruling in favor of *Kentucky*, the Supreme Court found that the “sound” of evidence being destroyed, in this case the flushing of the toilet, was not a police-created emergency, but rather a legal exigent

circumstance. As such, the arrest did not violate any Fourth Amendment search and seizure protections.

Revealing, here, is not only that sounds and smells offer exigent circumstances but that the location further offered the exigent circumstances for law enforcement to associate sound and smell with threat. Not only does *King v. Kentucky* make it clear that guilt by association is grounds for arrest, it also solidifies the suspect as becoming-dangerous. These logics should come as no surprise to anyone familiar with the policies and practices that refuse welfare recipients the choice of living with someone with a felony record. However, this case does more than simply highlight the atrocious penalties and stigma attached to both welfare recipient and convicted felon. By showing the routine nature of the no-knock in everyday police work, *King* showcases the logics of thanatopolitics. We should not be surprised or aghast that the thanatopolice power hunting down the suspect stumbles onto King. He is always already exposed to such power; he has been living, more like surviving, in this space his whole life. As the police batter down his door and take him off to serve his always already pre-determined fate, King's death (social or otherwise) is finally upon him. Here, living space serves as a "caesura" cutting the social body into various categories of livability that build upon, reproduce, and legitimate racialized hierarchies of life (Su Rasmussen, 2011). In other words, living space marks the distinction of livability, and with the smells and sounds of police power, become the only justifications needed to enforce these distinctions. As for King, the man guilty of flushing the toilet, he simply matched the algorithmic raciality of "the suspect" (Allinson, 2015) – black, drugs, and living quarters. For that, he was sentenced to 11 years in prison.

As a space for pulverization, King's apartment offers up "new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon

them the status of living dead” (Mbembe, 2003, p. 40). Not only can we find such spaces in warzones, “the very existential locations where the everyday life is prone to death as a result of structural violence against those who have their humanity questioned”, are right here in Lexington, KY, or wherever else the state deploys its pulverizing tactics (Sithole, 2014, p. vi). Simply by living in this space, King is always-already guilty, and in becoming-guilty, he sustains the dehumanizing concept of “the suspect” as real, guilty, and already dead. Such pulverizations wreak havoc on such communities as we have seen, in that these techniques elevate death to a natural state, an inhumane form of existence, a reality for millions (Sithole, 2014). And, while a number of authors have discussed a range of deathscapes (i.e. South Africa during Apartheid, Bosnia during war with Kosovo, or even the US prison system and Post-Katrina New Orleans) we can just as easily see King’s existence within the deathscape as being the apartment he lives in.

No-knock raids are simply another configuration of state terror and violence embedded in the emergency powers of law enforcement. Ones in which the marking of bodies is always already active in creating an existence where black and brown bodies are disproportionately improper, guilty, and suspect. Sharing similar living quarters becomes enough legal justification for the invasion of this police power because “it is not an absence of law but an abundance of it that allows government to engage in seemingly illegal practices” (Dayan, 2011, p. 72). As such, the moment of exceptionality in the Court’s ruling in *Kentucky v. King* is nothing more than the legitimization of the routine powers of police: to enforce legitimate violence by surveying, marking, and destroying those deemed improper. To put it more bluntly, police power is not simply there to manage certain lives, it is to mark as improper, expel, pulverize, and destroy

these lives from the very terms of the living (Warren, 2016). Police power is destructive and productive. It destroys so that it can produce a particular sort of social order.

