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## The Intersection of White Supremacy and the Education Industrial Complex: An Analysis of #BlackLivesMatter and the Criminalization of People with Disabilities

Brittany A. Aronson  
*Miami University - Oxford*, aronsoba@miamioh.edu

Mildred Boveda  
*Arizona State University*, mildredboveda@gmail.com

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## **The Intersection of White Supremacy and the Education Industrial Complex: An Analysis of #BlackLivesMatter and the Criminalization of People with Disabilities Introduction**

**Brittany A. Aronson, Miami University**

**Mildred Boveda, Arizona State University**

As women who grew up in South Florida, an area lauded for its cultural and linguistic diversity, we are interested in the ways in which words like “diversity” and “inclusion” are discussed in an educational system that functions within—and for—systems of oppression. Our shared experiences with the nuanced ways racial and ethnic identities are constructed in our hometowns, in contrast to how those identities are enacted in other parts of the United States, informs our understanding of the intersecting ways socio-cultural markers are used to “other.” For example, although our respective familial ties to Latin America are often acknowledged in cities like Fort Lauderdale and Miami, in most other regions of the U.S., one of us presents as white<sup>i</sup> and the other as Black. These racial ascriptions are mediated through visibility politics and interpretations of race that vary across geographical contexts—that is, via the race-place nexus (Morris & Monroe, 2009). Based upon our own understanding, we provide an intersectional analysis of the July 18, 2016 shooting of Charles Kinsey by North Miami police, as well as the erasure of Arnaldo Rio Soto’s intersecting identities. In our analysis, we interrogate the role that the education industrial complex (EIC) plays in sustaining the American prison industrial complex (PIC). Moreover, we seek to demonstrate how the EIC is complicit in the criminalization of students of color, especially at the intersection of race and dis/ability.<sup>ii</sup>

This special issue of *Journal of Educational Controversy* raises the Question: Do Black lives matter in the U.S. education industrial complex? As the various authors of this issue consider the multiple networks and alliances within the EIC that coalesce to promote market-based reforms, our contribution to the dialogue is anchored in Black feminist and critical race theorists who acknowledge that neoliberal agendas are propagated at the cost of the most vulnerable members of our society (Crenshaw, 2011; Davis, 2013). People who are Black, Brown, or disabled, are most often confronted with excessive disciplinary forces and disproportionately processed through the juvenile and adult criminal justice systems. Using interdisciplinary tools to study inequities in education (Artiles, 2011), policy as discourse (Bacchi, 2000), and the race-place nexus which foregrounds racial relations within geographic regions (Morris & Monroe, 2009), we critique the dialogue engendered by the police shooting of Charles Kinsey.

In answering the question of whether Black lives matter in the U.S. EIC, we begin with a description of how the EIC serves white supremacy. In this discussion, we acknowledge racialization of disabilities (Artiles, 2011) and antiblackness (Dumas & ross, 2016) while identifying the historical intersections between racial oppression and the marginalization of people with disabilities. More specifically, we examine the discourse and reticence about markers of differences (e.g., race, gender, ability status,

and class) and interrogate how social categorizations are manipulated and co-opted to repurpose differences in ways that serve the EIC (Au, 2016; Melamed, 2011) and the PIC. In our analysis, we discuss how the discourse surrounding the value of the lives of Charles Kinsey, a Black service provider, and Arnaldo Rios Soto, a Hispanic<sup>iii</sup> (as identified by his lawyer) adult with disabilities, contributes to the role that the EIC plays in perpetuating racism and ableism. Further, we return to the ways in which discourses surrounding state-sanctioned brutalization of Black, Brown, and disabled bodies have direct implications for education.

### **Analytical Framework**

Our analytical framework is guided by Alfredo Artiles's (2011) call for interdisciplinary theoretical and methodological perspectives in the study of educational inequity as well as the examination of *policy as discourse* (Bacchi, 2000). Through his in-depth analysis of the historical interlocking of race and ability, Artiles argues race and ability identities have always been connected in complicated ways within the American education system. Artiles argues for "explicit attention to the intersection of markers of difference and a cultural analysis of the conditions that surround the production of inequities" (Artiles, 2011, p. 236). In our analysis, we refer to intersectionality theory to address the intersections of race and ability, among other markers of diversity. It is with this understanding that we aim to complicate the shooting of Charles Kinsey and the erasure of Arnaldo Rios Soto's ethnic identity using Artiles's four assertions for interdisciplinary study of the racialization of dis/ability. We also highlight other pertinent high-profile cases, such as the death of Trayvon Martin, which also took place in Florida, to underscore connections in our study of the racialization of dis/ability and its implication for discussions about the EIC.

Artiles (2011) suggests that a historical perspective is necessary for understanding equity issues in education broadly, and the symbiotic relationship between race and ability differences specifically. In the case of our analysis, we first address the role that white supremacy plays across various regional contexts within the U.S. Second, Artiles explains that within a historical understanding, it is necessary to grasp the notion of "space" and who has access to this space, particularly when discussing people with disabilities and/or people of color. Artiles explains, "this perspective enables researchers to examine technical, cultural, and ideological dimensions of racialization of disability" (p. 440). Third, he asserts that *power* must be front and center in any analysis focused on equity. In examining equity issues in education, one must examine ideological underpinnings of policies, both legal and cultural practices, as well as the rhetoric and discourse surrounding these practices. Finally, Artiles argues for an interdisciplinary study of equity that provides a double analytic focus. This essentially makes connections between local practices and how those practices are situated within a larger sociopolitical and historical context.

