

Black Noise, White Ears: Resilience, Rap, and the Killing of Jordan Davis

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I speak out of direct and particular anger at an academic conference, and a white woman comes up and says, “Tell me how you feel but don’t say it too harshly or I cannot hear you.” But is it my manner that keeps her from hearing, or the threat of a message that her life may change?

– Audre Lorde (2007, 125), on being tone-policed by a colleague

I am a black woman over six feet tall. My laugh sounds like an exploding mouse. I squeak loudly and speak quickly when I get excited. I like knock in my trunk and bass in my music. . . . I am especially attuned to how my sonic footprint plays into how I live and if I should die. As a black woman, the bulk of my threat is associated with my loudness.

– Regina Bradley (2015), on the “sonic disrespectability” of Sandra Bland

1

cops and demons

Around noon on August 9, 2014 in Ferguson, Missouri, a white police officer named Darren Wilson fatally shot Michael Brown, an unarmed black teenager. Later, when facing a grand jury, Wilson testified to Brown’s formidable, animalistic attributes:

And when I grabbed him [Brown], the only way I can describe it is I felt like a 5-year-old holding onto Hulk Hogan. . . . The only way I can describe it—it looks like a demon. . . . As he is coming towards me, I tell [him], keep telling him to get on the ground, [but] he doesn’t. I shoot a series of shots. . . . At this point, it looked like he was almost bulking up to run through the shots, like it was making him mad that I’m shooting at him. And the face that he had was looking straight through me, like I wasn’t even there, [like] I wasn’t even anything in his way. Well, he keeps coming at me after that again. During the pause I tell him to get on the ground, get on the ground; he still keeps coming at me, gets about 8 to 10 feet away. At this point I’m backing up pretty rapidly. I’m backpedaling pretty good because I know if he reaches me, he’ll kill me. . . . I saw the last one [bullet] go into him. And then when it went into him, the demeanor on his face went blank; the aggression was gone. It was gone—I mean, I knew he stopped. The threat was stopped (*State of Missouri v. Darren Wilson*, Grand Jury Volume V 2014, 212, 225, 227–28, 228–229).¹

“Demon” wasn’t the “only way” Darren Wilson could have described eighteen-year-old Michael Brown. But the criminalizing epithet helped this officer dodge indictment. For how else should Wilson have reacted when staring down a resilient beast that can charge through bullets? In the courtroom, the locutionary gambit of *only way—demon* (no alternative words) slid into the self-defense justification of *only choice—kill* (no alternative actions).² Aside from allegedly slinging “fuck,” “pussy,” and other curse words around, this teenager had, according to Wilson, simply uttered “grunting, like, aggravated sound[s]” (227).³ To the ears and eyes of this cop, Brown was nonverbal (made inchoate noises), nonaural (didn’t listen to orders), nonvisual (looked straight through Wilson).⁴ Nonhuman.

Wilson’s testimony painted Brown as a thug with impenetrable skin and impenetrable ears. Impenetrable—meaning organs resistant to supersonic bullets and clarion instructions alike. Dehumanizing and deadly consequences spawn from these myths of black bruteness. Multiple recent studies have shown the tendencies of white research subjects to overestimate the size, speed, and age of black people. Such “formidability bias,” scientists argue, can expectedly “[promote] participants’ justifications of hypothetical use of force against Black suspects of crime” (Wilson, Rule, and Hugenberg 2017, 59). Take the tragedy of twelve-year-old Tamir Rice, who, while playing with an Airsoft toy gun in a Cleveland park on November 22, 2014, was shot and killed by police officer Timothy Loehmann.⁵ In his signed statement to investigators, Loehmann declared that Rice “appeared to be over 18 years old and about 185 pounds” (Loehmann 2015).⁶ Later, in defending Loehmann’s use of lethal force, Cleveland Police Patrolmen’s Association president Steve Loomis likewise urged the public not to trust their own eyes when it came to photos and videos of this pre-teen: “He’s menacing. He’s 5-feet-7, 191 pounds. He wasn’t that little kid . . . you’re seeing in pictures. He’s a twelve-year-old in an adult body” (Stahl 2016).⁷

Or was he just a twelve-year-old in a black body?

Racist demonstrations of formidability bias similarly broke out in the aftermath of civilian George Zimmerman’s 2012 shooting of the unarmed seventeen-year-old Trayvon Martin in Sanford, Florida (Figure 1). Zimmerman’s supporters complained about the news’ circulation of a photo showing a beaming and “much younger” Martin (Capehart 2013). One defiant reader sent a *Washington Post* journalist a more “honest” picture that was making the rounds on the Internet, a picture of an “up-to-date” Martin with face tattoos and a sizeable frame (Capehart 2013). Except, it turns out, this wasn’t Trayvon Martin (b. 1995) at all; it was a photo of the rapper Jayceon Terrell Taylor (a.k.a. The Game, b. 1979) (Sanders 2012). Such blatant examples of fake news are usually easy to debunk. Subtler



Figure 1: [left] Trayvon Martin (5'11", b. 1995, at age 16) and [right] rapper The Game (6'4", b. 1979).

cases of pictorial deceit, however, can prove more elusive yet no less toxic. In April 2012, for instance, people accused *Fox News* of darkening Trayvon Martin's skin with Photoshop, a facile manipulation that, as one critic put it, approximated "journalistic lynching" via colorist stigma (Marc NC 2012; Summers 2012). (Several readers likened this case of colorism to the doctored image of O.J. Simpson on a 1994 cover of *TIME* magazine.)⁸ Darker, blacker, meaner, stronger.

Formidability myths go beyond overestimations of how resilient black bodies *look* (exteriorities). These myths concurrently enable underestimations of black bodies' capacity to *feel* (interiorities). In a 2014 study, researchers found that white children, beginning as early as age seven, believe their black peers to possess reduced susceptibility to physical pain.⁹ Much injustice has historically sprung from white denials of black nociception. "Pain bias," sometimes called the "racial empathy gap," is complicit in the societal normalization of black trauma (Wade 2013; Silverstein 2013; Forgiarini, Gallucci, and Maravita 2011).¹⁰ Physicians today prescribe lower and fewer doses of pain medication to black patients, including black children (Hoberman 2012; Hoffman, Trawalter, Axt, and Oliver 2016; Graham 2014). Police use more severe physical force on dark-skinned bodies (Buehler 2017). Therapists, through buy-in of the Strong Black Woman trope, disproportionately trivialize black women's requests for mental healthcare (West, Donovan, and Daniel 2016). Or we could look back to the era of US chattel slavery, during which white doctors forced black women to undergo childbirth without anesthetic chloroform, even when infants had to be delivered "with the aid of the blunt hook" (Schwartz 2006, 167).¹¹ Slaveholders' assumptions that black women were generally "strong enough to endure any pain" further warranted their subjection to every other abuse, including rape (Wyatt 2008, 60; see also Staples 1970).



Figure 2: A flyer by Tracie L. Washington, Louisiana Justice Institute.

Past and present, these racist fantasies of black painlessness have resonated with what Alexander Weheliye terms the “pernicious logics of racialization,” referring to a “conglomerate of sociopolitical relations that discipline humanity into full humans, not-quite-humans, and nonhumans” (2014, 3).¹² To Weheliye’s taxonomy, we should add the fantastical category of black superhumans—resilient bodies ironically relegated to dehumanized status. Certainly, *being* bulletproof, like Marvel superhero Luke Cage, could be the devout wish of black people who face police and precarity. Being *perceived* as bulletproof is the mortal fear.¹³

Overestimations of physical and emotional resilience can be curses in disguise.¹⁴ “Stop calling me RESILIENT,” insisted Tracie Washington in her iconic 2005 flyers, which she nailed to telephone poles throughout New Orleans in response to the US media’s coverage of Hurricane Katrina. “Because every time you say, ‘Oh, they’re resilient,’ that means you can do something else to me” (Slater 2014, Figure 2). Don’t explain to me what you think I can survive, proclaimed Washington; ask me what my sunken city needs.¹⁵ Washington’s message should remind us that to mythologize black bodies as *indomitable* is to reify systems of racist *domination*. Put differently, professing to know what someone is capable of can risk sliding into neoliberal presumptions of what the person can be subjected to—pain, labor, tribulation, trauma. Obviously, black people are resilient. It’s just that, historically speaking, bad things happen when white people overeagerly celebrate, fetishize, or exploit the obviousness of this notion.

Sure, if you’re white, go ahead and admire Strong Black Women, so

long as you remember that their strength isn't for you to test, in the same way their hair isn't yours to touch.

Formidability bias and pain bias together entail an overestimation of black people's strength, size, age, and resilience—characteristics of physical excess. As a music scholar, I've lately wondered how biases about physical excess might intersect and compound with analogous prejudices about black sonic excess. Black people face accusations of protesting too forcefully (Black Lives Matter, "uppity-ism," the Angry Black Woman), laughing too boisterously (the 2015 Napa Valley wine train skirmish), playing music too loudly ("Jeep Beats" and racial epithets), and shouting in the movie theater (Robinson 2016, 134–58; Cheng 2017, 528–49; Duff 2016; Radano 2000, 459–80).¹⁶ For resentful listeners, black noise is like dirt; it is, to paraphrase the anthropologist Mary Douglas, sonic "matter out of place" (1966, 44).¹⁷ And dirt is an apt simile because, beginning in the nineteenth century, scientific discourses of American hygiene have churned out stigmas of non-white bodies as "dirty" and "impure"—which, as the historian Carl Zimring points out, are viciously hypocritical given how environmental racism (the inequitable allocation of waste and toxins) overwhelmingly harms communities of color (2015, 3–5; see also Godsil 1991; Pulido 2000; Boer, Pastor Jr., Sadd, and Snyder 1997; Casey et al. 2017). Indictments of black sonic impurities ultimately hinge on the following twin assumptions: black bodies *make* noise; and black ears can *take*—embrace, withstand, shrug off—noise. Diagnoses of black ears and policings of black noise have often accompanied insidious policies, from the Antebellum South's pseudo-medical treatises about the auditory "nerves of the Negro" to the present-day fiascos that generate memes of #LaughingWhileBlack, #SingingWhileBlack, and #TalkingWhileBlack (Nott [1844] 1981, 223).¹⁸ Some of these hashtags are meant to be humorous. Far from mere funny business, though, prejudices about black noise can pose grave consequences. Stereotypes about "the 'deep' black voice, the 'noisy' neighborhood, [and] the 'loud' music," notes the race theorist Jennifer Lynn Stoeber, expose "incidents of racist listening [that] cannot be dismissed, laughed off, or chalked up to white ignorance and/or innocence" (2016, 277). Altogether, stereotypes of black physical excess and black sonic excess implicate the threatening physicalities of black sound and, in turn, the threatening sounds of black physicality.