#### 4.5 DEALING DEATH TO MAKE LIVE

If policing functions as a means of marking boundaries between proper and improper, the liberal state can also be understood as a means of thanato-politically ordering governable populations by way of death and destruction. In this sense, we can understand the thanatopower of police, not simply as law enforcement officers, but as *police*: state policy fabricating a distinct social order (Neocleous, 2008), enforcing a distinct thanato-order. The concepts of knock-and-announce and no-knock act as a caesura between proper and improper life (Su Rasmussen, 2011). Approaching this type of power from a thanatopolitical perspective allows us a way to understand the politics of death and destruction as “beyond” the binary complication of sovereignty’s will to death and biopolitic’s need to discipline and manage life. Here, this technique is a fundamentally biopolitical view, in that it surveys and marks. In the very same vein, it is not an instrument of making life live among those it surveys, its singular purpose is to destroy. The countless instances of the power of the police wreaked upon the body of the suspect are made possible through the surveillance and management of populations. The necessary consequence is the constitution of certain populations “as less than life” (Butler, 2004, p. 99).

Lastly, let us look at two separate, yet ordinarily similar incidences of no-knock raids, which tie together our understanding of no-knock techniques and Edward Byrne. In these instances, we are able to see “‘the ethical vocabulary’ for marking legitimate power and justifiable death” (Weizman, 2010, p. 13).

Habersham County Sheriff Joey Terrell addresses the media concerning the recent high-risk warrant service that resulted in burns to a 2-year-old child. Using a flash grenade as a

distraction device, the Habersham Special Response Team and narcotics team, armed in militarized police gear, attempted to enter a home unannounced in the attempt to capture dangerous drug dealers known to be armed. The raiding police units tossed the flash grenade into Bounkham “Bou Bou” Phonesavanh’s playpen, exploding in his face, causing severe cuts and burns and leaving a gash in his chest leaving Bou in a medically induced coma for days after the incident. “According to the confidential informant, there were no children,” claimed Terrell (Balko, 2014). The “no-knock” warrant, says Terrell, was issued based on the recent history with the individual involved in the alleged drug sales and the fear of weapons in the residence. The individual the police were looking for was the nephew of Bou’s parents, Wanis Thonetheva, and did not actually reside in the area. Mr. Thonetheva would later be arrested without a “no-knock” warrant and without any Special Response Teams (Lynn & Gutman, 2014).

In 1988, the Supreme Team became notorious for their role in killing NYPD Officer Edward Byrne. The hit, put out by “Fat” Cat Nichols would become a landmark for the nation: it was a brazen assassination by a vicious drug dealer, in the attempts to control the streets of South Jamaica, Queens. And, while the police were able to convict Fat Cat and his henchmen, they too would help push forward policies and strategies of policing that would focus directly on the War on Drugs. One major strategy would be the formation of Tactical Narcotics Teams capable of large-scale drug bust operations. 10 years later the New Supreme Team, a spin-off of the original 1988 drug gang would experience these very same police techniques. Using SWAT-style procedures and buy-and-bust operations, New York City’s police department would arrest 24 of the New Supreme Team drug operation, a remake of the Supreme Team, effectively stopping the gang from eroding the streets of South Jamaica, Queens.

These two examples embody the routine police murders of men and women already deemed dangerous and inconvenient. The problem, however, pertains to the seemingly stark difference between the examples selected. Selecting Bou might appear as a way to morally locate police power against the backdrop of a two-year-old child’s scarred face. Yet, the point of juxtaposing this case with a successful raid is my attempt to show such raids as routine rather than simply militarized. Important here is that, in fact, it becomes challenging, if not impossible to use the examples of “successful” raids. The remnants of those raids, the left over news-bites, can be thought alongside Linnemann’s (2016) trophy shot. Shown to the media are examples of successful captures and biopolitically managed groups of people. Here, it is the 24 people captured in the raid in South Jamaica. It is only when these lawful procedures seem to step

outside the ordinary that they grab a different sort of attention. In doing so, such stories make it possible to understand the workings of this form of police power. While problematic, in that one appears to sensationalize these raids, the purpose now is to expose the rationalities of these two raids to the thanatopolitical management of populations: the biopolitical measure of securing life that occurs through the enforcement of the sovereign powers ability to mark death and pulverize populations (see Mbembe, 2003). In other words, these are not mistakes – they are business as usual. The actions seen here are simply outcomes of the state’s attempt at marking certain bodies for destruction as a means of securing life.

