secrets (nuclear launch codes, for example). And for the record, neither Julian Assange nor Bradley Manning has ever called for "total transparency," a straw-man position often attributed to them by the self-important guardians of extreme government secrecy.

Instead of more open government, we are getting more secrecy, more prosecutions of whistleblowers and the altogether creepy "insider threat" program, which requires officials to report on the infosec failings of colleagues or face prosecution. (This institutionalization of mutual suspicion is not limited to national security organs but extends to agencies like the Education Department and the Social Security Administration.) Progressives who naïvely believe the solution is more congressional oversight should note that many in Congress have been pushing for even more leak probes and harsher prosecutions than the president.

Obama has launched eight prosecutions based on the Espionage Act of 1917—more than all previous presidents combined, who together have managed only three such trials. Maybe he feels he has nothing to lose, since this clampdown placates the national security apparatus and wimp-proofs his right flank, while those who care about civil liberties were probably not going to vote Republican anyway. As a result, the former constitutional law professor who ran as the whistleblowers' best friend in 2008 is now their scourge.

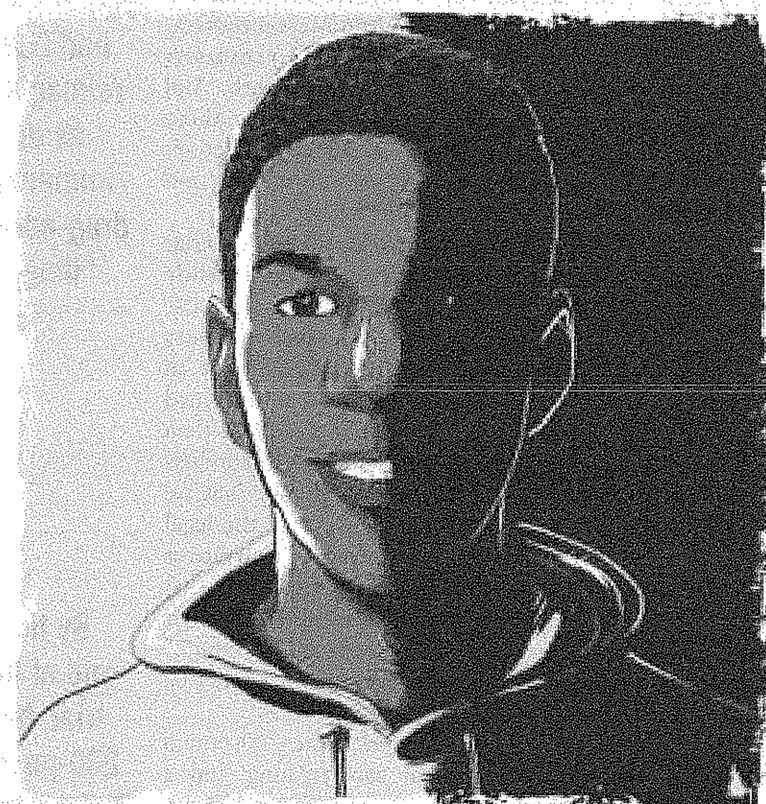
It would take great powers of imagination to blame any part of our recent military debacles on leaks and whistleblowers. If someone had leaked the full National Intelligence Estimate on Saddam Hussein's alleged weapons of mass destruction, would more people have decided—like then-Senator Bob Graham, who voted against the invasion after reading the unredacted report—to oppose the war before it began? If the Afghan War logs had somehow come out during Obama's months of deliberation before escalating that conflict, would he have made the same decision—one that has yielded only thousands more civilian and military casualties?