Applying each of these four guidelines, we examine the discourse surrounding the shooting of Charles Kinsey and the discourse used to describe Arnaldo Rios Soto. We acknowledge that “discourse” and “language” are not interchangeable and each are situated in investments of power. Foucault (1972) studied how discourses are constructed and how they change over time—they can be interpreted and performed by stakeholders in various ways depending on contexts and constraints. He understood discourse is more than simply the words spoken: it is situated within a particular context and particular space. We pay particular attention to how “space” and “place” operate in this narrative as well. Morris and Monroe (2009) explain that “scholars in disciplines such as geography have pushed to deepen analyses of race, place, and social spaces in U.S. society and meanings and outcomes of those factors for differently positioned social groups (Holloway, 2000; Kobayashi & Peake, 2000; Mahtani, 2001; Nash, 2003)” (p. 22). In particular, looking at the “race-place nexus” allows us to consider the intersection of race and place (historically) in shaping contemporary experiences for people of color. We intentionally center “place” as part of our analysis in considering the broader history of race in Miami Dade County, Florida and the hashtag #BlackLivesMatter that stemmed from the death of Trayvon Martin in Florida.

Additionally, we enact our analysis with a recognition of the ways in which discourse practices “that systematically form the objects of which they speak” shape our everyday existence (Foucault, 1972, p. 49). Furthermore, Ball (2015) explains:

Foucault uses the term discourse in different ways in his work, most pertinently he was concerned to address the structures and rules that constitute a discourse rather than the texts and utterances produced within it. Discourse is not present in the object, but ‘enables it to appear’. Discourse is the conditions under which certain statements are considered to be the truth. (p. 311)

In relation to our analysis, we understand that policies and laws are not static, and they too are informed by the discourse that recognizes how ideologies inform and shape policies (Ball, 2015). In other words, whether talking about actual laws, such as the Individuals with Disabilities Education Improvement Act, which addresses disproportionate representation of individuals with disabilities in special education, or the policies and procedures that guide the officer’s decisions in the North Miami Police Department, these policies also serve as ideological tools which reinforces the power in these spaces—more specifically, white supremacy. Finally, as Bacchi (2000) explains, “the premise behind a policy-as-discourse approach is that it is inappropriate to see governments as responding to ‘problems’ that exist ‘out there’ in the community. Rather ‘problems’ are ‘created’ or ‘given shape’ in the very policy proposals that are offered as ‘responses’” (p. 47).

We seek to problematize the shooting of Charles Kinsey, and the discourse that followed the incident regarding the intended “target.” This justification of who

was *meant* to be shot does not respond to the problem at hand; rather, it creates the new issue of the shooting of a man with a dis/ability, and attempts to mask the larger problem of police brutality against people of color, which often intersects with dis/ability. Guided by Artiles' framework, race-place nexus, and policy as discourse, we unpack the happenings in the North Miami shooting of Charles Kinsey through the analytical framework we have laid out. But first, we begin by situating this story through a political, geographic, historical, and cultural lens (Morris & Monroe, 2009).

### **The Education Industrial Complex as a Service of White Supremacy**

Anthony Picciano (1994) first used the term “education industrial complex” (EIC) to describe the networks of alliance formed between education and technology. Picciano adopted the term from the concept of the military-industrial complex, which connects the expansion of the armed forces and military equipment manufacturers to a vested influence on public policy. When originally coining the phrase, Picciano predicted that in 10 years the concept would be more visible within the educational realm. The notion of the EIC has since extended beyond the technological influences on education to include additional political and ideological components, including for-profit organizations and services rendered to the elite (e.g. SAT prep courses). Picciano and Spring (2013) explain that the EIC can now be defined as:

...ideological, technophile, and for-profit entities that seek to promote their beliefs, ideas, and products, and services in furtherance of their own goals and objectives. This complex is fueled by significant resources and advocacy provided by companies, foundations, and the media that want to shape American education policy to conform to their own ideals and that also stand to profit significantly from its development. (p. 2)

While Picciano's (1994) description of the EIC, like earlier conceptualizations of the military-industrial complex, did not discuss the role that white supremacy plays in the webs of influence between public service providers and for-profit entities, Angela Davis' (1998) critique of the prison-industrial complex (PIC) makes explicit how race and antiblackness are exploited by “business-government linkages” (p. 11). Furthermore, in her earliest coinage of the term PIC, Davis also addresses societal treatments of dis/ability and an individuals' educational achievement:

Homelessness, unemployment, drug addiction, mental illness, and illiteracy are only a few of the problems that disappear from public view when the human beings contending with them are relegated to cages. (p. 12)