In this article, I bear witness to how white misimaginings of black skin, black ears, and black voices in the United States have subtly yet severely abetted racist ideologies that dehumanize, discredit, or outright destroy black life. In the article's first half, I tug at knotty cultural stereotypes of black resilience and sonic excess. Why are certain expressions of black empowerment deemed respectable, whereas other expressive modes

face denunciation and censorship? And how can black-coded musical genres—say, rap, a lynchpin in culture wars—construct and deconstruct myths about the formidability of black bodies? I arrange these primers on resilience, respectability, and rap to triangulate a case study in the article's latter half, the 2014 criminal trial *People of the State of Florida v. Michael David Dunn*. Nicknamed the “Loud Music Trial,” this case involved a white civilian named Michael Dunn who, one evening at a Florida gas station, noticed rap music coming from a parked SUV. Dunn approached the SUV and asked the black youths inside the vehicle to turn their music down. When they refused, Dunn launched into a heated argument with one of the boys, a high school student named Jordan Russell Davis. The confrontation ended with Dunn pulling out a handgun, unloading ten rounds, and shooting Davis through the heart.

As a high-profile case, *People v. Dunn* received abundant news coverage in 2014 and served as the subject of a 2015 documentary called *3½ Minutes, 10 Bullets*. I have drawn insights from these sources as well as from my own multiple viewings of the complete trial footage.¹⁹ But I'm supplementing this research with materials that eluded mainstream press: Dunn's jailhouse letters and phone calls (largely omitted from the trial's formal proceedings); stenographers' transcriptions of courtroom sidebars (inaudible to gallery members and not picked up by the AV team's microphones); discovery documents, evidence technicians' reports, and 9-1-1 records (now publicly available); and my recent conversations with Jordan's parents, Ron Davis and Lucy McBeth.

Jordan Davis was 17 years old, 145 pounds, 5'11", and unarmed. Michael Dunn was 47 years old, 250 pounds, 6'4", and armed. Yet according to Dunn's testimony, Davis had “threatened my life like a *man*” and became “*louder and louder* and more violent and more violent” with every word (Testimony by Defendant 2014, 2956).²⁰ Or as Dunn told the police: “I didn't know he was seventeen. I thought he was a full-grown man. I thought they all were. And in my mind they were all going to get out of this truck and shoot me or beat me or kill me” (“Michael Dunn Trial. Day 5. Part 6. Police Interrogation Tape Played,” ~4:35:00). Like Michael Brown, Trayvon Martin, and Tamir Rice (forever 18, 17, and 12), Jordan Davis was seen and heard as formidable beyond his years. Perceptions of loud blackness metamorphosed into fictions of criminal threat. Physical and sonic excess made flesh. Flesh unmade by bullets. “I had no choice but to defend myself,” said Dunn. “It was life or death” (Testimony by Defendant 2014, 2958). Only choice—kill.

More on *People v. Dunn* shortly. First, one of the case's essential themes; or, how resilience has become the new black.

2

what doesn't kill you . . .

When a sweet grandmotherly sort has to tell you how black people once were chained in iron masks in the canebrake, to keep them from eating the cane while they harvested it, and that these masks were like little ovens that cooked the skin off their faces—when you hear that grandmotherly voice and realize she once was a girl who might have been your girl, and someone caused this pain on her lips and nobody did anything about it but keep living—this gives you a tendency to shout.

– Ralph Wiley, *Why Black People Tend to Shout* (1991, 1)

In his 1855 autobiography *My Bondage and My Freedom*, Frederick Douglass dreamt of music breaking chains. “I have sometimes thought,” he wrote, “that the mere hearing of those [slave] songs would do more to impress truly spiritual-minded men and women with the soul-crushing and death-dealing character of slavery, than the reading of whole volumes of its mere physical cruelties” (1855, 98). With one wistful sentence, Douglass fantasized—while admitting his fantasy’s naivety—that slaves’ sorrowful, beautiful melodies might somehow move slaveowners to show mercy, grant freedom, and recognize black humanity. But the music of slaves did not inspire white epiphanies. Some masters assumed slaves sang out of joy (the Myth of the Happy Slave), proving their amenability to captivity and manual labor (Douglass 1848; King 1995, 84–85; White and White 2005, 55–57).²¹ Others saw chattel value and resilience in this singing, such that talented slaves often fetched higher auction prices.²² And signs of resilience meant, to borrow the language of Tracie Washington’s post-Katrina flyers, that *something else could be done to slaves*—more demands for labor, more disciplinary lashes, more subjection to rape, more cruel tests of how much these black bodies could take before they broke their backs, or burned out, or could sing no more.

As a triumphalist ideal, resilience *is* resilient.²³ Its virtues are, on the surface, unimpeachable. As Krishnadev Calamur (2017) asked regarding state responses to terrorism: “Would [anyone] oppose the idea of resilience so a city or a community bounces back stronger from the terror inflicted upon it?” Likewise, would anyone tell a resilient disabled contestant on *America’s Got Talent* to get off the stage and to cease complicity in the patronage of supercrip-overcoming narratives (Cheng 2017, James 2015)? Would anyone rush to instruct the doctors, social workers, and activists of Flint, Michigan to abstain from celebrating the city’s “exemplary kids” who have resiliently survived lead toxins and even channeled hardship into chromatic art (Figure 3)? Probably not. But these questions—premised on



Figure 3: [left] *TIME* magazine cover with headline: “The storms keep getting stronger. **And so do we**” (25 September 2017). [right] Water Bottle Chandelier (photo by Doug Pike) created by children of Flint, Michigan, and gifted to the city’s Hurley Medical Center. Regarding the chandelier, Dr. Mona Hanna-Attisha wrote: “Our Flint kids are more than resilient: they are exemplary. . . . Like our exemplary kids, we are turning a tragedy into something beautiful” (2017, 652).

reductio ad absurdum killjoy caricatures—are red herrings.²⁴ Because as with the institutional lip services paid to diversity, inclusivity, and equality, the self-evident merits of resilience can lull us into uncritical cheer, threatening to derail deeper investigations into the social norms, injustices, and precarities that require some populations to be extra-resilient in the first place.²⁵ Consider the fraught intersections of race, disability, gender, and class in the example of US military veterans who seek medical and financial benefits. Troops nowadays undergo regimented Comprehensive Soldier Fitness (CSF) programs and comparable forms of “resilience training.”²⁶ Again, it would be hard to *oppose* CSF’s stated goal of “equipping and training our Soldiers, Family members, and Army Civilians to maximize their potential and face the physical and psychological challenges of sustained operations.”²⁷ Studies have shown, however, that the perceived success of such training comes partly from how it discourages troops from *reporting* trauma—that is, how resilience programs dissuade their participants from grousing, from showing weakness, and from demanding their share of veterans’ resources from the government. Low-ranking officials who

ask for healthcare or otherwise display vulnerability are, notes the scholar Brianne Gallagher, “repeatedly called ‘PTSD sissies’ by higher ranking officials” and subsequently shamed into silence (2016, 4).²⁸ Black troops—especially black women, who enlist at far higher rates than black men and white women alike—stand to face even more obstacles, as they must crawl through thickets of stereotypes on the path to aid: the gangsta/er, the Strongman, the Strong Black Woman, the Welfare Queen, the angry loud minority, and other racist molds that presume soldiers of color as either feeling no need to complain at all, or having no right to complain as much as they do (Melin 2016; Dow 2015).²⁹

Kneejerk appeals to resilience are problematic not only in terms of acute trauma—a battle injury, a natural disaster, a terrorist attack—but also when it comes to people dealing with slow-burning injustices, degenerative conditions, and inhumane circumstances weathered over time. Toxicity can hide in plain sight, as with cases of environmental racism in Warren County or Flint or Standing Rock. Ecological and financial adversities further animate what Lauren Berlant terms “slow death,” the “physical wearing out of a population” through debilitating labor and a never-ending carousel of daily crises (2011, 95). How can we tell if hard conditions are stimulating someone’s growth or simply depleting that person’s finite reserves of will and fight? How do we know if a reliably punctual but chronically exhausted worker will soon be set for life or has been marked for early death? Phoenix rising or stagnant ash? Dewy visions of resilience confuse bare life with humane living (Agamben 1998). Critical theorist Judith Butler frames it this way: “It seems that we survive precisely in order to live, and life, as much as it requires survival, must be more than survival in order to be livable” (2012, 165).³⁰ Teaching people how to be resilient is good. But the pedagogy itself turns sour if, as urban ecologist Maria Kaika declares, the preaching of resilience is twisted into a form of “immunology [that] vaccinate[s] people and environments alike so that they are able to take larger doses of inequality and environmental degradation in the future” (2017, 98).³¹ In medicine, after all, a round of vaccination neither guarantees a patient’s invulnerability nor automatically concludes the healthcare provider’s terms of responsibility.³² Same goes for individual resilience, which neither promises a good life nor obviates the need for statewide reforms.

Embedded in celebrations of resilience are assumptions about what resilience should sound like. Respectable resilience is Senator Elizabeth Warren and her Nevertheless-She-Persisted recitation of a letter by Coretta Scott King on C-SPAN—a recitation that was confident in tone yet moderate in volume (Wang 2017). Unrespectable resilience is, per this article’s

epigraph, Audre Lorde speaking “harshly” at a conference and getting scolded by a white woman (2007, 125).³³ Respectable resilience is the Strong Black Woman who shoulders mountains with nary a complaint. Unrespectable resilience is the Angry Black Woman who’s “overbearing, attitudinal, bitter, mean, and hell raising” (Ashley 2014, 28). Respectable resilience is Oprah Winfrey, rising from poverty and becoming a talk show mogul whose iconic shout, loud though it may have been, was music to people’s ears because it carried promises of cars to white folk.³⁴ Unrespectable resilience was Sandra Bland, whose shouts carried only promises of insubordination (Scheinman 2015). Respectable resilience was the Nina Simone who pushed through discrimination and received a scholarship to Juilliard. Unrespectable resilience was the Nina Simone who went on to sing “Mississippi Goddam” to burn racism to the ground. Respectable resilience can be black. Unrespectable resilience, too black.³⁵