It is important to note that the disfigurement of Bou is not simply an example of a botched raid; rather, it is a result of the very same rationalities apparent in the second story. What both exemplify are the expressions and experiences of police power manifested by Byrne JAG programs. The Habersham County Response Team, headed by Sheriff Terrell, and deployed against the Phonesavanh family was only made possible by the Byrne JAG program. From 2009 to 2014, Habersham County, with a population of a little over 43,000 received over \$530,000 in Byrne JAG funds to directly fund multi-jurisdictional task forces, the equipment, and the training of the officers who elected to deploy their military tactics on the household of the Phonesavanh’s. When *Access Georgia* asked Terrell about stopping after the raid, he responded in the same thanatopolitical rationalities that have been defined by Byrne’s death:

This tears our soul out, but we cannot stop standing up and being the thin blue line against those who don’t care about, who want to do the domestic terrorism and sell dope and make the money. We’re still going to stand between them and still do our job – we’ve got to (Moore, 2014).

Bou Bou’s violent scarring at the hands of a SWAT issued flash grenade become bad accidents, ones that are forced upon the police officer. And, one that is outweighed by the police officer protecting those lives threatened by drugs and violence – the thin blue line, indeed.



The justifications for one become the exceptionality of the other. This becomes all too apparent in the aftermath of the first story. The Phonesavanh family, poor and minority living off a family member's kindness, would eventually file a lawsuit in hopes of covering the \$1 million in medical bills. While the civil case would be settled, the justifications for the raid highlight the common rationale in serving such tactics: the raid simply lacked information that children were present, and it was impossible to gather further information without alerting the residences of police presence. As the County Sheriff succinctly states: "We had no idea" (Balko, 2014). The information, provided by a confidential informant, suggested that a drug dealer lived there. Seeing the house through this thanatic-sight, any living body in this area was to be guilty because they are always already police objects.<sup>4</sup> Furthermore, the defense coming from the Sheriff's Office suggested that the act of sleeping in a room about to be breached by a SWAT team constituted "criminal" conduct on the part of the infant. By these logics the child simply should not have been there; instead the child sleeping in his playpen was the guilty party for sleeping, of all things, in his playpen. These very same logics justified the 24 arrests of the New Supreme Team in New York City. After blowing down the steal door of a "known" crack house, the NYPD's Narcotics Team arrested everyone in the house, the clear incrimination being the presence of drugs and bodies. The trophy shot being that the police, ten years later, were still enforcing the memory of Edward Byrne on the communities blamed for his death.

The difference between these two stories is not quite so large as it originally appears. The "domestic terrorism" of Habersham County and the "potential for extraordinary violence" in South Jamaica, Queens exists within the same fear-based thanato-logics. Not only are these rationalities for raiding and arresting all too common, they also reflect a far more macabre sense of police power. The techniques, technologies, and rationalizations of SWAT raids show police

<sup>4</sup> Bodies here, because as we see, the killing of dogs while serving warrants has become a common thread.

power to be thanatopower. Bou, understood within thanatopolitic rationalities, is marked for death for the sole reason that he was *in the playpen* at the time the police blew open the door, tossed a flash bang grenade into the pen, and proceeded to arrest his parents. The use of the no-knock warrant and military-like tactics of extradition highlight expressions of thanatopower. A thanatopower manifested by the federal funding of Byrne JAG programs.