Erica Meiners (2007) further unpacks how schools engage in the PIC through the assertion that schools resemble prisons and contribute to an “expectation of incarceration” for youth of color. Meiners describes how a “school-prison nexus,”

which stems from zero-tolerance policies, “conjures a vivid, evocative, and unambiguous image: poor Black and Brown children being derailed from academic and vocational paths, and directed toward jails and prisons” (Laura, 2014, p. 15). Additionally, the intersection of race and dis/ability and school disciplinary practices is well documented. For example, Black students make up 17% of public school populations, yet 33% of children labeled “cognitively disabled” are Black (p. 19). Crystal Laura concludes, “what I gather from some of the literature on zero-tolerance, school discipline, and special education, is that these policies are panoptic systems of surveillance, exercises of power used to continuously and purposefully monitor poor youth and youth of color (Foucault, 1977/1995)” (p. 21). We see examples of this surveillance through metal detectors, surveillance cameras, school uniforms, armed security guards, and on-site school police detachments (Meiners, 2011), as well as through the spectacle of publishing the results of high-stakes standardized testing, which measures ability in linguistic, racial, socioeconomic categories but does not consider the sociopolitical histories that are the source of the supposed achievement gaps (Waitoller & Kozleski, 2015). As we see it, any discussion of the EIC must also look at how the PIC has led to the creation of a school-to-prison pipeline (STPP) that, “aims to highlight a complex network of relations that naturalize the movement of youth of color from our schools and communities into under- or unemployment and permanent detention” (Meiners, 2011, p. 55).

Like Davis, Meiners, and Laura do in terms of the US penal system, our analysis of the EIC takes into account how a broader system of white supremacy infiltrates everyday institutions, including those of education and schooling. The racist function of schooling continues to influence opportunity gaps that divide white, middle-to-upper-class students from students of color, students from lower socioeconomic backgrounds, and students with disabilities, especially when these identities intersect. The education debt stemming from the historical, sociopolitical, moral, and economic origins of education (Ladson-Billings, 2006) charges us with examining the EIC as more than a critique of for-profit neoliberal influences, but also as a racist and ableist systems of oppression. More specifically, addressing the EIC without providing historical context and data about who is most likely to lose in this market-based system of public services and goods would be in line with neoliberalism. As Au (2016) asserts, “the neoliberal project has reconstructed ‘anti-racist’ as being against any identification around race (and any itinerant signification) in favor of a post-racial identification constructed around freely acting and competing individuals” (p. 40). Yet, as will be demonstrated by our description of the behaviors of Kinsey and Rios Soto after being confronted by the police, neoliberal multiculturalism fails to acknowledge that certain people are less free to act and compete. Subsequently, it is critical to assert how the EIC, in connection with the PIC, serves what hooks (2000) describes as the white supremacist capitalist patriarchy in a complex system where Black, Brown, and disabled lives *do not matter*.

### **EIC in the context of White Supremacy, an Ableist Society, and Antiracism**

Allen (2001) refers to white supremacy as, “the global system that confers unearned power and privilege on those who become identified as white while conferring disprivilege and disempowerment on those who become identified as people of color” (p. 476). The racialization of the world, much through *visibility* politics (i.e. European imperialism was organized along racial group lines) has led to the enslavement, slaughter, institutionalization, imprisonment, and oppression of people of color globally. Allen explains, “European ethnics have thrived relative to people of color through the creation of the white race, the legalization of whiteness as property, and the establishment of a system to territorialize it all” (p. 477; Harris, 1993). Additionally, Charles Mills (1997) asserts a “racial contract” exists, so even the poorest of whites are “more equal” under a doctrine of white supremacy compared to people of color. We see this through examples of how white people from Jewish and Irish ethnicity eventually “earned” their membership into the white race despite a brutal history of denigration. “Certainly, poor whites and white women have been oppressed as well, but this oppression exists *despite* their being white” (p. 478). This is not to suggest that people of color have not risen to positions of power, but historically and proportionally, people of color have not “been allowed access to wealth in the way whites have” (p. 478).

Like Artiles (2011) suggests, we rely on intersectionality theory to assert that racism and ableism do not exist parallel to one another, but are intersecting systems of oppression that impede equitable outcomes for those who are different. Dis/ability has been used to justify discrimination against people of color by attributing dis/ability and cognitive inferiority to them. Treating racism as separate from ableism fails to examine how race was historically constructed in conjunction with cognitive abilities. For example, in the 19th and 20th centuries, “scientific outlets and popular media were regularly populated by papers and reports that described biological differences, mental abilities, illness predispositions, and prevalence of diseases (e.g., mental illnesses) among African Americans, as part of their overall portrayal as inferior to white subjects” (Artiles, 2011, p. 434). In other words, white supremacy is an ableist ideology, and often when people of color face barriers and obstacles, the results generate a dis/ability label. In the context of schools, this is most apparent when examining how school representatives ascribe dis/ability categories that are arguably determined by subjective measures such as intellectual disabilities, learning disabilities, speech/language impairments, and emotional and behavioral disorders.

Dumas and ross (2016) explain that “antiblackness is endemic to, and is central to how all of us make sense of the social, economic, historical, and cultural dimensions of human life” (p. 429). Throughout the history of the U.S., “racial differences” were marked through phenotypic characteristics that allowed for the legitimation of racial prejudice and discrimination (Morris & Monroe, 2009; Omi & Winant, 1994). Through a hierarchical arrangement of “race,” white people were (and continue to be) at the top, with enslaved Africans at the bottom often leading to a Black/white binary when describing race. This was codified through the three-fifths

compromise, which considered a Black person to only be sub-human, the Jim-Crow laws after Reconstruction, and *Plessy v. Ferguson*, which allowed for legal segregation between “whites-only” and “colored” facilities. We continue to see the influence of anti-blackness through the epidemic of mass incarceration and issues of police brutality (Alexander, 2012; Coates, 2015).