On August 8, 2015, a pair of unrespectable black voices sounded off against white ears at a rally in Seattle for US presidential candidate Bernie Sanders. Two women named Marissa Janae Johnson and Mara Jacqueline Willaford jumped the barricade, rushed onto the stage, and seized the microphone. Ignoring the audience’s cries of surprise and dismay, Johnson began by stating some unsavory facts about the city’s colonialist roots. She called out white supremacy, police misconduct, and the disproportionate rate of black students’ suspension in Seattle’s schools. She also called for four-and-a-half minutes of silence for Michael Brown, who had been killed almost exactly one year prior. (Four-and-a-half minutes—because Brown’s bleeding facedown body, half-covered by a sheet and roped off by yellow tape, had been left to lie for four-and-a-half hours on Ferguson’s sunbaked street as the horrified residents of the neighborhood gathered and helplessly looked on.) At first, Marissa Johnson received a smattering of applause for palatable declarations such as “Bernie Sanders, welcome to Seattle!” and “Black Lives Matter!” But once she brought up Michael Brown and began naming white racism in earnest, the audience turned audibly hostile. Johnson and Willaford were met with boos, “shame!”, calls for arrest, and racial slurs lobbed by Sanders’s fans (Green and Trimarco 2015). “I think it is unfortunate because, among other things, I wanted to talk about the issues of black lives,” said Sanders after the rally came to a premature end. “*They* [Johnson and Willaford] *didn’t want to hear anything*” (Hart 2015, emphasis added). True, Sanders might have been, as copious pundits explained to Johnson and Willaford over the next several days, black Americans’ “best option” given that he had even “marched with Martin Luther King” (Storycorps 2016). In a subsequent press release, Sanders himself proclaimed that when it came to “the need to fight racism, there is no other candidate for president who will fight harder than me” (Boren

INCOME AND WEALTH INEQUALITY	INCOME AND WEALTH INEQUALITY
CREATING DECENT PAYING JOBS	CREATING DECENT PAYING JOBS
A LIVING WAGE	RACIAL JUSTICE
REAL FAMILY VALUES	A LIVING WAGE
CLIMATE CHANGE & ENVIRONMENT	REAL FAMILY VALUES
REFORMING WALL STREET	CLIMATE CHANGE & ENVIRONMENT
GETTING BIG MONEY OUT OF POLITICS	REFORMING WALL STREET
	GETTING BIG MONEY OUT OF POLITICS

Figure 4: Bernie Sanders’s website on [left] 8 August 2015 and [right] 9 August 2015.³⁶

2015). In blunter terms, Hamilton Nolan at *Gawker* condescendingly told Johnson and Willaford: “Don’t piss on your best friend” (2015). All the more perplexing, however, that black people’s best friend—a man who had marched with King—stood silently next to these two young women as they faced hisses and “n-word carpet-bombing” by his Seattle audience (Green and Trimarco 2015; see also Jayapal 2015; Oluo 2015).

In the media coverage, Johnson and Willaford weren’t hailed as resilient, brave, or heroic. For weeks, they received death threats and rape threats, were called “thugs” and “hood rats,” endured tone-policing lessons, and received invitations onto news programs only to answer questions mired in antinomies and false dichotomies: . . . *why interrupt the most progressive candidate? . . . if you don’t support Bernie Sanders, then which nominee do you support? . . . shouldn’t you at least listen to what Bernie has to say?* (Hidalgo and Tesema 2015).³⁷ It didn’t seem to occur either to Sanders or to reporters that perhaps BLM protestors disrupted the rally not *despite* but *because* he was discernible as one of the strongest hopes for federal anti-racist reform. Nor did most critics entertain the possibility that this interruption of Sanders’s stump speech communicated more than stock talking points, already neatly summarized anyway on the candidate’s campaign website, ever could.³⁸ And for that matter, what happened to Sanders’s website the day after Johnson’s and Willaford’s disruption? The website discreetly added a hyperlinked item to its list of issues: racial justice (Figure 4).

Given the angry reactions of the white liberal Seattle crowd, a gesture of black interpellation by Johnson and Willaford was apparently too radical, too loud. It wasn’t only an issue of decibels. For even as Johnson and Willaford fell mute to observe four-and-a-half minutes of silence in memory of Michael Brown, the audience hollered:

Current Musicology

We don't care!
Assholes!
All lives matter! All lives matter!
How dare she call me a racist!
You are out of line!
Get off the stage!
You had your say!
Call security!

And one attendee, in direct response to Johnson's insistence on a moment of silence for Brown, shot back:

We've already done it!³⁹

We've already done it. Done what? Mourned appropriately? Shed enough tears? Moved on from Ferguson? Bounced back?⁴⁰

Johnson and Willaford forced a captive audience to stew in a crucible of cognitive dissonance. Surely one can't vote down-ballot Democrat *and* be called a racist. Surely one can't be nominally pro-BLM and yet have screamed for security to remove two black women from the stage.⁴¹ Surely Michael Brown was commemorated sufficiently throughout 2014; 2015 is supposed to be about looking forward to the 2016 election and the new presidency of 2017. During the Sanders rally, such ideological discord was made audible when the rally organizers twice started up music over the loudspeakers, as if attempting either to drown out Johnson and Willaford or, in awards show fashion, to play them off the stage. In both instances, the music of choice was "Glory," a song by John Legend and Common. The first blast of "Glory" came when the women initially climbed onto the stage; the second blast hit at the exact moment Johnson accused Sanders of failing to put forward a comprehensive platform for criminal justice reform. But the organizers' clumsy cooptation of "Glory" was ironic at best, baneful at worst. As the theme song for the 2014 film *Selma*, it had been performed to notoriously tear-jerking effect (actor Chris Pine's #WhiteTears) at the 2015 Academy Awards (Weber and McQuade 2015). "Glory" goes like this:

[*Sung by Legend*] One day when the glory comes,
It will be ours, it will be ours.
Oh, one day when the war is won,
We will be sure, we will be sure. . . .

[*Rapped by Common*] That's why Rosa sat on the bus.
That's why we walk through Ferguson with our hands up.
When it go down we woman and man up
They say, "Stay down," and we stand up.



Figure 5: Johnson [left] and Willaford [right]. Photo by Alex Garland.⁴²

Given how readily “Glory” came on the loudspeakers, it’s safe to assume that organizers had purposefully cued up the song for the Sanders rally, presumably with an intention to drive home the popular point, once again, that Sanders had marched with Dr. King and is therefore black people’s shining hope. Yet to see Johnson and Willaford attempt to make their own voices heard over a blaring playback of a song about civil rights, about strong black women, and about Ferguson and Michael Brown—to see these two women perform a resilient immovability against a furious chorus trying to shout them into silence—was, if anything, to witness the very necessity of an *unrespectable* movement for black lives.⁴³

In an interview with *Real Change* a couple of months after the protest, Marissa Johnson wore a black hoodie that sported the words, “NOT YOUR RESPECTABLE NEGRO” (Hidalgo and Tesema 2015). A riff on James Baldwin.⁴⁴ As for Mara Willaford’s attire on the day of the protest? A T-shirt with “BULLETPROOF” emblazoned in gold letters (Figure 5).⁴⁵

A riff on a powerful, perilous fantasy.

3
bulletproof rap

Black people are a minority in the country they built. The legacy of that building has remanded them to the basement of America. There are only two conscious ways to escape the basement: (1) Appeal to the magnanimity of white people. (2) Become super-human.

– Ta-Nehisi Coates (2014c)

Harlem after dark. A black man in a hoodie, with heart of gold and skin of steel, peers out from behind a tree.⁴⁶ He's preparing to break into a stash house to reclaim some stolen money. As he leaves his hiding spot, he puts on a pair of headphones and kicks up "Bring da Ruckus" at full volume. *BRING DA MOTHERFUCKIN' RUCKUS*. He rips off the door of a nearby car to use it as a shield, then busts through the front doors of the stash house. *I COME ROUGH, TOUGH LIKE AN ELEPHANT TUSK*. Men with semiautomatics charge at him and open fire. But the shots bounce off the man's skin, their idle ricochets sounding like metal meeting metal. *I WATCH MY BACK LIKE I'M LOCKED DOWN. HARDCORE-HITTIN' SOUND, WATCH ME ACT BUGGED AND TEAR IT DOWN*. More goons strike him with fists, pipes, and machetes, all to no avail. *CHECK IT, MY METHOD ON THE MICROPHONE'S BANGIN', WU-TANG SLANG, I'LL LEAVE YOUR HEADPIECE HANGIN'*. The hoodied man takes the cash he came for, leaving unconscious bodies in his wake. Thus concludes a breathless scene from an early episode of the Netflix series *Luke Cage*, with the Wu-Tang Clan's rapid-fire rhymes accompanying the show's fantasy of bulletproof blackness.⁴⁷

Although Cage's invincibility is the stuff of Marvel fiction, this hero's choice of music reverberates with several virtues and vices familiarly attributed to rap: hypermasculinity, belligerence, resilience, and even invulnerability. Like Cage, a listener might feel tough when jamming to a loud, brash, percussive rap song (Noda 2013). Surely, though, rap—or any music—can't physically toughen your skin. Or can it? Decades of studies in music therapy, cognition, and psychology have affirmed music's ability to alter moods, emotions, hormonal balance, and brain chemistry.⁴⁸ More recently, scholars have further shown how auditory stimuli can skew our perceptions of our own bodily exteriors. Authors of a 2014 *PLOS ONE* article, "The Marble-Hand Illusion," set out to investigate "whether the brain can update its knowledge about the material properties of the body by inducing an illusory perception of the material of the hand. We gently hit participants' right hand with a small hammer, and manipulated the auditory feedback so that each time the hammer hit the hand, participants

heard the sound of a hammer against a stone” (Senna, Maravita, Bolognini, and Parise 2014). In sum, the authors demonstrated how the human brain can be tricked, via audiotactile synchrony, into updating its “knowledge” about what one’s skin is made of and hence what it’s capable of withstanding. Subjects reported “feeling stiffer, heavier, harder, less sensitive, unnatural,” and involuntarily “showed enhanced Galvanic skin response (GSR) to threatening stimuli.” Along with complementary studies of GSR, bass frequencies, loud noises, and auditory perception, the “Marble-Hand Illusion” posits that the sounds we hear can actually modulate our dermal resilience (Hsu et al. 2015).⁴⁹ All this is to say: whereas no sonic stimuli can make you a literally bulletproof Luke Cage, certain sounds can do more than merely make you *feel like* Luke Cage.⁵⁰