But it is Bradley Manning we have put on trial, not the impresarios of war, not the CIA torturers or their lawyers. The Iraq War, which began with a lurid overture of secrecy and lies, is now getting its dissonant coda: a private court-martialed for telling the truth, a trial unfolding behind a thick wall of official secrecy, in which the court's media center was, on the day of the prosecution's closing statement, patrolled by armed soldiers peering over the shoulders of typing reporters. "Pfc. Manning was not a humanist. He was a hacker," said prosecutor Maj. Ashden Fein. "He was not a whistleblower. He was a traitor." The past decade has witnessed the carnage unleashed by militarized cluelessness. In the story of Bradley Manning, who has been the ethical citizen and who the rampaging criminals? ■

THE MONSTERIZATION OF TRAYVON MARTIN

Defending George Zimmerman, his attorneys exploited the ugliest stereotypes to justify fear of black men.

by PATRICIA J. WILLIAMS



RYAN INZANA

> "What might happen," I asked myself, "if the jury were to find George Zimmerman guilty?"

THERE WAS A SMALL, CRYSTALLINE WINDOW of time, as I sat waiting for the verdict in the George Zimmerman trial, when it felt as though we were perched between two worlds of possibility. As I watched the media blare, there was a breathless, swooping, nearly operatic transport to the moment; pundits recapitulated all the reasons to be afraid, very afraid. Anticipating acquittal, they eagerly imagined crescendos of erupting terror, riot and civil collapse. Florida was under lockdown. Magical legions of hydra-headed Trayvon Martin–shaped "thug wannabes" were assembling at the edges of the badlands.

In this still-undecided, Schrödinger's cat box of suspense, a lonely, against-the-odds voice inside me wondered what might happen if the jury were to

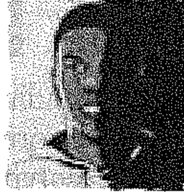
find George Zimmerman guilty. Would the pundits and politicians fear armed uprisings in select white neighborhoods? Would rabid online purveyors of hatred toward Martin and Eric Holder and President Obama be construed as dangerous to public order? There were, after all, those fanatics who wanted to "impeach" or "impale" Judge Debra Nelson, a Republican appointee. An Ohio PAC called the Buckeye Firearms Foundation was raising money to supply Zimmerman "with the funds he needs to replace his firearm, holster, and other gear." Bestselling novelist Brad Thor would offer to buy Zimmerman "all the ammo he wanted."

But Zimmerman was found not guilty, and there were no riots, save the riot of hyperbole portraying peaceful protests as violent. Trayvon Martin remains in his grave, although many have tried to resurrect him as the active principal in his own death. And while the legal process rendered formal justice, there remain important, unresolved issues embedded in the widespread sense of delegitimacy, dissatisfaction and unfairness that lingers in the verdict's wake.

Much of it comes down to an all-too-familiar double standard. Sociologist Troy Duster recently summarized the difficulty confronted by prosecutor Bernie de la Rionda when he asked the jury to reverse the circumstances and imagine that an armed 28-year-old black man followed an unarmed 17-year-old white teenager, shot him dead and then pleaded self-defense: "The problem with this invitation to speculate," he said, "is that it asks that we break frame with 'common sense.'" For all the legal language of the courtroom, racialized narratives will emerge and form along the very same lines that Gordon Allport and Leo Postman identified in their research more than sixty years ago: in the "retelling," a razor will leap "from the white man's hand to... a colored man's hand."

And so, by the end of the trial, the 200-pound Zimmerman, despite martial arts training and a history of assaulting others, was transformed into a "soft," retiring marshmallow of a weakling. The 158-pound Martin had been reimagined as an immense, athletically endowed, drug-addled "thug."

Consider, by way of inverted contrast, the 2007 conviction of John White, a black man who shot an unarmed white teenager in New York in 2006. According to *The New York Times*, the victim, Daniel Cicciaro, "showed up at Mr. White's house just after 11:00 p.m. to challenge his son Aaron, then 19, to a fight." Waking up to "threats, profanities and racial epithets," Mr. White "grabbed a loaded Beretta he kept in the garage of his house in Miller Place, a predominantly white hamlet on Long Island." At the trial, which the *Times* described as "racially charged," the prosecution successfully argued that the case "did not hinge on race but the rash actions of a quick-tempered man who kept an arsenal in his house in preparation for such a situation." White, unlike Zimmerman, was convicted of manslaughter.