These techniques of police power provide us a way to critically examine what police power means, opening up the possibilities to understand it as thanatopower: how the rationalities and utilitarian justifications of police power operate to mark some bodies for human existence and others as already dead. In doing so, the biopolitical valuations of life are marked. Police power possesses the ability to mark out those bodies for extradition by deploying death in the name of life. The focus of this chapter is to draw out how the logics of SWAT raids, no-knock warrants, and show how thanatopolitical rationalities justify the thanato-marking of individuals in ways that make their deaths justifiable as non-citizens in the biopolitical governance of life and death. While highlighted by the more “visible” explosions of police power, the shadowy presence of a murdered police officer entwined through the historical site of police power offers us a critical approach to police power as inherent in the racialized project of state-making. Byrne’s is a presence that helps ensure and advance policies and techniques for continued thanatopolitical destruction as state-making violence. In other words, the focus of this project is to show that police power in all its shapes, expressions, and visibilities are, in fact, thanatic-representations of the state’s attempt at biopolitical governance: dealing death in order to make life live.

## CHAPTER 5

### KILLING US SOFTLY

*Perhaps the whole root of our trouble, the human trouble, is that we will sacrifice all the beauty of our lives, will imprison ourselves in totems, taboos, crosses, blood sacrifices, steeples, mosques, races, armies, flags, nations, in order to deny the fact of death.*

--James Baldwin, *The Fire Next Time*

As another National Police Week goes by, the psychic force of the dead police officer confronts us yet again. Centered around Peace Officers Memorial Day, the week consists of a series of events that attract thousands of “survivors and law enforcement officers” to Washington D.C. ([www.policeweek.org](http://www.policeweek.org)). A candlelight vigil, police unity tour, pipe band march, and seminars take place at and around the National Law Enforcement Officers Memorial, a monument inscribed with the names of law enforcement officers who have “paid the ultimate sacrifice” (*ibid*). Officer Edward Byrne is one of the 20,267 names engraved, with 256 more added this year<sup>1</sup>. With upwards of 40,000 attendees during the week and countless others tuning in via online sites, it is clear that these remains are indeed sacred. All of this comes at a time when “Blue Lives Matter” bills, which would add police and first responders’ lives to the list of protected classes under hate crimes law, are being proposed across the country with little to no objection (Crisp, 2016). Made clear, here, is that the death of police officers function as the psychic life of power for the state’s continued domination (Butler, 1997).

<sup>1</sup> While the Memorial’s website notes the 123 Officers lost in 2015, the addition of 252 names includes the addition of names of officers who have not necessarily died in 2015, but had yet to be engraved.

At the same time, others are developing ways to counteract the methods of disremembering that accompany police violence<sup>2</sup>. These scholars, activists, and newspaper organizations are trying to remember those lives taken by the barrels of guns, Tasers, dogs, and arms of the police. An urgent project considering the ease with which deathly power legitimates such violence through something like the “Blue Lives Matter” bill. The bill is intentionally designed to contrast the “Black Lives Matter” advocacy movement that has attempted to make visible police violence against marginalized and racialized communities. Such distinctions, between fighting to remember lives lost to police violence and the ease with which police life is remembered, mark the boundaries this project has addressed. In concluding, I look to place my analysis within the recent literature concerning police violence and officer deaths by drawing conclusions from the death of Edward Byrne. Lastly, I end this project on a note of reclamation, a refusal to order, and a pressing plea to think.

## 5.1 RECENT LITERATURE ON POLICE DEATHS AND POLICE VIOLENCE

Intended throughout this project was a focus on two intertwined processes: the afterlives of police officer deaths and the powerful techniques of violence from which police power operates. Past research on the connection between death and police has generally focused on the role of the police in investigating death (see Carpenter et al., 2015) and the psychological modes of survival police must implore (Henry, 1995). Here, observing death closely, frequently, and in various situations deeply registers in the minds of officers (Wenz, 1979). In response, a survivor-

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<sup>2</sup> There are a number of independent researchers compiling such list. While Banks et al. (2015) suggest the federal government has begun compiling a record of civilians killed by US police; both [fateencounters.org](http://fateencounters.org) and [mappingpoliceviolence.org](http://mappingpoliceviolence.org) ambitious look to cross-validate an exhaustive and public record of police killings. Lastly, beginning in 2015, *The Guardian* has recorded various aspects of the victims (Swaine, Laughland, and Lartey, 2015). While each has their faults, the growing focus on remembering the victims of police violence suggests an attempt to reclaim these deaths.