This historical legacy of racialization through white supremacy remains evident today and has dangerous implications in its covert presence, especially in regard to public education. While white supremacy is a system created by white people, it can also infiltrate the ideologies and actions of people of color as well. Luis Urietta (2010) explains, “whitestreaming” begins in schools through the curriculum that is founded upon the “practices, principles, morals, and values of white supremacy” and highlights white Anglo-American culture. He asserts that this is not exclusively the work of white people anymore: “any person, including people of color, actively promoting or upholding white models as the goal or standard is also involved in whitestreaming” (p. 181). Examples of this include President Barack Obama referring to Black protesters in Baltimore as “criminals,” or “thugs” (Taylor, 2016), and Wisconsin Sheriff David Clarke stating, “blue lives matter,” in direct opposition to proponents of the BLM movement. Additionally, we must acknowledge that antiblackness is different from white supremacy in that it specifically addresses a theory of blackness in an anti-Black world (Dumas & ross, 2016) and in a place where, as Dumas (2016) argues, “discourse and policy processes in education must grapple with cultural disregard for and disgust with blackness” (p. 12). We do not wish to place blame on people of color in these instances. Instead we center how the “white supremacist capitalistic patriarchal” project continues to succeed through the normalization of whiteness *at the expense* of people of color (hooks, 2000). We will continue to problematize this as we contextualize the shooting of Charles Kinsey and traumatizing of Arnaldo Rios Soto - people of color operating in a system of white supremacy.

### **Florida, Trayvon Martin, and the #BlackLivesMatter Movement**

Florida is an important state to consider when evaluating the complexities of the discourse concerning Black lives in the U.S. Technically considered a southern state, Florida has a historical legacy of racism - antiblackness in particular – which has influenced the social, political, economic, educational, and health of Black people in the south. While we can refer to historical examples to demonstrate the historical racial tensions within the state, such as the 1923 Rosewood Massacre in Levy Central Florida or the 1980 McDuffie Riots in Miami-Dade County, there are also recent incidences that demonstrate how Florida has not yet reached post-racial status.

South Florida is presented in contrast to the rest of the state, especially when considering the demographic composition and its celebration of racial diversity. Data from the Census Bureau’s American Community Survey (United States Census 2013) reveals that Miami is ranked among the five largest cities with the highest poverty



rates. Miami's diversity consists of a population that is (a) 65% Hispanic, (b) 19% Black or African American, (c) 52% foreign-born, and (d) 73% individuals who speak a language other than English. The local school district, Miami-Dade County Public Schools, has the fourth largest student membership of school districts in the country. Student enrollment is currently 348,731; of these students, 92% are from culturally and linguistically diverse (CLD) backgrounds. Unlike the national teaching demographics at 84% white, the teaching force mirrors the diversity of the student body with 81% of the fulltime staff coming from CLD backgrounds.

Within Miami Dade County, there are both county (i.e., Miami Dade County Police Department) and city (e.g., Aventura, Hialeah, Miami Shores, and Opa Loca Police Departments) law enforcement agencies. Race-relations between police and community within the highly diverse county have improved since the three-day race riots that took place over thirty years ago in Liberty City as a result of the acquittal of White police officers accused of beating a Black man, Arthur McDuffy, to death. Two recent notable exceptions which have garnered national attention include the public outcry over the North Miami Beach police force's use of real mugshots of Black men during target practice and the filing of a federal civil rights lawsuit against Miami Gardens police accused of using aggressive search-and-frisk tactics on local residents. Of great consequence for our current discussion of #BlackLivesMatter, however, is the shooting of a Miami Gardens resident, Trayvon Martin, when he went outside of Miami Dade County to visit his father in central Florida.

### **Trayvon Martin**

On February 22, 2012, Trayvon Martin, an unarmed 17-year old Black male, was shot and killed by a neighborhood watch monitor, George Zimmerman, whose racial identity continues to be debated by the media. Martin lived and attended school in Miami Dade County, and was visiting his father in Sanford, Florida (a suburb of Orlando). On a rainy night, Martin was carrying a bag of skittles, a cell phone, an ice tea, while wearing a hoodie. Zimmerman noticed Trayvon and called 911, stating, "this guy looks like he's up to no good or he is on drugs or something." He was told not to follow the boy and that police were on the way: by the time the police arrived, Trayvon was dead. Zimmerman told the police he shot Trayvon in self-defense after being attacked. Florida's "Stand-Your-Ground" law<sup>iv</sup> complicated Zimmerman's claim of self-defense, and it wasn't until 46 days later that he was even arrested. Trayvon's death received national attention, and news of his murder spread like wildfire via social media. On July 13, 2013, Zimmerman was found not-guilty of all charges. The verdict of the case brought the longstanding racial divide that still exists in back to the attention of the American people.

This Florida law allowed for Zimmerman to be exonerated of the execution of Trayvon Martin, and his narrative became the accepted narrative. Dumas and Derrick Nelson (2016) explain, "the public discourse surrounding the incident centered on constructing the seventeen-year old as an adult man with suspect movements,

threatening physicality, and malevolent intentions” (pp. 27-28). Trayvon was no longer viewed as the teenage boy that he was, but instead, as just another dangerous Black man. Pictures of Trayvon smoking marijuana and holding up his middle finger were soon circulated through the internet, creating a new discourse that made him out to be the villain, rather than the victim. This new discourse also allowed for the general public to support Zimmerman in his claims of self-defence because *clearly*, Trayvon was a threat.