The 158-pound Martin had been reimagined as an immense, drug-addled "thug."

The same double standard permeates Florida's so-called "stand your ground" law, controversial long before the Zimmerman trial for its leniency in the face of acts that might otherwise be charged as outright murder. Seventy percent of those asserting a "stand your ground" defense in a homicide are never charged at all. But a seven-year case review of "stand your ground" claims by the *Tampa Bay Times* showed that prosecution depends less on the merits of the case than the perpetrator's color, the color of the victim and where the shooting happened. If the victim is black, the killer is much more likely to go free. If the shooter is black, the chances of conviction are much higher.

Women fare badly as well: two months after Trayvon Martin was killed, a 31-year-old black woman named Marissa Alexander was sentenced in Florida to twenty years in prison for firing a "warning shot" into a wall during a fight with her estranged husband, a man who had a history of physical abuse. Charged with aggravated assault in which a weapon was discharged—by the very same prosecutor's office that charged Zimmerman—her "stand your ground" defense was dismissed by a judge, and a jury convicted her after just fifteen minutes of deliberation.

For all the attention attracted by Florida's "shoot first" law, ultimately the trial did not hinge on it. Zimmerman waived his right to a "stand your ground" hearing (in which a judge, not a jury, would have determined whether he was reasonable in thinking that his life was on the line), opting for a traditional self-defense argument instead. This was a canny choice, in part because Florida is the only state that allows juries as small as six to decide serious criminal cases. Six-member juries are, statistically at least, easier to sway toward prosecution. It was therefore significant that Zimmerman's attorneys deployed a full-out indictment of Martin more than a defense of their client.

By the end of the trial, the 200-pound Zimmerman was transformed into a weakling.

It helped that the stage was set for this from the start. On February 26, 2012, when Zimmerman killed Martin, the Sanford Police Department quickly and all too casually concluded, after a halfhearted investigation, that they were "prohibited" from arresting him. Martin's body was shoved in the morgue with little effort to identify it until his parents filed a missing-persons report; his wet clothing was tossed carelessly in a plastic bag to rot, possibly degrading key evidence. Zimmerman was lightly interrogated, then released without charge. No drug or alcohol testing was performed on him.

It would take more than a month of increasing public pressure for the case to be re-examined by a special prosecutor, and for the State of Florida to

press for second-degree murder—arguably a curious bit of overcharging, since it imposes a burden as high (depraved or intentional disregard for human life) as the burden in a "stand your ground" defense (a mere preponderance of the evidence) is low. Also surprising, the prosecution brought forth the charge of manslaughter (reckless disregard for human life) only at the end of the trial, almost as an afterthought.

Tasked with proving that Zimmerman was unreasonable to kill Martin, the prosecution was dismally scattered as a whole. Even the evidence it entered to illuminate the time sequence—a grainy tape of Martin shopping at a 7-Eleven—was freighted with unaddressed innuendo. No one looks innocent on a store's security camera. Nor did it help that the store clerk was brought in to say he didn't remember Martin—testimony of so little relevance, it seemed only posited to reassure us that he didn't rob the place.

Worse, the prosecution repeatedly failed to object at terribly crucial moments, allowing the jury to hear irrelevant rumor, damaging insinuation and general spuriousness. Defense attorneys Mark O'Mara and Don West built their case around profiling Martin: grilling witnesses about other burglaries in the neighborhood, speculating about crime, even hypothesizing about a piece of broken window awning found five days after Martin was killed, in the bushes directly beneath the awning to which it belonged. Could it not be used as what's called a "slim jim" for break-ins? Could it not have been part of a plot planned by Martin? Wasn't Zimmerman's fear about crime in the neighborhood a reasonable one? Wasn't it true that a young man named Emmanuel Burgess had been prowling around the neighborhood only weeks before? Tall, skinny black guy? Serving five years for burglary now? Hadn't there been a spree of burglaries? A rash of crime? The defense posited the entire annals of Sanford, Florida, crime into the record, drawing out the details of backpacks and bikes stolen by persons who just happened not to be Trayvon Martin.