like mentality surfaces in those who come in close contact with death, yet remain alive (Lifton, 1970). It is important to mention that much of contemporary criminological research looks to address policy implications, officer training, and further methodological approaches to studying police line of duty deaths. Such literature addresses the problems of law enforcement by constructing police as the independent variable in a world where dependent variables are studied in attempts at explaining *why* the police officer responded a certain way. This form of research accepts as self-evident the roles of the state and the institutions of the police. The result of such research is that it maintains an obstructionist means of studying police at best, one that disremembers the historical project that is the police and fails to see police as political. More likely, such research operates as a means of “laundering racial violence with legal variables” (Ward, 2015, p. 309).

Police death can also be connected to its alternative, police violence. A small, yet growing body of literature has sought to address the exceptional levels of police violence and use-of-lethal-force in the US (see Hirschfield, 2015). While Paul Waldman (2014) suggests these high levels of violence result from inadequate training, others have made note of national trends in policing in which techniques, language, and tactics are indistinct from their counterparts in the military, and indeed are often militaristic (see Kraska, 2007). Radley Balko (2013d), likewise, has attempted to understand the continued support of violence by a police subculture sustained by a warrior-like mentality supported by professional socializations of militarization and the job’s attraction to aggressive thrill seekers.

Particularly relevant today is research that looks to understand the legitimation of police use-of-force and the presentations of illegal use of excessive force. Oftentimes, studying police violence has centered on its representations within the news media (Hirschfield & Simon, 2010;

Lawrence, 2000; Scraton & Chadwick, 1986). Documented in these accounts are that such force is typically circumscribed by reports of legitimacy, proffering official versions of events as the authentic story. The victims of such violence, on the other hand, are vilified and racialized (Hall et al., 1978; Peelo, 2006). Studying this research proves interesting when we consider the possible spaces of contestation that attempt to define police violence. As such, news reports of police violence situate these acts as “the logical consequences of victims’ lawless or troubled behavior” (Hirschfield & Simon, 2010, p. 175). This is of no surprise when we take into account the dehumanizing ways the news media represents those on the wrong side of the law (Ferrell, 1999), often reinforcing the oppressive nature of the criminal justice system (Hall et al., 1978).

Diarmaid Harkin (2015), on the other hand, looks to understand the abilities for police to deliver their violence by drawing from sociology of punishment literature. Similar to Peter Manning’s (2015) research on police funerals, Harkin connects a Durkheimian view of collective conscious to the police, in that “police use-of-force and violence – justifiable or not – stokes activity in the ‘collective conscious,’ constructing social bonds and solidarity” (p. 48). Illuminating the tensions between sentiments, both hostile and compassionate, Harkin notes that police reside within the very same vein of popular sentiment as David Garland’s (2001) punitiveness. Harkin’s research suggests to study police, one should not simply concentrate on how such violence is represented by newspapers, but on the very same punitive attitudes that have long been a focus of both criminology and the sociology of punishment (see Loader & Mulcahy, 2003).

A common theme throughout such research is that police violence remains legitimate. This “sociology of police violence” focuses on an overreliance on deadly force, reform, and systemic, large-scale problems that require “broad, interventionist solutions” (Hirschfield, 2015,

p. 1115). Whether it is through the ideological legitimization of newspapers (Hirschfield & Simon, 2010; Lawrence, 2000), or that it is as Harkin (2010) puts it, “police pain-delivery must also be conditioned by popular sentiment and sensibilities” (p. 44), it is clear that such research looks at police violence after the fact. This means that we understand how illegitimate violence is represented or understood, but in doing so, the theoretical space for understanding *why* such violence occurs, or even an understanding of legitimate uses-of-force, remains limited for criminological analysis.