To problematize this case further, and to return to our point of how race and ability intersect, Collins (2016) unpacks what occurred during the criminal trial of George Zimmerman which, “effectively became a public trial of Trayvon Martin and Rachel Jeantel [his girlfriend]” (Collins, 2016, p. 188). In the trial, discourse describing Martin as a “thug” and his girlfriend as “retarded” and “stupid” took the attention away from Zimmerman’s actions. Again, the discourse surrounding these events allowed for his actions to be considered valid, while those of Trayvon’s family and girlfriend were dismissed as the words of criminal and intellectually inferior actors. Trayvon Martin, much like Emmett Till over 60 years ago, was “out of place,” and this cost him his life.

### **The Emergence of a (New) Movement: #BlackLivesMatter**

In response to the brutal murder of Trayvon Martin, three Black women (re)built a movement stemming from the Black liberation era. Alicia Garza, Opal Tometi, and Patrisse Cullors popularized the hashtag #BlackLivesMatter which soon was conceptualized as, “an ideological and political intervention in a world where Black lives are systematically and intentionally targeted for demise” (Garza, 2016, p. 23). Initially, social media was the primary platform for spreading counternarratives, but in the wake of 18-year old Michael Brown’s murder, organizing in Ferguson set the stage for what many have called the “New Civil Rights Movement” (Taylor, 2016). Alicia Garza (2016) explains:

When we say Black Lives Matter, we are talking about the ways in which Black people are deprived of our basic human rights and dignity. It is an acknowledgement that Black poverty and genocide are state violence. It is an acknowledgement that 1 million Black people are locked in cages in this country—one half of all people in prisons or jails—is an act of state violence. It is an acknowledgement that Black women continue to bear the burden of a relentless assault on our children and our families and that assault is an act of state violence. Black queer and trans folks bearing a unique burden in a heteropatriarchal society that disposes of us like garbage and simultaneously fetishizes us and profits off of us is state violence. (p. 26)

Centered around ideals of intersectionality, the BLM's guiding principles are inclusive of all identities and differences. Furthermore, the manifesto takes a look at the implications of the movement in regard to school policies and discourse and the EIC.

While the BLM movement platform is intersectional, much less attention has been paid to the fact that many of the names which became hashtags belonged to people with documented disabilities (e.g., Eric Garner, Dontre Hamilton, Kajieme Powell, Tanesha Anderson, Freddie Gray). In a paper for the Ruderman Foundation, Perry and Carter-Long (2016) analyze eight cases of police violence against people with disabilities that took place between 2013 and 2015. They found that in these cases, the person's dis/ability either went unmentioned, was listed without providing further context regarding the dis/ability, medical condition, or "mental illness," or was used by the authorities to suggest that victims were responsible for precipitating their own deaths. In their words,

Disabled individuals make up the majority of those killed in use-of-force cases that attract widespread attention. This is true both for cases deemed illegal or against policy and for those in which officers are ultimately fully exonerated. The media is ignoring the disability component of these stories, or, worse, is telling them in ways that intensify stigma and ableism. (p. 1)

We do not wish to suggest a hierarchy of oppression (Lorde, 1982). We uphold the need for intersectional analysis created by Black feminists for the purpose of complicating the many identities held by people of color and believe this is necessary in dialogues surrounding oppression. However, we do believe it is imperative to discuss the blatant antiblackness evidenced in the Charles Kinsey case and the dehumanization of a person with a dis/ability in the discourse following Kinsey's shooting.

### **The Case of Charles Kinsey and Arnaldo Rios Soto<sup>v</sup>**

*"I mean, to be quite frank with you, I don't know what's worse: shooting a man who has his hands straight up in the air and telling you that he's unarmed while he's lying on his back or shooting a 26-year-old who has no idea what's going on. They're equally reprehensible. And it's a shame that they would actually try to state that they were shooting at Mr. Rios instead of my client."*

- Hilton Napoleon, Charles Kinsey's lawyer

*"To immediately assume that a person with a disability is a threat, is—may hurt somebody, is everything against what the disability community stands for, and it also makes it harder for persons with disabilities to integrate in the community. So, by having a police force that's not specifically trained or know where group homes are in the area really makes it a danger for any person with a disability to live in that neighborhood."*

-Matthew Diez, Arnaldo Rios Soto's lawyer

The above statements refer to the incident that occurred one hot Florida afternoon. On July 18, 2016, Arnaldo Rios Soto, a patient at a nearby Group Home facility, wandered off and was playing with his silver toy truck in the middle of the street. Charles Kinsey, a Black man who was Rios Soto's behavioral therapist at the facility, was sitting next to him and attempting to talk Soto into returning with him. At 4:59 that afternoon, a woman passing by thought she saw a "Spanish, mentally disabled" man in the street with a gun.

3:19 recording 911 Call- Monday July 18th, 2016 4:59 pm EST

Caller (C): Hey we've got an emergency, it's 14th avenue and 127th NE, there's this guy in the middle road and he has what appears to be a gun.

Dispatcher (D): ... and NE what?

C: Hold on, --- and 129th street, he's sitting [inaudible]

D: What is he doing with the gun?

C: He has it to his head. And there's a guy there trying to talk him out of it. [pause for 4 seconds]

D: Is he a **Black male or a White male?**

C: He looks like he's one of these Spanish, a Black guy is with him.

D: And he's in the middle of the road?