Especially when its volume and bass are cranked up, rap is a reliable signifier of formidability. Fight scenes, chase scenes, and action set-pieces in television and film commonly play out to rap.⁵¹ Many athletes say they include rap in their pre-game “get-hyped” playlists, as with LeBron James’s practice of blasting Wu-Tang Clan’s “Bring the Pain” and Jay-Z’s “Reservoir Dogs” in the locker room, “pump[ing] up the volume loud enough to send vibrations through a nearby dry-erase board” (Wallace 2012; see also McLeod 2011, 38–58, 155–57). RAP MUSIC MAKES ME FEEL INVINCIBLE is a motto splashed across apparel (Newcomer 2011). Lyrics of rap songs typically spin out fantasies of empowerment, anti-authoritarianism, and even omnipotence (Roberson 2013). And myths of rap-imbued resilience are sustained by tantalizing stories of unbreakable rappers. Atlanta’s Yung Mazi, who had proudly reported being struck by bullets ten times earlier in life, tweeted “God made me bulletproof” after another failed attempt on his life in December 2016 (Associated Press 2017). (On August 7, 2017, he was shot yet again—and, this time, killed. For a while, however, news of his death elicited doubt, as if someone’s luck in surviving a bullet on a prior occasion could be a realistic indicator of that person’s intrinsic ability to survive another. “Is it true? Atlanta rapper Yung Mazi dead?” asked one journalist. “It was hard to believe at first because Mazi had been shot in the past numerous times, including in the head, and lived to tell about it” [McBride 2017].) More famously, Tupac Shakur was hailed as “invincible” when he survived five shots in 1994; his legendary reputation only intensified when he was shot four more times and killed in 1995, at which point some fans still refused to believe he could be deceased (Prestholt 2009; Kamberelis and Greg Dimitriadis 2005, 152–53).⁵² Other rappers known to have survived gunshot wounds include 50 Cent, Ol’ Dirty Bastard, and The Game (shown in Figure 1 vis-à-vis Trayvon Martin).⁵³

Sounds of rap are bound to images of resilience. But resilience, as I’ve

underscored here, is a double-edged sword. If people discern formidability in your rap-blaring, trunk-thumping ways, then they might see you as a threat. And if these nearby people happen to be police or armed civilians, then the threat level of your sonic footprint can suddenly become a threat unto yourself—especially if you're black. For in spite of the racial heterogeneity of contemporary rap's artists and consumers, music scholar Loren Kajikawa reminds us that most of today's American "listeners still perceive rap as a 'black' genre" (2014, 120). One problem therefore lies in the privilege of "white fans [to] claim hip-hop as 'their' style" without "liv[ing] with the consequences of being stereotyped as 'thugs' or 'hos.' They can partake in the music or fashion of the hip-hop industry without worrying that they will be targeted and killed" (2014, 119; see also Yousman 2003 and Tate 2003). Ethnomusicologist Ingrid Monson, writing about jazz, has similarly protested how "it often seems that the only aspects of African American culture that non-African Americans really want access to are the fun parts: music, dancing, sex, and sports" (2009, 32). But fun parts are only half of the story, because equally tempting are the sad parts of black culture, the tragedies that bleed beauty out of blackness: stirring documentaries about slavery, songs of strange fruit, Afro-pessimist poetry, and other testaments to black resilience—myriad art and artifacts that white people can consume without making concurrent moves to dismantle the injustices that necessitate the resilience of black bodies to begin with (Neal 1999, 85–99).

It's no surprise, then, that narratives of "black music" generally unfold as narratives of black resilience.⁵⁴ From spirituals to blues to rock to funk to gospel to hip-hop (along with crip hop, homo hop, and countercultures within countercultural genres), writers tend to chronicle black musicianship through themes of empowerment, resistance, and creative impulses borne out of adversity.⁵⁵ "Through all the sorrow of the Sorrow Songs there breathes a hope—a faith in the ultimate justice of things," wrote W.E. B. Du Bois about the music of slaves. "The minor cadences of despair change often to triumph and calm confidence" (1903, 175). Musicologist Eileen Southern, who named Du Bois as a role model, published histories and anthologies highlighting the persistence of black musical traditions and repertoire—worksongs, spirituals, ragtime, blues—in the face of systematic oppression (Southern 1997; Southern and Wright 2000). Or take bebop, which poet Amiri Baraka exalted for its "willfully harsh, *anti-assimilationist* sound" (2002, 181, emphasis in original) and which jazz scholar Scott DeVaux characterized as "a rebellion by black musicians against a white-controlled capitalist hegemony" (1997, 4).⁵⁶ When framed within narratives of overcoming, black music is seemingly never allowed just to be, but must always formidably, laboriously be *against*.

Even when the repertoire in question isn't as openly incendiary as, say, "Fuck tha Police," black music's reputation of againstness can pigeonhole black members of society as automatic activists, mavericks, or otherwise threats to the status quo. Some black people have therefore found sonic life hacks that project respectability and innocuousness. In his book *Whistling Vivaldi*, social psychologist Claude Steele shared the anecdote of a male graduate student who would "[whistle] popular tunes from the Beatles and Vivaldi's *Four Seasons*" while walking down the street in order to appear educated and "knowledge[able] of white culture, even 'high white culture'" (2010, 6). With Steele in mind, ethnomusicologist Alisha Lola Jones has taken her own informal surveys of black men in her Chicago community and found that respondents had varying strategies for appearing nonthreatening. Some men "hum," some "sing softly" or walk with "soft" mannerisms, and some indeed "rap loudly," albeit with the important purpose of sending "subtle alarms to let people know we are approaching" (2015, 4). Such musical virtue-signaling would sound comical if it weren't so necessary in light of societal prejudices against dark-skinned bodies.

Retta, a comedian and actress, has tried to find humor in musical-racial stereotypes nonetheless. She has a joke that happens to feature Vivaldi. "I love classical music," she begins.⁵⁷ "Don't get me wrong. I'm still black. I still kick the bass and pump up the volume." As her audience chortles, Retta continues:

It's just that when I'm in my car and the windows are closed, you wouldn't know [that I love classical music]. So I'm driving down the street. I stop at a light. An older couple pulls up next to me. Now keep in mind, all they can hear is the bass, and they see me. [*Vocally percusses into the microphone*] Puh-puh, puh, puh. Puh-puh, puh, puh, puh-puh puh. [*Winks at audience*] Now the woman on the passenger side, she looks across at me and she's like, "Ugh, it's that rap music again." That's when I let down my power windows. [*Sings Vivaldi's "Gloria," RV 589*] *Laudamus te. Laudamus te. Benedicimus te. Adoramus te. Glorificamus te. Bitch!*

In the sixty seconds that it takes for Retta to tell this story of classical music clapback, multiple morals emerge. Don't judge music by its thumping bassline, because classical music thumps, too. Don't judge a black woman by her muffled music, because she might surprise you by revealing that she's listening to a Baroque choral favorite. Better yet, don't judge her by her playlist at all; she shouldn't have to out herself as a classical music buff to appear respectable and to avoid dirty looks.

Beyond the occasional side-eye from someone in the next car over, condemnations of rap abound in academic writing and everyday conversations. Ethnomusicologist Cheryl Keyes recalls a colleague who "concluded

that rap music could not be considered music because its text did not consist of a sequence of tempered pitches, [but] rather spoken or speech-like text” (2009, 14). In a 2003 *City Journal* article, the linguist John McWhorter declared that rap, far from having any “political engagement” or “revolutionary potential,” reinforces a “thuggish” stereotype that “retards black success” (2003). In their controversial manifesto for black respectability, *Come On, People*, Bill Cosby and Alvin Poussaint excoriated “young black males spewing angry, profane, and women-hating rap music that plays on the worst stereotypes of black people” (2007, 119).⁵⁸ In the *Philadelphia Inquirer*, law professors Amy Wax and Larry Alexander penned an op-ed castigating the American decline of “bourgeois culture,” citing, as one culprit, “the anti-‘acting white’ rap culture of inner-city blacks” (2017). And in 2018, jazz giant Wynton Marsalis told a *Washington Post* editor that rap and hip-hop are “more damaging” to society “than a statue of Robert E. Lee” (Capehart 2018).

I have no problem with people who knowledgeably criticize misogynist, homophobic, and bellicose strains within various examples and subgenres of rap.⁵⁹ My beef is with people who criticize rap primarily in the context of—and as a means of derailing—conversations about anti-black racism. Rap has long been an easy target in games of “whataboutism” (Kurtzleben 2017). Got a problem with white privilege? Well, what about rap and its supposed corruption of black youths? Accusing cops of shooting unarmed black people? Yeah, but what about gangsta rap’s glorification of “black-on-black” violence? (Stuckey 2017). Here’s a clear example. In October 2016, when *Access Hollywood* leaked the infamous hot-mic recording of Donald Trump saying “grab ‘em by the pussy” to Billy Bush on a bus, a Trump campaign adviser named Betsy McCaughey appeared on CNN to dish out her opposition research. “I abhor lewd and bawdy language. I don’t listen to rap music,” she explained. Rather than addressing Trump’s “pussy” remark (or “P-word,” as she put it), however, McCaughey began reading from her notes. “Hillary Clinton expresses that she finds language on that [*Access Hollywood*] bus horrific, but in fact she likes language like this. Quote, ‘I came to slay, bitch; when he F me good, I take his ass to Red Lobster.’” As the rest of the CNN panel erupted in puzzled laughter—“Did [Clinton] say that?”—McCaughy triumphantly explained: “That happens to be a line from Beyoncé, her favorite performer, whom she says she idolizes and would like to imitate. So you know what I’m saying to you? There’s a lot of hypocrisy” (Ryan 2016). Aside from McCaughey’s misclassification of Beyoncé’s “Formation” as rap, the derailment illuminated how the perceived unrespectability of *some* black music can be whittled into oblique excuses for *any* white offense. For as long as rap has served as a symbol of

black resilience, white people have found durable ways to weaponize rap against black people and black culture.⁶⁰ Indeed, part of society's moral panic about rap has hinged on the fallacy that a rap-lover necessarily, proactively, and literally wishes to commit the violence or improprieties described in certain rap lyrics. Note, however, that people do not fallaciously assume that anyone who sings along to Wolfgang Amadeus Mozart's opera *Don Giovanni* in his car is a sexual predator.⁶¹ It's a double standard of selective literalism, which in turn oils the social machinery of racialized hypocrisy. Because no less so than opera or other mediums of stylized art, rap is, as Henry Louis Gates Jr. puts it, "a contemporary form of signifying" that "complicates or even rejects literal interpretation." With its "virtuosic sense of wordplay," rap amounts to a "postmodern version of an African American vernacular tradition that stretches back to chants, Toasts, and trickster tales" (2010, xxiv, xxv).