This past research touches on the means of police violence, yet this same literature fails to address the measures of violence as a complex and justifying entity in and of itself. Missing from these studies are the understandings of violence that the police are always already defined in. Here, the police are situated as arbiters of law, and while for some this Law remains a moving target (see Hirschfield & Simon, 2010) it still centers itself within a moralist argument that understands the violence of police as a necessary means of protecting order. Relying on this moral argument continues to reiterate a false binary between “legal” and “extra-legal” of police action, and suspends knowledge of how police operate always already within the logics of the racialized state-making process (Singh, 2014).

My project addresses these gaps by taking into account the questioning of said order, and of the police who look not only to physically enforce such order but also to set up the borders from which this state-making order can be understood. To do this, I have taken a critical approach to the meaning of order – the defining, fabricating, and policing of this order – as it is shaped by mechanisms of power and domination. Rather than taking a reactionary standpoint to understanding representations of police violence –and its limitations –, I traced the current experiences of violence through the complex histories of a police officer’s death. This type of

death offers insight into the hierarchical statuses of life given to officers killed in the line of duty and the ways such deaths reverberate through society, and, ultimately, (re)enforce order. From this vantage point, the long history of legitimate police power and violence can be thought of alongside the more recent attentions being given to police violence in the last few years by those like Linnemann (2016) and Linnemann et al. (2014).

Over the course of this project, I have looked to use the conceptual understanding of the deaths of police officers as a means of expanding the field of criminology. By refusing the taken for granted assumptions of the police, the state, and law, that dominate both the sociology of police and criminology, I have attempted to add to both recent and historical literature on the critical assumptions of political economy and state power. Here I draw on the previous writings of scholars who have exorcised police power from the clutches of mainstream criminology's passive (and oftentimes racialized) acceptance of state making violence. Those like Linnemann et al. (2014), draw attention to the use of symbolically coded monsters as a means of recoding police power as legitimate – necessary even in the production of social order. Hitting on the threat from both real and imagined zombies Linnemann et al. (2014) dissect how the spectacle of monstrosity prays upon a public rooted in the “horror of the present” (p. 523), by not only routine ideological legitimations of police violence, but by also supporting such actions as the only means of security. For Linnemann (2016), police officer trophy shots have also revealed the displays of domination and celebration that go into the hunting and accumulating of large-scale seized materials. Reiterated here, is a critical study of police as a violent mechanism for the fabrication of order intent on maintaining its will towards domination and, ultimately, physical death.



Lastly, this project fits into the long tradition of Marxist scholarship within critical criminology by further developing the ideas of power. Under such auspices, researchers no longer take law for granted, and as such, neither is the credibility of the state taken as a given. Instead, the law, along with the state, can be seen as a systematic distortion that is part of the machinery for social control (Sykes, 1973). Historically, such research has stressed that the creation of law has always been designed to protect the ruling class and private property by controlling the poor and racialized populations. Law, theorized as such, is necessarily repressive, and is always backed up by force if necessary. Here, power is understood as the ability to construct poor and racialized groups as these dangerous classes, and then to enforce, through law, the ability to control these same classes (Sheldon, 2007). At the same time, law can also be thought of as an ideological force through which control not only occurs through physical force but through hegemony as well. Political domination by the state depends on the capacity for the promotion of a hegemonic project linking individual interests to a national-popular interests while serving the long-term interest of bourgeois order (Poulantzas, 1975). In this context, deathly power can be thought of as the will towards domination operated by the sovereign state in its attempts to (re)fabricate bourgeois order. In focusing on the death of Officer Byrne, I add to such literature by detailing the ideological force that the death of a state agent propels as a hegemonic project of domination for the state that intensifies and justifies repressive forces of pulverization.