Day after day, the defense insinuated, with virtually no pushback from the prosecution, that Martin was guilty of something illicit.

Day after day, the defense insinuated, with virtually no pushback from the prosecution, that Martin was guilty of something illicit—and not just of allegedly struggling with Zimmerman so as to "cause his own death," but of planning robberies, of taking too long to walk the mile between the store and his father's house. So with little challenge, O'Mara and West were able to conduct the jury through a psychic geography that was strikingly similar to that of the Central Park jogger case, in that they erased the very possibility of innocence—in this case, of the victim. Like the "wilding" teenagers wrongfully convicted of a brutal rape decades ago, Trayvon Martin was made as mythic as some ancient berserker, a menacing wraith of superhuman, "sucker-punching" strength, a heathen brute looming from the shadows on a dark and stormy night. He was a danger to the castle keep, his head filled with plans to do who-knows-what, lurking where he did not belong: right here in River City! In your very backyards! In the threat to God's peace that is the Young Black Male!

Once demonized, this teenage boy with his packet of candy and sweet tea was established as Trayvon the Destroyer, whose ferocious natural instinct for battle required heroic vanquishing and literal eradication. The defense team did a fine job of advancing this story line—so much so that as the trial went on, one began thinking of Zimmerman as St. George, slayer of dragons. Dragons threaten more than just their slayers, however; after all, selfless rescue is the genre's leitmotif. It is the bigger business of dragons to devour beautiful princesses, such as the defense's last witness, Olivia Bertalan, a pretty young woman whose home in the same gated community was burgled two years ago by—*gasp*—a black teenager. (Again, not Trayvon Martin, but that's where carrying the Mark of the Beast rendered him enough akin.)

Bertalan was a most eloquent and compelling witness in her description of Zimmerman's gentlemanly attentions in the wake of that trauma, coming to aid her and her family and checking up on her more than twenty times in the weeks thereafter. She was perfectly cast: a modest, comely damsel in distress. To quote the defense in its closing argument, Olivia Bertalan became "the face" of the case, a brand logo for America terrorized, for innocence violated, for all that is endangered in America. Who could fail to be moved?

The effectiveness of Bertalan's testimony in proving that it's perfectly reasonable to be deathly afraid of

After the verdict: Officers stand guard on the steps of the Los Angeles federal courthouse during a rally protesting the outcome in the Zimmerman trial.

REUTERS/DAVID MCNEW

any and all young black men manifested itself crassly in the words of Geraldo Rivera, appearing on *Fox & Friends*. "So it's a dark night, a 6-foot, 2-inch hoodie-wearing stranger is in the immediate housing complex," he said. "How would the ladies of that jury have reacted? I submit that if they were armed, they would have shot and killed Trayvon Martin a lot sooner than George Zimmerman did. This is self-defense."

As St. George, moreover, Zimmerman became aligned with a solid, big-shouldered, brawny round table of law enforcement witnesses: buff, goateed men who identified with Zimmerman and traveled from all over the country to volunteer their expertise in court. Zimmerman was exalted by this company not as a full-fledged police officer but as one of those small, heroic souls endowed with a singular chivalry, a David to Martin's Goliath. The defense even propped up cardboard cutout figures—one big, one small—to underscore the supposedly yawning gap in physique. And in a fact-free "demonstration" during final argument, O'Mara-as-Martin dropped a huge chunk of concrete, bigger and more jagged than a cinder block, in front of the jury box—as though onto Zimmerman—from a great and death-dealing height.

This latter was the ultimate metaphor of reversal: the sidewalk, by dint of Martin's immense power, didn't just abrade the back of Zimmerman's head when he supposedly fell to the ground. Rather, an ugly chunk of it leapt up to smash him, hovering above him before crashing down upon his skull. It was counterfactual and illogical, yet, according to one juror, it marked a turning point for some. (Zimmerman's "heart was in the right place," Juror B37 said.)