None of this implies that if you're not a fan of rap, then you must loathe black people. But this question of causation and correlation tends to pop up whenever rap-related discriminatory incidents make the news. In 2006, *Slate* author John Cook published an article that asked point-blank: "If you don't like rap, are you a racist?" Cook went to great lengths to justify his predictable answer of "no" (2006). As in, no, you're not a racist if, as Cook glibly stated, "the number of black artists in your iPod falls too far below 12.5 percent of the total." But the rhetorical question itself—"If you don't like rap, are you a racist?"—is already a distraction, baiting the reader away from the circumstantial peculiarities of how someone might find themselves in a situation where they are being accused of racism in the first place.⁶² Specifically, Cook's article tried to defend singer Stephin Merritt, who has long faced charges of racism. Merritt has lamented how it's "shocking that we're not allowed to play coon songs anymore," advocated for the use of derogatory metrics like "quadroon and octoroon," voiced sweeping contempt for hip hop, and defended "Zip-A-Dee Doo-Dah"—from the brashly racist 1946 Disney film *Song of the South*—as a "great song." Altogether, do these views make Merritt a racist? Depends how low we set the bar. Or maybe the bar for racism is the wrong apparatus entirely. Maybe the focus should be on the bar for *anti-racism*, such that the operative question changes from *Can this person pass for a non-racist?* into *What anti-racist actions has that person ever taken?* In societies beset by racial injustices and race-motivated violence, affirmative anti-racism is what counts.

On its own, loving rap doesn't anoint you as a champion of anti-racism. And you're not a *de facto* racist if rap isn't your cup of tea. But say that, one night, a man hears a rap song coming from the car of four black

youths. He mutters to his fiancée, “I hate that thug music,” and she replies, “Yes, I know.” Later, while sitting in jail awaiting trial for murdering one of these unarmed youths, the man writes letters in which he rages against the “gangster-rap, ghetto talking thug ‘culture’ that certain segments of society flock to,” and letters saying “if more people would arm themselves and kill these fucking idiots when they’re threat[en]ing you, eventually they may take the hint and change their behavior” (Testimony by Rhonda Rouer 2014, 2306; Dunn 2013d; Dunn 2013b).⁶³ This man’s extreme dislike of rap would have only been one warning sign. Add it to a growing pile of supporting evidence, however, and a frightening picture of prejudice begins to emerge.

In this case, it wouldn’t be too soon to cry racist. It would already have been too late.

4

people v. dunn (I): the trial

It was not about the music. It was really about the inability of Michael Dunn to see those boys as human beings—to see them as somebody worthy of existing.

– Lucia (Lucy) McBath, mother of Jordan Davis (2016)

People of the State of Florida v. Michael David Dunn February 6–15, 2014

Honorable Russell L. Healey

Attorneys appearing on behalf of the State of Florida: Angela Corey,
John Guy, Erin Wolfson

Attorney appearing on behalf of the defendant: Cory Strolla

Notable witnesses: Tevin Thompson, Tommie Stornes, Leland Brunson,
Steven Smith, Rhonda Rouer

People started calling it the “Loud Music Trial,” and the name stuck (Figure 6a, 6b, 6c). Because it was about loud music. Except it wasn’t, said Lucy McBath, along with others who called the murder an outright “21st-century lynching.”⁶⁴ It was about self-defense, claimed Michael Dunn’s attorney, Cory Strolla. Except the black youths were unarmed and posed no threat, rebutted the State. So it was about the racist ramifications of Stand Your Ground, said liberal pundits and the victim’s parents. Except “Stand Your Ground played zero role,” retorted NRA benefactor David Kopel (2014). It should be about evidence, not emotion, Strolla instructed the jury. Except



Figure 6a: [left] Michael Dunn (defendant); [right] Jordan Davis (victim).⁶⁵



Figure 6b: [left to right] Judge Healey, John Guy (State), Erin Wolfson (State), Cory Strolla (defense). Screen captures from *3½ Minutes, 10 Bullets* (except Wolfson's photo via BET).⁶⁶

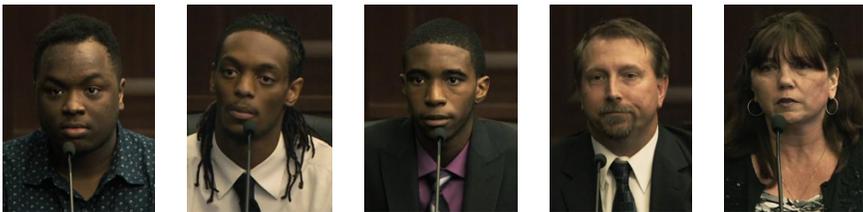


Figure 6c: [left to right] Key witnesses Tevin Thompson, Tommie Stornes, Leland Brunson, Steven Smith, Rhonda Rouer. Screen captures from *3½ Minutes, 10 Bullets*.

you could see all of the worst possible emotions draped shawl-like over the face of McBath as she sat mutely in the second row during the trial and you could hear breathless fear and fury vibrating in the quiet voices of the boy's father and three friends who took the stand and testified in the name of the law even as the laws of this country had failed to forestall the calamity of yet another young black life buried.

In *People of the State of Florida v. Michael David Dunn*, overstated

syntax of all-or-nothing—*it was all about this, it wasn't about this at all*—reflected people's inability to comprehend the horrific incident.⁶⁷ *People v. Dunn* was about aboutlessness, that is, the senselessness belied by the otherwise sensibly organized veneer of a legal docket.⁶⁸

Every concept introduced so far in this article—formidability bias, sonic excess, resilience, respectability, and rap's racial stigmas—played a vital role in *People v. Dunn*'s juridical minutiae. Over the course of my investigations, I began to recognize a pernicious pattern in the rhetorical strategies of Dunn's lawyer, Cory Strolla, both in and outside the courtroom. Strolla, I argue, mounted a cunning defense of Michael Dunn by emphasizing the purported signs of Jordan Davis's sonic excess: the *loud voice* of Davis, in his heated argument with Dunn, signaled an unrespectable black body against which the defendant stood his ground; Davis's *loud music* gave Strolla the means to set off a sonic smokebomb in the courtroom, sending up clouds of doubt over Davis's three surviving friends and their testimonies about what they could have heard (to wit, feasibly heard *over* the high-decibel rap playing at the time of the verbal confrontation and subsequent murder). Strolla effectively took the rap that these boys loved and sharpened it into a veritable weapon of litigation. In doing so, he implicitly placed formidable black bodies and black music on trial, perversely summoning blackness itself to answer for a crime of anti-black racism.

And that's only the half of it. Because as much as Strolla criminalized blackness, he tried to censor it as well—by disavowing the case as a “black and white issue,” by calling for the jury's colorblind dispassion, by touting that Dunn has “never been accused of racism,” and by incessantly accusing the prosecution of playing the “race card.”⁶⁹ At first blush, the simultaneous criminalization and censorship of blackness might seem like a procedural paradox: the former gambit highlights; the latter erases. What *People v. Dunn* ends up affirming, however, is that this two-pronged attack *qua* legal defense is not an exception in the broader plight and plunder of black America. It has been the norm.

facts of the case

Around 7:30 p.m. on November 23, 2012 in Jacksonville, Florida, four black youths—Jordan Davis, Tommie Stornes, Leland Brunson, and Tevin Thompson—pulled up to a Gate gas station (8251 Southside Boulevard) in a red Dodge Durango SUV. Stornes, the driver, headed into the store to buy some gum and cigarettes. It was Black Friday, the day after Thanksgiving.

Meanwhile, software developer Michael Dunn and his fiancée Rhonda Rouer had come to town to attend the wedding of Dunn's son. At the wedding reception, Dunn and Rouer each consumed a couple of drinks, then

decided to leave early so they could get back to their hotel and walk their puppy. On the drive back to the Sheraton, Dunn and Rouer stopped their black Volkswagen Jetta at this same Gate gas station to purchase wine and chips. Both of them noticed loud music coming from the Dodge Durango, which had its rear windows rolled down. The music playing was Lil Reese's rap song "Beef" (Eastman 2014; Nazaryan 2015; Thompson 2016). Dunn parked in the spot immediately to the right of the Durango, even though several other spaces were available nearby. Rouer took twenty dollars, exited the Jetta, and entered the store.

Dunn, who remained in the Jetta, noticed the Durango had tinted windows. He rolled down his own window and asked the youths in the SUV to turn down their music. Tevin Thompson, in the front passenger seat, obliged and turned it off. But Jordan Davis, sitting in the backseat with his best friend Leland Brunson, told Thompson not to listen to this stranger. So Thompson turned the music back on. Dunn and Davis started to swap heated words. Before long, Stornes returned to the Durango, unaware of how and why an argument was taking place; he prepared to drive away. Before Stornes could do so, Dunn retrieved a loaded handgun from his glove compartment and, without warning, fired three rounds into the Durango. Stornes, panicking, backed up his car and peeled away. Yet Dunn kept firing. Seven more bullets, making it ten in total, nine of which hit the car. Jordan Davis was struck in the legs, lungs, and aorta. Stornes kept driving until he reached a crowded plaza adjacent to the gas station.

Rhonda Rouer had heard the gunshots while standing at the checkout counter inside the store. When she came out to the parking lot, Dunn told her to get in the car. They returned to their hotel, where they ordered pizza, walked their dog, had some drinks, watched television, and eventually went to sleep. In the morning, Dunn and Rouer headed home to Satellite Beach, Florida, about a two-and-a-half-hour drive from Jacksonville. At 10:30 a.m., the police showed up at Dunn's house. They had been tipped off by a young witness who had spotted and memorized Dunn's license plate at the scene of the crime. Dunn was arrested for the murder of Jordan Davis.⁷⁰

defendant testimony (Dunn's version of the events)

When Dunn rolled down his window, he told the boys in the Durango to "turn that down, please" (Testimony by Defendant 2014, 2855). One of them turned the music completely off. Dunn said, "thank you," then rolled his window back up (2856). But he started hearing the boys say, "F him and F that" in a "mean-spirited" tone (2858). And then the music came back on, "probably a little bit less loud than it was [before]" (2859).

At this point, "it got ugly," and "every time this young man [Jordan

Davis] is speaking, it's louder and louder, and more violent and more violent" (2860, 2959). Davis was "amping up," yelling forcefully enough to be audible over "that thumping noise" of the rap music (2968, 2861). Soon, Davis was saying repeatedly, "I should fucking kill that motherfucker" (2862). Dunn felt "flabbergasted" and thought to himself, "I—I—I must not be hearing this right" (2861, 2862). He subsequently heard, "in an even more elevated voice: 'I should fucking kill that motherfucker'—and now [Davis is] screaming" (2862). So Dunn lowered his window again. Out of the "corner of [his] eye," he saw "a young man [Tommie Stornes] walk by" and return to the Durango (2863). Dunn could also now see into the Durango's rear passenger seat, where there sat "two young men with menacing expressions" (2863). Granted, the "guy [Davis] in the rear passenger was the one doing the threatening. The other guy [Brunson] was just looking mean" (2955). Davis appeared "enraged," and even though Dunn couldn't be sure what the boys' intentions were, he "quite frankly" didn't "want to find out" (2968, 2973). Having seen the way they were behaving, Dunn "thought everybody in the car was a thug or a gangster" (2985). Davis did not "speak to [Dunn] like a child" or "act like a child" or "threaten [Dunn's] life like a child" (3020). He threatened Dunn's life "like a man" (3020).