C: Yeah, he's sitting ... when I was pulling up, driving past him, I had to hit the reverse, because [interrupted]

[Discussion about location]

D: That's ok, you say he's a Black male?

C: There's a guy in a gray ... [interrupted]

D: What color shirt is he wearing?

C: Gray and black, and he's Spanish, and there's a guy that's trying to help him has on a green shirt and black shorts. That's the guy that's trying to talk him out, I think the guy is **mentally ill**.

D: But the gentleman with the gun to his head, what kind of pants is he wearing?

C: Gray. He's a **Spanish guy**, young kid. Spanish guy, with gray shorts and a gray shirt. And the guy that's trying to talk him out of it is wearing a green shirt and black pants. But I think the Spanish guy looks like he is a mentally ill person. I don't know if it is a gun but he had, something that --  
- like a gun, so just be careful. And he's sitting in the middle of the road.

D: Stay on the line with me. Don't hang up. Is he out of the car?

C: There's no car involved. He's just sitting [interrupted]

D: He's just sitting in the middle of the roadway?

C: Yeah, he's like a **mentally disturbed kid**.

D: Your name?

C: I just see an officer going down there.

During this three-minute and nineteen second conversation, the caller described the man with the object she stated could be a gun as "Spanish" on five separate occasions. The caller also expressed three times that she thought the man had a dis/ability, using phrases such as "he's mentally sick," "mentally ill person," and "mentally disturbed kid" as descriptors. The object in his hands, it turned out, was not a gun, but a toy truck: its owner, Arnaldo Rios Soto, was a 26-year-old autistic resident at a group home. Kinsey was trying to bring Rios Soto back to the home after he wandered away. However, suspicion arose from the two men being *out of place*, and they were reported to the authorities.

"You said he was a Black male?" the dispatcher asked the caller, referring to the man with the object in his hand. Even though the caller clarified that the "Black man" was trying to help and "talk him out," somehow, Kinsey was shot, handcuffed, and left bleeding for over 20 minutes while waiting for the ambulance to arrive. The video of the incident revealed that before the shooting, Kinsey laid down on the street next to Rios Soto with both hands in the air—a physical embodiment of the slogan we've heard so often these past three years: "Hands Up! Don't Shoot!" Kinsey is heard saying, "*All he has is a toy truck. A toy truck. I am a behavioral therapist at a group home.*" The video does not show the exact moment he was shot, but according to Kinsey, when he asked the officer, "Why?" the officer answered, "I don't know."

Jonathan Aledda, a SWAT team member with four years on the job, fired the shot that hit Kinsey. Another officer on the scene, Commander Emile Hollant, garnered public attention when it was discovered that he attempted to fabricate evidence against Kinsey, but he was deemed innocent. The official narrative of the North Miami police was that the bullet that hit Kinsey was intended to target a “white male.” However, as can be substantiated by the 911 audio transcription above, there was never mention of a “white male” at the scene. According to police, officers were responding to a perceived threat: a man sitting on the street with an object in his hand that appeared to be a gun. John Rivera, president of a local police union, claimed that the officers did not know the “white male” had a dis/ability. Police representatives erased Rio Soto’s intersecting identities; they insisted that because of his supposed “white male” identity, the shooting could not possibly be another case of excessive force and racial profiling. In other words, the police argued that this was not connected to #BlackLivesMatter or other activists’ calls for the improvement of police/community relations.

Why was Charles Kinsey shot and handcuffed? We assert that Kinsey undoubtedly saved Rios Santos’ life. What complicates this story is that all involved in the shooting—including the caller and police officers—are people from ethnically, racially, and linguistically diverse backgrounds. The insistence that Rios Soto is white is therefore a farce—a weak attempt to justify the shooting as non-racist. This case exemplifies why an intersectionality lens is needed to talk about criminal justice reformation, and why when we talk about Black lives we must also talk about disabled lives. Those of us who advocate for equity in education must take into account all of our multiple diversities and challenge the discourse used to justify an individual holding a toy coming under police fire.

In this North Miami case, the discourse used to describe the shooting of Charles Kinsey attempted to separate the national discourse about excessive force from the police shooting in South Florida. As Foucault (1972) argued, however, discourse is more than words spoken, but also situated within a particular context and particular space. Space was of incredible importance in Trayvon Martin’s case when Zimmerman was legally allowed to execute Martin for being *out of place*. Collins (2016) argues Trayvon’s case sets a precedence for youth being out of place: “*The State of Florida v. George Zimmerman* is more than one legal case; it is emblematic of our country’s history of state-sanctioned physical, discursive, psychological, and symbolic violence against Black, brown, and disabled youth” (Collins, 2016, p. 185). Similarly, when Rios Soto left his facility, as witnessed by the 911-caller, police were called to regulate and handle a disabled individual who chose not to stay in place.

## Discussion

When answering the question of whether Black lives matter in the educational industrial complex, the case of Kinsey and Rios Soto is of particular importance to

educators for the following three salient reasons: 1) the direct connection between the EIC and white supremacy in an ableist society; 2) the need for intersectionality in conversations of oppression; and 3) the need for an understanding of how antiblackness varies across regional contexts, yet is ingrained in the American (and broader, global) psyche. We place greater emphasis on the first point, as it is most relevant to this special issue, and briefly highlight points two and three.