In laying their ground, the defense attorneys did their job well, engaging in a public relations blitz in advance of the trial that depicted Trayvon Martin as a violent gangbanger, while casting Zimmerman simultaneously as both victim and protector of the unruly street. If the Martin family's public efforts to have Zimmerman at least charged in their son's death were successful, efforts by the defense to publicize the case in a light more favorable to Zimmerman bore perhaps more significant legal results over the long term: in the year and a half since Martin's death, the winds of public opinion have shifted remarkably, away from the surprising degree to which the Sanford Police Department took Zimmerman's word and ignored all the other circumstantial evidence in failing to arrest him or even to test for drugs or alcohol, and toward whether the public's calling for an investigation and arrest wasn't the same thing as trying to "lynch" him.

This last is most worrisome as a measure of how this case unfolded as an object of national debate. It is one thing to assert that we may live in a perpetual war zone, where everyone suspects everyone else of being up to no good. In such an environment, there will be a certain frequency of accidental death, as fear makes us all quite trigger-happy. That much is surely sad enough—and might also lead us to a more comprehensive analysis of the cumulative tragedies in every American community regardless of race or class (rather than "competing" with stats about Martin being at greater risk from another young black man, or Bertalan being at greater risk of violence from a white man. So what? How do those facts squelch the specific injustice in this or any other case?).

In the year and a half since Martin's death, the winds of public opinion have shifted remarkably.

But of all the possible outcomes of our collective cogitation, the greater tragedy is that Zimmerman seems to have been exonerated because Martin was simply interchangeable with or "no better than" Emmanuel Burgess; that despite being the victim in the crime, he became transposed into the "perpetrator" or the "defendant" or a "thug," found guilty of being aggressive, unsavory, streetwise and racist against white people—as though to justify his death as an inevitable destiny, a relief, a nasty sport but business as usual, rather than even just an accident. In a striking bit of testimony, Joe Manalo, a resident of the housing complex who ran out of his house seconds after hearing gunshots, described encountering Zimmerman, a man he did not know. He was asked: "Did you ask him something when you saw he had a gun?" What did he say to Zimmerman as Martin lay dying in the grass? "I asked him what caliber he used," Manalo replied. "He said 9 millimeter."

Zimmerman was exalted not as a full-fledged police officer but as one of those small, heroic souls endowed with a singular chivalry.

Behind any ability to apprehend the good is a preconceived image of its opposite. This is a problem for people who look like Trayvon Martin: empirical tests have shown over and over the degree to which Americans still associate dark skin with negative attributes such as ugliness, stupidity and danger.

What has been particularly ominous as a cultural matter was the degree of public resistance to any published picture of Martin looking young or happy or sweet or embraced by family members or smiling like a mother's beloved child. When several newspapers and magazines dared to feature a picture of Martin when he was 15, another when he was 12 and another as a baby, the backlash was overwhelming. Anonymous meme-creators Photoshopped pictures of Martin and Martin look-alikes in alarming poses—bare-chested! Giving the finger! Breaking into a house while flashing gold teeth! Anything and everything more consistent with Zimmerman's imagined thug-fashionable young "fucking punk." It was a veritable blizzard of projected stereotypes, a rush to envision the ones who, as Zimmerman complained to police responders, "always get away."

Similarly, the prosecution's star witness, Rachel

Jeantel, was doomed before she ever walked onto the national stage. Jeantel, with whom Martin was engaged in a cellphone conversation just before he died, was a terribly sad character. If Olivia Bertalan was "the face" of virtue wronged, then Rachel Jeantel ought to have been the face of wretched public policies that have slashed funds for education and child welfare. At 19, she could neither read nor write, looked twice her age but sounded half that. She clearly had never been called upon to speak in a public setting—and if the prosecution had bothered to give her a lick of preparation about how to behave in a courtroom, it didn't show. She was the prosecution's own witness, but she hadn't even been coached as to their names. "That bald-headed dude" is how she now famously referred to Bernie de la Rionda. Her evasive feistiness was childishly and consistently inappropriate, a desperate clambering to find footing or a safe cave in the middle of an alien space. She was utterly lost.