Dunn said to the youths, "Are you talking about me?" (2864) At this point, Davis "reached forward and picked something up and slammed it against the [Durango] door" (2866). Dunn saw "sticking above, like, the windowsill, about four inches of a barrel" (2867). He could hear "metal hit the door" and the sound of "a thump" (2867). To Dunn, the dark object looked like a "12-gauge [shotgun], maybe 20" (2867). Davis said to Dunn, "I'm going to fucking kill you," which led Dunn to "fear for [his] life" (2869, 2870). Dunn saw Davis begin to open the Durango's rear door. He even heard that "door unhinge" (2872). After the door was cracked open, Davis told Dunn, "You're dead, bitch," and as Davis's head "clear[ed] the window frame," the young man said to Dunn, "This shit's going down now" (2872, 2875). So Dunn retrieved a gun from his own glove compartment and retorted, "You're not going to kill me, you son of a bitch," then fired three shots (2876). As the Durango started backing up, Dunn unleashed another three shots because he had "tunnel vision" and was "still fighting for [his] life" (2884, 2887). Even once the Durango was driving away, Dunn fired yet more shots into the back of the SUV (Figure 7). He "was worried about a blind firing situation where [the youths] would, you know, shoot over their heads or whatever and hit [him or Rouer]" (2890).

When Rouer returned to the car, Dunn told her what had happened. Rouer got "very upset" (2926). En route to their hotel, Dunn "tried to get



Figure 7: Durango with nine ballistic markers.⁷¹ Markers [4][5][6] indicate the first three shots, which Dunn fired into Jordan Davis’s passenger-side rear door. As Stornes, the driver, backed up the Durango, Dunn fired shots [7][8][9]. Shots [1][2][3] hit the rear of the Durango as it was speeding away. One of Dunn’s ten shots missed the Durango.

out the fact that [the youths] were threatening [him],” and “tried to get out the fact that they were advancing on [him],” and “tried to get out the fact that they were armed” (2895). But Rouer was “hysterical,” “hysterical,” “hysterical” (2894, 2907, 2926).⁷² She couldn’t “understand self-defense” (2926). She was in no “condition that night to take care of herself” (3015). Once inside their room at the hotel, Dunn continued to be fearful: “We were staying at the—at a hotel that has, like, a club room at the top floor, and we were there looking out the windows, like a waking nightmare. Every car was a red SUV, I mean, to us” (2897). Despite his paranoia about retaliation, Dunn had left his gun in the Jetta’s glove box—in hindsight, an “irrational” decision (2990). Despite his fear of threats around every corner, Dunn took their puppy outside to “go potty” (2899). Despite reeling from the incident, Dunn ordered pizza because Rouer wanted it, as “she was upset and her stomach was in knots” (2901).

Early next morning, Dunn and Rouer drove home. Rouer alternately suffered “fits of silence” and “fits of sobbing” (2910). During the drive, Dunn called his neighbor Ken Lescallett, a federal law enforcement official. Dunn was hoping that he and Lescallett could go to their hometown sheriff and “tell them what happened” in Jacksonville “and, you know, hopefully they would listen to my side” (2909).

Current Musicology

Shortly after arriving home, Dunn found the police at his door. He did not resist arrest. He did not raise his voice. And had he ever raised his voice to Jordan Davis? “When I said, ‘You’re not going to kill me, you son of a bitch,’ I may have had a little inflection in that,” Dunn admitted. “But other than that? No” (2904).

At his police intake interview, and later in court, Dunn swore he had seen the youths with a weapon. In his own speculative words, it was “some kind of industrial object, a pipe, something that would look very much like a barrel” (2956). When asked at the police station whether this alleged weapon in the Durango could “have been [his imagination],” however, Dunn replied: “It cert— [*slight pause*] well, no. [*slight pause*] I mean, anything’s possible, I guess” (“Michael David Dunn—Police Interview Uncut—Part 1”).

witness testimonies

Tevin Thompson (front passenger seat of Durango)

Before going out on Black Friday, the four friends went to Tevin Thompson’s house to change their clothes. They were “dressing up” in order “to go pick up some girls” (Testimony by Tevin Thompson 2014, 1629). Later in the evening, they stopped at the Gate gas station on Southside Boulevard because they wanted gum “so [their] breath would smell good” (1632). After Stornes went into the store, Michael Dunn pulled into the station and parked “immediately next to” the Durango, so close to its passenger side that Thompson couldn’t have “exited the Durango through [his] door” even if he had tried (1635, 1636). Dunn told them, “I can’t hear myself think,” appearing “upset, a little angry” (1637–38). Thompson turned down the music. Davis told him to turn it back up. Thompson did. Davis said “F you” to Dunn but did not “threaten [Dunn] in any way” (1640). Davis was not “screaming” or “yelling loudly” or “enraged” or “mad,” nor was he “so upset [that] he began cursing and screaming at Michael Dunn” (1677, 1681). Moments later, Dunn pulled out a gun and said “angrily” to Davis, “Are you talking to me?”—and then fired at him (1683). As Davis lay dying, he could be heard “gasping for air” (1690).

Tommie Stornes (driver of Durango)

After buying cigarettes and gum in the store, Stornes came out and “danced a little bit to the song that was playing” (Testimony by Tommie Stornes 2014, 1796). He had barely reentered his car when Dunn raised his gun and started shooting. So Stornes “threw [his] car in reverse,” backing up



Figure 8: Brunson was the only witness who had clearly seen Davis’s bodily position and gestures during the confrontation. He mimed Davis’s movements in court (right arm, left arm). Screen captures by author.⁷⁴

just “enough for [him] to drive away without hitting anything” (1800). Although he was “in a panic,” he tried to “check on the status of everybody else in the car” by “call[ing] everyone’s name” (1801, 1803). Thompson and Brunson responded, but Davis did not. Stornes looked to the backseat and could see Davis slumped against Leland Brunson.

Leland Brunson (rear passenger seat of Durango)

Before Dunn’s car pulled up next to the Durango, Brunson was “happy,” Thompson was “happy,” Stornes was “happy,” and Davis was “happy” (Testimony by Leland Brunson 2014, 1717). Fast-forward to the moment Dunn asked the boys to turn down their music. Davis said “F you” to Dunn (1719–20). He was “pointing at [Dunn]” with his right hand, and had his other arm propped behind Brunson’s seat (1722) (Figure 8). Davis did “put his hand on the car door handle” during the argument, but he never opened the door (1721).⁷³ After Stornes returned to the car, Thompson turned down the music again. It’s at this point that Brunson heard Dunn say to Davis, “Are you talking to me?” (1725). Davis replied, “Yeah, I’m talking to you” (1725). Immediately, Dunn reached into the Jetta’s glove compartment, pulled out a gun, “cocked it back,” “aimed it out of the window” toward Davis, and “started firing” (1726, 1727). Brunson ducked down and “tried to pull [Davis] down” as well, but as he did so, “[Davis] just fell into [his] lap” (1727). Brunson “patted [Davis] down in the upper body,” and when he “reached and touched [Davis], blood appeared” (1729). Brunson couldn’t retrieve his phone from his pants pocket to call 9-1-1 because Davis was slumped over his legs.

Current Musicology

Steven Smith (eyewitness)

Smith, a general contractor who lives in Bryceville, Florida (west of Jacksonville), pulled into the Gate gas station around 7:30 p.m. and entered the store to buy a fountain drink. He had noticed a red Dodge Durango and its music. Once inside the store, he joked to the clerk, “I wish they’d turn [the music] up. It’s my favorite song” (Testimony by Steven Smith 2014, 1336). Smith was “being a smart aleck,” and the clerk “kind of laughed” (1336). Upon exiting the store, Smith “was about to make a turn and walk towards [his own] truck door” when he heard someone yell: “No, you’re not going to talk to me that way!” (1339)⁷⁵ It was a male voice coming from a parked Jetta. Smith turned his head in time to see a man inside the Jetta fire a gun at the Durango. Smith didn’t see “anyone in the red Dodge Durango brandish any sort of weapon” (1341).

Rhonda Rouer (Dunn’s fiancée)

Rouer noticed music coming from the Durango as she and Dunn pulled into the gas station. She could hear the bass, but it wasn’t so loud that anything “in the [Jetta was] rattling from the bass” (Testimony by Rhonda Rouer 2014, 2306). Dunn said to Rouer, “I hate that thug music” (2306). Rouer replied, “Yes, I know” (2306). She then gave Dunn a kiss, took twenty dollars, and went into the store. Moments later, Rouer “heard pop, pop, pop” (2308). And then “another pop, pop, pop” (2309). She heard the cashier say, “There was a guy and he has a gun!” (2309). Rouer exited the store and entered the Jetta. On the way to their hotel, Dunn never mentioned a “weapon of any kind in that SUV” (Testimony by Rhonda Rouer [Rebuttal] 2014, 3063). No mention of a “stick,” “shotgun,” “barrel,” or “lead pipe” (3063). Once back in their room, they ordered pizza. That night, Dunn didn’t say anything about “the boys [having] a weapon” (3063). And during the next morning’s trip home, Dunn didn’t mention “a weapon of any kind” in the SUV (3064). Dunn, while driving, *received* a call from his neighbor Ken Lescallett, who was checking to see if he and Rouer wanted to join him later “for an evening out” (3060, 3062). (Dunn and Lescallett chatted on speaker phone.) Dunn told Lescallett that Rouer was “not feeling well” and that they were coming home early (3061). In this phone conversation, Dunn never “mention[ed] that he had been involved in a shooting in Jacksonville” (Testimony by Rhonda Rouer 2014, 3061).

verdict and aftermath

On February 15, 2014, the jury reached a guilty verdict on three counts of attempted second-degree murder—of Thompson, Brunson, and Stornes

respectively—and one count of shooting deadly missiles. But this jury could not reach an agreement on the most serious count: the first-degree murder of Jordan Davis. So Judge Russell Healey declared a mistrial on this particular charge.