Education as a field can no longer be examined without acknowledging how relationships between for-profit businesses, school practices, and educational policy, are working within and for white supremacy in an ableist society. #BlackLivesMatter pushes back against the use of excessive force, over-policing, and mass incarceration of non-white communities. As phrased by the #BlackLivesMatter platform,

An immediate end to the criminalization and dehumanization of Black youth across all areas of society including, but not limited to; our nation’s justice and education systems, social service agencies, and media and pop culture. This includes an end to zero tolerance school policies and arrests of students, the removal of police from schools, and the reallocation of funds from police and punitive school discipline practices to restorative services” (p. 6)

Despite the discourse of the aftermath of Charles Kinsey’s shooting and the police force’s denial of its connection to the issue BLM is working against, antiblackness, whether explicit or covert, is always a factor in public service. The discussion about the STPP can help us understand how the EIC feeds into the PIC. The discourse of black criminalization and police brutality has material manifestations in school settings. As several scholars have asserted (Dumas, 2016; Love, 2016), and as documented by the media (Boggioni, 2015; Malm, 2014; Munzenrieder, 2013; Klein, 2013), classrooms often become spaces that further racialize oppression (e.g., video of Spring Valley High School in South Carolina). Furthermore, many of the victims who have been the focus of the BLM movement were, at the time of their deaths, students within the K-12 system (e.g., Trayvon Martin, Tamir Rice, Andy Lopez, Kimani Gray) or recent graduates (e.g., Michael Brown). One victim, Philando Castile, was a beloved public school employee, as evidenced by the outpouring of grief by his school’s community. Another victim, Keith Lamont Scott, was shot at a school bus stop moments before his son was dropped off after school. As long as there are Black and Brown students, parents, and employees within publicly funded schools, then the advocacy for Black lives will continue to be of consequence when discussing the EIC.

Intersectionality matters and the majority of people who die under police custody and as a result of state sanctioned violence are people with documented disabilities. More than 13% of students in public schools are in special education. Yet, for example, Black and Native American students make up a disproportionate number of students categorized as having “emotional disturbance” and “intellectual

disabilities.” Intersectionality theory provides language for the analysis of the complicated systems of privilege and oppression and how they coalesce in nuanced ways. The examination of the shooting of Kinsey and the erasure of Rios Soto, as well as the erasure of the dis/ability markers of so many of the Black victims whose names became hashtags through the BLM movement, suggests that antiblackness is ingrained in American society and discourse. Yet, issues of dis/ability are addressed in insensitive ways that ignore and devalue those with dis/abilities. As stated by Perry and Carter-Long (2016),

When we leave disability out of the conversation or only consider it as an individual medical problem, we miss the ways in which disability intersects with other factors that often lead to police violence. Conversely, when we include disability at the intersection of parallel social issues, we come to understand the issues better, and new solutions emerge. (p. 1)

Actors within school systems must therefore address why Black and Brown students are overrepresented in special education, in addition to the fact that students with disabilities are disproportionately disciplined. The race-place nexus is, in fact, of consequence. Nevertheless, antiblackness is deeply ingrained in virtually every region of the U.S. In addition to Zimmerman, Jeronimo Yanez (shooter of Philando Castile), and Peter Liar (shooter of Akai Gurley), all stand as examples of law enforcement officers who themselves are people of color who have been involved in the subjugation of Black and Brown people, and therefore, have been facilitators of white supremacy.

Educators within the EIC, regardless of region or demographic representation, must constantly evaluate whether they are driven by antiblackness. In the case of Charles Kinsey, the majority of actors involved are people of color. Based on this, Police Chief Rivera attempted to repackage it as the shooting of a “white man.” Understanding the ramifications for intentionally shooting a Black man, we posit that Rivera strategically redirected the focus to Rios Soto. However, what he failed to recognize in doing this was that discarding a “mentally ill man” is just as controversial as unnecessarily shooting a person of color.

These three findings illustrate the complete disregard for Rios Soto’s intersecting identities. As we have argued, the idea that Black and Brown bodies do not matter is central to the larger discourse, particularly in regard to the EIC. However, the experiences of these peoples are vitally important to us as teacher educators from South Florida, who recognize that the problematizing and unpacking of these broader discourses must be incorporated into current conversation.

### **Implications**



Our intention in this article was to demonstrate how the educational industrial complex (EIC) is complicit in the criminalization of students of color, especially at the intersection of race and dis/ability. The case of Charles Kinsey and Arnaldo Rios Soto is of particular importance because discourses in broader society have direct consequences for education. In their statement “Affirming #BlackLivesMatter,” the Black caucus of the National Council for Teachers of English (2015, NCTE) argue the dilemmas of race and racism in the U.S. are so “copious,” that to ignore them would render us all complicit. They state:

In the struggle to stop the bleeding—that is, in the fight against racial injustice—we have long believed that English classrooms could offer triage... In this light, we call upon English educators to use classrooms to help as opposed to harm, to transform our world and raise awareness of the crisis of racial injustice. We call upon English education researchers to commit time to studying and disrupting narratives of racism rendered complexly in the substance of our profession.