And so she became not merely the face of desperate discomfort, but monsterized in her own right.

I cried for Trayvon Martin and for all those whose sons might also look like moving targets.

Rachel Jeantel first met Trayvon Martin in the second grade. They had reconnected only a few weeks before his death, when he had reached out because he remembered her birthday. She revealed a quick, shy smile when she recalled that: a fleeting moment of girlishness and vulnerability. From Rod Vereen, the attorney representing her, we also know that Jeantel particularly valued Martin's friendship because she considered him one of the very few people who never bullied or teased her about her weight or dark skin. But that distinctly gentle side of Martin was something the prosecution never brought out in court.

Jeantel was the witness who told of Martin complaining that he was being followed by a "creepy-ass cracker." The colloquial lingo she and Trayvon spoke was jarring in the formal setting of the courtroom, and she seemed to know it. It tongue-tied her; her voice fell to an inaudible low; and she grew more and more uncomfortable as the prosecutor had to translate her hesitant whispers, as the judge exhorted her to speak up, and as the defense attorneys leapt up and objected time and again in undisguised exasperation, insisting that they couldn't see, couldn't hear, couldn't understand.

I cried for those whose human curiosity extended only to the caliber of bullet used to bring Martin down.

As "fucking punk" met "creepy-ass cracker" and swirled through the echo chamber of collective imagination, Don West rose to cross-examine Jeantel. With chilling condescension, he asked her if the encounter with Zimmerman was not "racial" only because "Trayvon Martin put race in it." By this time, and after several hours on the stand, Jeantel took on an increasingly traumatized, deeply self-protective demeanor—that of a person who'd spent her life being yelled at or ignored. She became yet more remote and addled, resentful and sad all at the same time. She rolled her eyes in disdain even as she wept; and she wept angrily, impatiently confessing that she'd lied to Martin's parents when she told them she hadn't come to their son's wake because she'd been in the hospital. "I didn't want to see the body," she said. She felt conflicted and guilty, she explained, because it was unbearably distressing "to be the last person he talked to."

By any legal measure, Jeantel was a disastrously poor witness. If Trayvon Martin had never teased her, the same cannot be said for media outlets, both large and small. Mocking her cruelly became an instant online blood sport.

Yet for all her dismal performance, her testimony was quite moving. When Trayvon Martin's father bowed his head and sobbed as she spoke, I found myself crying too. I cried for Trayvon Martin and for all those whose sons might also look like moving targets. I cried, too, for those who do not or cannot see their sons in him, and for those who are not able to see a skittish, fearful, so-unhappy daughter in Rachel Jeantel. I cried for those whose human curiosity extended only to the caliber of bullet used to bring Martin down, as though he were big game, quarry, prey. I cried for Martin's parents as they sat in that courtroom listening to this random friend of their son's—a sullen, miserably self-conscious young woman, so utterly unready for prime time—the tiny banality of their conversation subject to disproportionate scrutiny. It was such an offhand phone call, an idle chat with a friend Martin had not seen in years—a little break from the NBA All-Star Game he was watching—when unspeakable calamity intervened; and that casually imperfect contact was transformed into his last and most important interlocutor.

There are many tellings of Aesop's fable about the hungry wolf who encounters a new spring lamb drinking from a river. "How dare you muddy my water?" he demands of the lamb. "I have not muddied it," replies the lamb, "for I am downstream of you." "Well then," said the wolf, edging nearer, "you spread evil rumors about me last year." "It was not I," replied the lamb, "for I was not yet born." "Well, if it wasn't you, it must have been your father," said the wolf, and with that, he pounced upon the lamb and devoured him.

I thought of that story when listening to the trial, to the repeated insistence that Trayvon Martin must have been guilty of something, to Don West speaking sneeringly to Rachel Jeantel.

It was he who fouled the water with racism, did he not? And if it wasn't he, it must have been one like him, isn't that correct?

Rachel Jeantel had no answer to that or any other question. There remains that cold, sad silence at the center of it all. ■

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