In September 2014, Dunn was retried for murder in the first degree. He did not have enough money to rehire Cory Strolla; this time, he was represented by a public defender named Waffa Hanania. At the conclusion of this retrial, Dunn was found guilty. After receiving a life sentence from Judge Healey, a cuffed and orange-clad Dunn walked to the front of the courtroom to read a prepared statement:

I want the Davis family to know that I truly regret what happened. I'm sorry for their loss. And if I could roll back time and do things differently, I would. I was in fear for my life and I did what I thought I had to do. Still, I am mortified that I took a life, whether it was justified or not. ("Jordan Davis—Michael Dunn Sentencing, Part 2 [Michael Dunn Speaks]")

Despite news articles declaring that Dunn “apologized during his sentencing hearing” (Neale 2014), it was more of a non-apology—a self-serving sorry-not-sorry that kept Dunn at the center (*I, I, I'm, I, I, I, I, I, I, I, I*), neglected to mention Jordan Davis (reduced to *a life*), and hedged without shame (*I did what I thought I had to do . . . whether it was justified or not*).

On November 17, 2016, a three-judge panel denied Dunn's appeal to Florida's First District Court. As I write this, Dunn is serving a life sentence in prison without eligibility for parole. One source reports that Dunn is trying to appeal once again (Matter 2017).

5

people v. dunn (II): discoloration; or, “she is trying to put race to have emotion into the jury”

The difference from the rock and roll beat is that rap sounds aggressive—almost angry—even when it is not profane.

– Bill Cosby and Alvin Poussaint, *Come On, People: On the Path from Victims to Victors* (2007, 145)

I'm the victim. I'm the victor, but I was the victim too. . . . It made me think of the old TV shows and movies where, like, how the police used to think, when a chick got raped, “Oh, it's her fault, because of the way she was dressed.” So it's my fault because I asked them to turn their music down.

– Michael Dunn (2013a), in a jailhouse phone call to his then-fiancée, Rhonda Rouer⁷⁶

“They defied my orders,” Dunn said to the cops when they came knocking on his door the day after the incident. “What was I supposed to do if they wouldn’t listen?” (Solotaroff 2013). Nothing about Davis wielding a shotgun. Just grumblings about disobedience. Chillingly casual words capped by a rhetorical question: What *is* a white man supposed to do when black boys defy his orders?

It wasn’t until his police intake interview—nearly twenty-four hours after the shooting—that Dunn began to claim he had seen the youths with any kind of weapon. But in court, Dunn’s defense attorney, Cory Strolla, did everything he could to put threatening words in Jordan Davis’s mouth and to plant a posthumous gun in Davis’s hands. Strolla relied on a broad matrix of exculpatory strategies. First, he argued that Jordan Davis was “enraged,” foulmouthed, armed, and responsible for escalation (Closing arguments 2014, 3416). Second, he discredited key witnesses, including the prosecution’s forensics experts, the crime scene investigators, Davis’s three friends, onlooker Steven Smith, and even Rhonda Rouer. (Once Rouer voiced the damning revelation that Dunn had never told her about any weapon in the Durango, Strolla turned on her, condescendingly dubbing her a “hysterical” woman “on prescription medication” [Closing arguments 2014, 3371; Testimony by Rhonda Rouer (Rebuttal), 3065]). Third, Strolla solicited character witnesses—family members, friends—who painted Dunn as a “gentle man” (Testimony by Randy Berry 2014, 2570), a “very nice guy” (Testimony by Frank Thompson 2014, 2588), and someone with a “very calm demeanor” (Testimony by Beverly Berry 2014, 2578). Fourth, Strolla attempted to strip color from juridical consideration, arguing that Dunn was so non-racist and colorblind that he would have lacked prejudicial motive to act with deadly force had he not reasonably perceived an imminent threat. And fifth, Strolla hypothesized a scenario in which the youths *did* possess a gun, *ditched* this gun from the Durango after Davis was shot, and *returned to retrieve* the firearm before police could sweep the area.

Strolla’s fourth and fifth strategies emphasized respectively Dunn’s colorblind virtue and Davis’s weapon-toting vice—namely, that while Dunn *did not see Davis’s blackness at all*, he *could clearly see Davis as armed and dangerous*. With Florida’s tensions still boiling from the acquittal of George Zimmerman (the killer of Trayvon Martin) six months earlier, Strolla understandably wanted to nudge his jury’s attention as far away from race as possible. One of the defense’s ploys involved Dunn’s denial of ever saying, contrary to Rouer’s testimony, “I hate that thug music.” So heavy-handed was this denial, however, that one might wonder whether Dunn had been coached by Strolla to disavow the word “thug” altogether. Here are some of Dunn’s statements (Testimony by Defendant 2014).

JOHN GUY (Assistant State Attorney): You don't recall saying, "I hate that thug music"?

DUNN: No. If I ever said anything, I would have called it "rap crap." "Thug music" isn't a term I would use (2941).

[*several minutes later*]

GUY: And what did you say to [Rouer]? You didn't say, "I hate that thug music." What did you say?

DUNN: I didn't say this, but if I had said anything I would have characterized it as "rap crap," not "thug music." That's not a term I'm familiar with (2945).

[*toward end of cross-examination*]

GUY: And you said that you don't use the phrase "thug music," do you?

DUNN: It doesn't seem to be a familiar term. If I was going to refer to it, I'd call it "rap crap" (2997).

Stated *ad nauseam*, "rap crap" was the defense's PG-rated euphemism of choice. Note also the verbatim repetition of the words "familiar [term]," which, when articulated in tandem with the referent (*thug*), undercut the very claim of nonfamiliarity.⁷⁷ Compared to "thug music," the phrase "rap crap" may sound tame and color-neutral—derogatory enough to come off believably disapproving, but not so epithetic as to reek of inexcusable bigotry.⁷⁸ Dunn's alleged ignorance of the word "thug" could have passed muster had it not been demonstrably false. As the State pointed out during closing statements, Dunn had said "thug" during his police intake interview and even used the word several times in his letters from jail (Prosecution closing arguments [Rebuttal] 2014, 3421). Ironically, then, the defense's "rap crap" gambit fell flat, for all it did was point up Dunn's dishonesty.

What Strolla didn't seem to grasp was that the more he tried to deny the shooting as a "black and white issue," the more blackness and whiteness—spoken into existence by paradoxical allegations of irrelevance—necessarily muscled their way to the fore.⁷⁹ If race isn't a factor, then why take such great pains to pretend your client has never even *heard* of the word "thug"?

One of Strolla's most puzzling and desperate attempts at deracination came out in an objection during the prosecution's closing statement, delivered by Assistant State Attorney Erin Wolfson. (As far as courtroom norms go, closing statements are an unusual time for an interruption from opposing counsel.)

ERIN WOLFSON: [Dunn] heard loud thumping music when they pulled in. He heard two young—he saw two young men with menacing expressions, Jordan Davis and Leland Brunson, but yet he told detectives, "I don't know how many kids were in that car." He used the word "kids" the

Current Musicology

day after he shot into that SUV. It was only six months later, I think, when [Dunn] wrote his statement, that he writes, “I glanced back and saw the rear windows were down and the back seat was occupied by two very menacing-looking black *men*.”

STROLLA: Your Honor, if we can object and just approach?

THE COURT (Judge Healey): Yes, sir.

Judge Healey, Strolla, and Wolfson began a sidebar conversation that was inaudible to the gallery and beyond the range of the microphones and cameras in the courtroom. But a court stenographer was present to transcribe the exchange.

THE COURT: Yes?

STROLLA: Again, I just think, at this point, the State—I know [Wolfson] is reading from the letter in evidence, but I would say, at this point, *she is trying to put race to have emotion into the jury*, so I would object for that and move for a mistrial, Your Honor.

THE COURT: I don’t know how to respond to that. She is reading from a document that is a document in evidence—I think [entered] without an objection—that was authored by *your* client [Dunn]. There is nothing wrong with reading it and she has not, in my observations, evoked any emotion about race. She is just stating a fact. The fact of the matter is there were two black fellows in the back seat . . . so your objection is overruled for the same reasons. The Motion for Mistrial is denied. (Prosecution closing arguments [Rebuttal] 2014, 3328–29, emphasis added)⁸⁰

Two crucial points came up in this hushed sidebar. First, police records show that Dunn initially described the youths as “kids” before inflating them, in his written account, into “menacing-looking black men” (read: formidable and resilient adults). Second, Strolla’s phrase “she is trying to put race to have emotion into the jury” is a word salad, a semantic jumble that conflates the mere mention of blackness with inappropriate appeals to emotion. Notice how Strolla’s bizarre articulation was contagious, in that it likewise left Judge Healey grasping for adequate words (*I don’t know how to respond to that*)—for how does one respond to an objection with no legal basis? As Robin DiAngelo succinctly remarks in her work on white fragility and colorblind illusions: “Incoherent talk is a function of talking about race in a world that insists race does not matter” (2011, 65; see also DiAngelo 2018). The flustered interruption by Strolla, replete with odd verbs and prepositions, was a crystalline and litigious manifestation of such incoherence.

Strolla’s efforts to downplay race reached beyond the courtroom walls. After attorneys’ closing statements, and as the jury began deliberations,

Strolla held a press conference and took questions from reporters, who inquired about race, racism, and *People v. Dunn's* comparability with the Trayvon Martin case. Strolla offered “multiple matters of fact.”