More specifically, Johnson, Jackson, Stovall, and Baszile (2017) argue that the physical racial violence in broader society also seeps into classrooms symbolically,

Black youths’ physical deaths are preceded by depictions of them as thugs, criminals, uneducable, and subhuman, we also believe this symbolic form of violence transpires in classrooms where educators hold dehumanizing assumptions about the history, culture, and language of Black youth. (pp. 60-61)

The authors contend, symbolic violence is the basis for the physical violence prevalent in the U.S. and that through this manifestation teachers (un)intentionally enact a “curriculum of violence” (p. 61). For example, this is evident through the ways traditional (Eurocentric) curriculum regulates grammar (e.g., African American Language deemed as incorrect), or how the literature selected by teachers typically validate white, Westernized ideologies and ways of being. Inevitably, the dehumanizing ways Black, Brown, and students with dis/abilities are left out of the curriculum leads to “distorted images and antagonistic storylines” (p. 62) about Black, Brown, and dis/abled students’ lives.

While the NCTE statement and Johnson et al. (2017) focus explicitly on Black lives and English education in their statement, we have argued throughout our analysis that dis/ability is intrinsically connected to any movement for the protection of Black (and Brown) lives. In the Kinsey case, the claim that Officer Aleda meant to shoot the “disabled white” man in place of the Black man, does not provide much comfort or confirmation that Black, Brown, or disabled lives matter in American society. The excuse given by the police chief, John Rivera, exemplifies how easily discarded people with disabilities can be, particularly when their disabilities intersect

with race. If police officers who carry weapons that can injure and kill Black and Brown bodies in the street are given excuses and granted immunity for these killings (whether intentional or acts of unexamined prejudices), what does this mean for teachers who also serve Black and Brown bodies in their classrooms? As Love (2014) phrases it, “Black boys [and people] are not safe in public schools or in urban streets” (p. 302).<sup>vi</sup>

Love (2014) asks us as educators to think about the roles teachers play in the STPP, which contributes to the PIC, which we have argued is linked to the EIC. She asserts, “images of Black males in U.S. culture that make it possible for too many teachers to see some of their Black male students as threatening, arrogant, disdainful of authority, and uncontrollable except by force of removal” (Love, 2014, p. 293). In regards to Trayvon Martin, for example, she suggests one of the larger questions that has arisen from his death is the question of, “how educators can explore their own race and gender perceptions to confront the daily classroom injustices toward young Black males” (p. 293).

We believe this question also charges us with considering how larger discourses of racialized, ableist oppression rooted in systems of white supremacy, such as in the Kinsey/Rios Soto case, contribute to the over-representation of students of color in special education and the funneling of these students into the STPP. Just like police officers, teachers are actors in the system who can contribute to what Bettina Love (2014), drawing from Patricia Williams (1991), explains as “spirit-murdering,” which takes place in classrooms everyday through “individual racism of educators of every race, class, or other social and cultural identity markers” (p. 302). For example, many educators are often unaware how their “day-to-day interactions with Black boys are an act of spirit-murdering” (Love, 2014, p. 303). These larger discourses in society, as well as the question of whether Black lives matter, are pertinent in classroom spaces because, children “who through no fault of their own sit in classrooms everyday where teachers are unaware as to how narratives, popular or dated because they are all built on the same tropes, circulate to disrupt learning and spirit-murder children” (Love, 2014, p. 303).

In agreement with Love (2014), we perceive it to be our responsibility as teacher educators to properly educate our pre-service teachers about the complexities of white supremacy, racism, ableism, and their connections to power, privilege, and oppression. Not only do we emphasize the current neoliberal context in which competition and market forces are privileged, we also explain who is most vulnerable within the EIC. As a step toward a solution, Boveda (2016) has identified eight indicators of the intersectional competence construct we believe is a useful tool for thinking about how future teachers can resist contributing to the criminalization and spirit-murdering of students of color, including students with disabilities. Intersectional competence—a construct that captures how the socio-cultural markers of students, families, and colleagues intersect in complex, nuanced, and unique

ways—can help teachers make connections across multiple equity concerns (Boveda, 2016). We take on the obligation and acknowledge the responsibility we have as teacher educators to prepare future teachers to decenter whiteness. In that regard, we recognize the need to honor Black and Brown children to prevent spirit-murdering, and the dismissal of any of their intersecting identities, including dis/ability.

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<sup>i</sup> We have intentionally lowercased “white” as a small effort to de-center whiteness. This work requires far more than the (de)capitalization of letters, but for us, this is a start within our writing.

<sup>ii</sup> We use the term dis/ability instead of disability to disrupt understandings of ability. “Disability” focuses on the specific inability to perform tasks that are culturally specific such as learning or walking and defines individuals primarily on what they are *not able* to do (Annamma, Connor, & Ferri, 2013).

<sup>iii</sup> Throughout our paper, we use identifying labels as reported by media reports or by Kinsey and Rio Soto’s families and lawyers. We understand “Hispanic” as a term connected to U.S. census reporting for Spanish-speaking people and those who have familial ties to Spanish-speaking countries across the Americas. It is also a term commonly used in South Florida. The authors prefer to self-identify as Latina/Afro-Latina when identifying their ethnicity over the use of Hispanic.

<sup>iv</sup> “A person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony” [Florida Statute 776.013(3)]

<sup>v</sup> Parts of this section were previously published in DDEL VOICES, 6 (3), 8-9: “The shooting of Charles Kinsey and the erasure of Arnaldo Rios Soto.”

<sup>vi</sup> While Love’s focus in her piece is to *see* Trayvon Martin, and thus focuses on Black males, we acknowledge how these ideas translate to girls of color in the classroom, particularly Black girls, who are being suspended at disproportionately higher rates.