## **5.2 RECLAMATION OF THE POLITICS OF DEATH**

While the usual suspects discussed in criminology remain those on the other side of the door, those who experience police violence, I have looked towards the death of Officer Byrne as

a means to expand this important area of criminology. Critical for this research is the focus on those institutions exercising such violence as legitimate means of domination. By doing so, I have brought attention to the ways in which death must be understood as a political power. And, perhaps more urgently, how we can understand our current history as one defined by the politics of death, particularly that of the death of a young Irish kid from Long Island. Even while discussing the politics of death surrounding Byrne, police violence remained central to my argument. However, because of the nature of such violence – as always already legitimated – we must take sideways glances at this spectral figure (see Žižek, 2008). It is the “sideways glance” that makes visible the connection between the death of Officer Byrne and the lives, like Sean Bell, lost through the policies, tactics, and techniques of the state to not only legitimate its order, but to also pulverize those communities most often marginalized and disposed.

Apparent through this project is how death remains powerfully connected to making life live. Indeed, over the course of this analysis, I have shown that sovereign power works through death as a means of both control and harm. Developed at a historical moment in which whose lives actually matter is up for debate, this project suggests that we should look at whose *deaths* actually matter. While Edward Byrne’s death was nothing short of tragic, it also provided conceptual tools to unmask the violence taking place through the state’s own reanimation processes. Moreover, as the reach of power leaves us all exposed to death, an analysis of the politics of death becomes more pressing; indeed, the questions posed in this discussion are made with great urgency. Such an exposure is like a cancer, it remains a permanent part of our body and, therefore, we will always live with the threat of its acceleration or relapse. Exposure, as such, is not *just* felt by those at the wrong end of violence; rather, we must recognize that such exposure is killing everyone, just “much more softly” (Harney & Moten, 2013, p. 6). Rather than

focus an analysis on Byrne's life, what is critiqued here are the structure, system, and logics of power that make Byrne's death an event capable of reanimating the sovereign's own powers of establishing order. The brutality of *all* the deaths discussed here forces a new writing that can recognize the brutality of these deaths for what they are: a politics of life founded on unequal exposures to death. However, I have also challenged the "brutality of power" that decides on death and life (Noys, 2005, p. 204). As such, this has been an attempt to wrench us from the servitude of biopolitics, directing our sight instead, to the manners in which death operate today.

The death of this police officer forces us, in Mbembe's (2005) words, "to discuss the status of death-as-such or, more precisely, of death's life or the life of death" (p.18). The death of Edward Byrne has opened up a discussion long needed in criminology, of the ideological forces of death. However, this project has not simply been death; rather, it is how the state rises from the ashes of its own agents. The Byrne JAG funding that encouraged the techniques and policies that legally justified both SWAT teams, and the current state of no-knock warrants, and the funding of Tactical Narcotics Teams in New York City, are all characteristics of a state's reanimation process. And, it is violent, as the deaths of those like Sean Bell and the facial wounds of Bou Bou have clearly shown.

Through such a discussion, we have seen how death disrupts the conventional binaries of life and death, and forces us into new conversations about living and dying. Thanatopolitics, I have argued, offers this conceptual dialogue by turning our attention from the catastrophes of life to the gruesomeness of death. Here, we have seen the legitimization of the biopolitical managing within the mobilization of the "fantasmatic dimension" of the police officer's death, one in which the potential for threat becomes a sudden reality (Žižek, Butler, & Stephens, 2006). As a sudden reality, measures of protection must be (re)erected against this soon-to-be-always-there

threat. In other words, the event of Byrne's death forces a confrontation with the terror of death, one that (re)fortifies a law's persecutory animus towards those threatening the life of the state. The hostile management of hostile populations means not only increased surveillance and patrolling, it is also a management materialized by deathly power. The consequences are that those communities situated against the preference of life, those imagined as security threats, are exposed to the violence of the state's very own legitimating force, the police. As the combination of biopolitical management (re)affirms death, policies are pushed forward within communities already experiencing the caesura of biopolitical citizenship. That is to say, by way of death, life can continue to be managed by making certain populations killable and cageable. Deathly power, then, comes in the form of the police officer's baton, gun, arm, and ultimately their badge, as they enter, manage, extract, and kill large numbers of dispossessed and racialized communities in the name of the life of the state.

Also important here, is that deathly power is not only possible because of the biopolitical framework of state power, but that in its power, it affirms identities of belonging (Agamben, 1993). Working to affirm identity, the power of death wielded by the police officer becomes its own sort of caesura. That is, this power not only fragments populations, but within this fragmentation such power biopolitically manages populations through its own deathly power, an exposure to death that (re)affirms who is citizen and non – (re)affirming the indistinction between protecting and killing. The deathly power of police power, the same one wrapped up in the death of those like Byrne, also acts to reaffirm identities as either threat or soon-to-be. This is important, in that while such a notion seems obvious we have to understand the power of police as this will towards the fabrication of order, and as nothing more than the power of death. This power of death not only makes possible killing and caging through the structural lens of

sovereign power, but in producing citizen-subjects, thanatopolitics affirms indifference, distance, and distinction by ideologically psychic forces that continue to circulate the powers of thanatopolitics far after the death of those like Edward Byrne by creating subject-citizens of the state.

### 5.3 REFUSE TO ORDER, AN URGENCY TO THINK

While making it clear that no one can predict the future, Mbembe (2005) suggests, “what is necessary is that we use the uncertainty as an epistemological asset in learning to read and to write and to act. It is a question, therefore, of interrogating life and politics differently” (p. 43). The position of this conclusion is to continue developing different conceptual tools for criminology that redirect our focus towards the politics of death. This dissertation has always aimed at the rejection of both state deaths *and* killings, and in doing has looked to formulate a different presence. A presence, specifically, that is against the politics of death that is the state-making process, and one that makes recognizable the power of death inherent in this process. As such, we must show up in the sovereign’s space and time as death, itself. We must “reclaim our own deaths”, as Eric Cazdyn (2012, p. 163) suggests, and in so doing, we can “reclaim our right to pursue alternative personal and political desires” (p. 163). Instead of being suicidal, this reclamation process is directed at the ways we regard emotional and political ideologies of death.

Another way of seeing thanatopolitics can be as a productive form of resistance to the conceptualization of the rational sovereign powers of the state (Murray, 2006). The goal is to argue thanatopolitics as productive, not for the state, but as a reclamation project that challenges the hegemony of the state by opening up possibilities of alternate conceptions of death and dying. In this way, the politics of death surrounding Officer Edward Byrne and those pulverized

through the reanimation process must be used to open up new spaces of conceiving political life today (Agamben, 2003). While death might always be terrifying, it need not be a terror defined by the state. The rift between life and death, the one that shows us the very Real face of the Other, must be made recognizable. Perhaps, it is precisely in this space, between death as life and death as the absolute end of life that we find the true force of this radical negation.

Made clear throughout this project is that the politics of death as defined today, when not dominating and pulverizing marginalized communities and peoples of color, inflict severe harm on far more than those exposed to death. Whether it is what Linnemann et al., (2014) call zombification, or what Agamben (1998) calls bare life, it remains clear that creating dead lives perpetuates ideologies of indifference and distance which operate as a means to make unrecognizable the pain and suffering of life defined by the politics of death. Moreover, this politics is slowly killing us all, albeit softly. If, as Linnemann et al. (2014) say, “police power will always be in the service of the social order that authorizes it”, then our rejection of such an order relies on the rejection of the “existing social arrangements” (p. 523). Stefano Harney and Fred Moten (2013) put it a different way, “what it is that is suppose to be repaired is irreparable”, and the only thing we have left to do “is tear this shit down completely and build something new” (p. 6). What Harney and Moten (2013) are talking about, in a sense, is death, specifically of the state. In other words, we must kill the state. Our own resuscitation depends on it.

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- 2015 Turner, Justin. Seeing Like an Orientalist State: The Three Deaths of Neda Agha-Soltan. *Critical Criminology* 25(1): 85-103.