I want to be very clear. Nobody from my office, or Mr. Dunn, has brought race into this, period. Matter of fact, I filed a pre-trial motion to keep it out, because we don't want to taint that jury; we want to *keep it clean*. And, matter of fact, I never identified a single witness by either the color of their skin or their gender. . . . Matter of fact, Mr. Dunn . . . does believe there's a subculture. Mr. Dunn does believe that there are kids and youth out there that listen to this, what we call, gangster rap or violent lyrics, and they see violent things on TV and then try to imitate it because they think that's fun, or they think that's cool, or they think that's the way you're supposed to act. . . . As a matter of fact, again, I can't tell you how many times [Dunn's] said this isn't a black and white issue. It's what he would call a “subculture thug” issue, and again, that doesn't go to race. . . . He's never been racist. He's never been accused of racism. As a matter of fact, the guys in the car even testified on cross-examination that that night [Dunn] never said anything racial, he never said anything of violence or disrespect, or even raised his voice. (“Michael Dunn Trial—Cory Strolla—Press Conference,” ~11:00, emphasis added)⁸¹

Let's “keep it clean,” people—meaning, let's keep the taint of blackness at bay.⁸² Because it's a “subculture thug issue” that “doesn't go to race”—meaning, anyone (black or white) can be a thug, and it's the thug behavior (not the color of thugs) that irked Michael Dunn. And true, no one heard Dunn shout “anything racial” that night—meaning, the night he unloaded ten bullets on four unarmed black youths. Not saying the “N-word,” however, hardly proves absence of racial animus.⁸³

During the same press conference, a reporter pointed out that Dunn's own jailhouse letters, some of which had come to public attention, contained “what we [would] interpret as racial animus” (“Michael Dunn Trial—Cory Strolla—Press Conference,” ~12:37). Replied Strolla: “Don't forget, they [the prosecutors] introduced one letter. They had all of his letters. And again, they had thousands of hours of phone calls. And you didn't hear one. So they piecemealed what they wanted” (“Michael Dunn Trial—Cory Strolla—Press Conference,” ~12:50). Strolla's comment here was at best disingenuous, and at worst deceitful, on three fronts—but no one at the press conference, and no one since, has called him out on this mendacity. First, court documents show an estimated total of 180 hours, not “thousands of hours,” of jailhouse phone calls (“Order Denying Defendant's Motion” 2014, 4 [item 5]). Second, Strolla made the situation sound as if the prosecution lucked out on a uniquely flagrant jailhouse letter amid a heap of otherwise disappointingly benign and inconsequential correspon-

dences. In actuality, a pre-trial document from January 24, 2014, “Order Denying Defendant’s Motion,” reveals a far more mundane reason for the State’s underreliance on Dunn’s letters and calls: the “lack of resources and staff available to listen to” the massive volume of oral communications, and a concomitant lack of wherewithal for the timely transcriptions and necessary redactions of the handwritten letters. And third, Strolla himself filed a pre-trial motion to disallow references to jailhouse calls and letters in court proceedings; this preemptive move all but confirmed Strolla’s *own* recognition that the correspondences’ disclosure could potentially damage Dunn.⁸⁴ Consequently, the State attorneys hadn’t been cherry-picking the *worst* of what Dunn wrote. These prosecutors, working under the practical constraints of time and personnel, had presented the scant materials that they could reasonably review and responsibly accommodate.⁸⁵

Now that we’re free from the time crunch of the court proceedings, let’s take up Strolla’s implicit dare. Let’s comb through Dunn’s jailhouse letters, which were released to the public by the January 24, 2014 court order, and see the racial and racist comments therein.

Letter from Dunn to his grandmother (February 20, 2013)

I’m really not prejudiced against race, but I have no use for certain cultures. This gangster-rap, ghetto talking thug “culture” that certain segments of society flock to is intolerable. They espouse violence and disrespect towards women. (Dunn 2013d)

Another letter from Dunn to his grandmother (May 7, 2013)

I don’t know if I should feel like I’m a victim of reverse-discrimination or a political prisoner. Either way, the state of Florida is screwing me over! ☹ . . . The blacks seem to be calling the shots in the media and the courts. . . . I don’t know if I mentioned my latest “neighbor” to you. This one talks through the air vent to the juveniles (15–17 yr old murderers + thieves) and says: “Whas up my niggah?” It’s hard to understand him as it sounds like he has marbles in his mouth. (Dunn 2013e)

Letter from Dunn to Michelle (May 20, 2013)

I’m still here in thugville. . . . I’ve never been exposed to thugs like they have here. The jail is chock-full of blacks and they all appear to be thugs, along the lines of 90% of the inmates. . . . I’m sitting here, stewing in my own juices—waiting for my day in court and plotting my revenge against the system for all the civil rights violations. ☹ (Dunn 2013f)⁸⁶

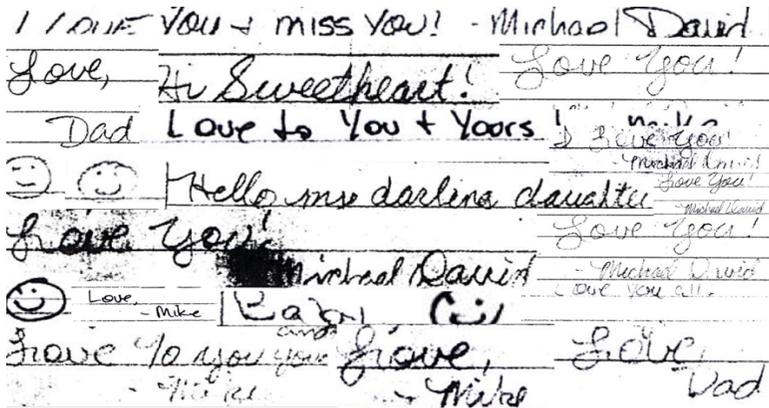


Figure 9: Collage of Dunn’s terms of endearment (compiled by author).

Letter from Dunn to Rhonda Rouer (June 23, 2013)

I got a new neighbor yesterday. . . I overheard the mental health people talking to him and he claims to be suicidal. . . I haven’t spoken to him yet, but I was thinking to suggest an easy way to die would be to ask a car load of thugs to turn their stereo down! © (Dunn 2013h)

Letter from Dunn to his daughter (July 12, 2013)

It is spooky how racist everyone is up here, and how biased towards blacks the courts are. The jail is full of blacks and they all act like thugs. . . This may sound a bit radical, but if more people would arm themselves and kill these fucking idiots when they’re threating [sic] you, eventually they may take the hint and change their behavior. As it is, going to jail is like a badge of honor for them. (Dunn 2013b)

Dunn’s letters comprised more than racist rants. Quotidian musings, smiley faces, frowny faces, and terms of endearment punctuated the scrawl. Letters were addressed to “Sweetheart,” “Baby,” and “Darling,” and signed off with “Love you all!” and “Love, Dad” (Dunn 2013g, 2013j, 2013c, 2013k, 2013b) (Figure 9). One missive included a risotto recipe that Dunn had hand-copied from a Stone Barrington book (Dunn 2013i). Beneath the veneer of good humor in his letters and calls, however, Dunn’s racism bubbled to the surface in fits and starts—pervasive yet casual, blatant yet banal.

Dunn’s self-identification as a victim was rather virtuosic and perturbingly intersectional for its sheer variety of attempted metaphors. He likened himself to a victim of civil rights violations, a target of reverse racism,

a political prisoner, and even a survivor of sexual assault, per his phone call (epigraphed earlier) in which he compared himself to a “chick [who] got raped.” Such preposterous analogies demonstrated his nominal familiarity with multifaceted systems of oppression, violence, and victim blaming. Yet he rhetorically coopted these systems, stitching them into the white mantle of a martyr. Tellingly, Dunn didn’t see himself as a racist. He saw racism only in others. “No wonder people are afraid to tell [black people] to pick up their pants,” said Dunn in another jailhouse call to Rouer. “I’m not a racist. *They’re* racist. What is with this subculture that feels entitled to exert their will? The only thing I can think of is the culture. I mean, this MTV culture—the gangster rap. *And where are their dads?*” (*3½ Minutes, 10 Bullets*, 55:56, emphasis added).

I don’t know where Dunn’s disdain for “MTV culture” came from. But Dunn must have learned and internalized his vehement anti-black racism from somewhere, someone. Maybe it was his upbringing in general, given the explicit and unapologetic racism in his letters to family members.⁸⁷ Or maybe he was channeling the likes of Bill Cosby, who, during his infamous “Pound Cake” speech at the 2004 NAACP awards ceremony, inveighed: “I’m talking about these people who cry when their son is standing there in an orange suit. Where were you when he was two? . . . *And where is his father?*”⁸⁸ Maybe Dunn had once picked up a copy of Cosby’s and Poussaint’s aforementioned book, *Come On, People*, seeing as how its subtitle—*On the Path from Victims to Victors*—bears similarities with Dunn’s choice of words: “I’m the victor, but I was the victim too.”⁸⁹ I’ve even personally wondered whether Dunn had ever seen the 1991 film *Boyz n the Hood*, given the coincidence between its climactic scene and Dunn’s eerily analogous claim that he had seen *a menacing black person with a shotgun in a red car with heavily tinted windows* (Figure 10). Had I been the prosecutor, I might have liked to ask Michael Dunn if he had indeed seen *Boyz n the Hood* (say, on cable television one night), and if perhaps he was the one who had watched one too many movies about so-called thug “subcultures” and thus had trouble differentiating between reality and fiction.

Altogether, Dunn’s letters, phone calls, and court testimonies divulged a fearful loathing of black people. During his initial interview at the police station, Dunn noted he had hastily fled the scene of the shooting because he was feeling “afraid”—not merely afraid of the youths coming back for revenge, but also afraid “there were more” (“Michael Dunn Trial. Day 5. Part 6. Police Interrogation Tape Played”). Dunn went on to describe how, even once he and Rouer had returned to their hotel room that night, he continued “shitting bricks waiting for another carload of thugs to come.” During his retrial, he clarified: “I know it’s not rational, but every car that went by was a red SUV, full of people out to kill me” (“Michael Dunn



Figure 10: *Boyz n the Hood* (1991, dir. John Singleton). Lloyd Avery II (1969–2005) portrayed the shotgun-wielding member of Ferris’s gang. Screen captures by author.

Retrial—Day 5—Part 1 [Dunn Testifies]”). Dunn imagined black people as legion—a resilient, formidable, vengeful, violent, monolithic unit perpetually on the hunt. (If ever the United States has suffered “car loads of people” terrorizing civilians after dark, we would have to look no further than to the notorious night rides of the Ku Klux Klan, whitecappers, and bald knobbers.) Given Dunn’s embattled ego, it makes sense that he went about everyday life armed to face the worst. Based on the search warrants filed into the trial’s discovery documents, detectives retrieved from Dunn’s Jetta a handgun (legally owned with a concealed carry license), a magazine with eighteen live 9 mm rounds, a .22LR suppressor, three Stoney Point rifle pads, a gun tote, and a pair of nunchucks (Dunn Discovery Documents 2014, 83) (Figure 11).

In the end, despite the overwhelming evidence of Dunn’s racism, Strolla’s defense strategies worked . . . at least temporarily. A mistrial, after all, was called on the first-degree murder count in February 2014. Perhaps this is why, during Dunn’s retrial later that year, the new public defense counsel Waffa Hanania saw fit to keep up the charade of denying race’s relevance. The maneuver succeeded once before; maybe it could succeed again. So in her closing arguments, Hanania declared:

The other guys [Brunson, Stornes, Thompson] in the car don’t say Mr. Dunn ever cursed—that it was Mr. Davis who was the first one to throw around a racial term. . . . And let me just say right now, ladies and gentlemen, this is not about race. . . . Would anyone be saying that it was about race if someone had said, “Hey, I hate that country music,” or “that redneck music,” even? No. This isn’t even about the loud music. . . . Mr. Davis is the one that got angrier and angrier. . . . Jordan Davis tells Tevin Thompson, “F that [*quietly*] N-word. Turn the music back up.” And again, obviously, real words were used, not euphemisms, like we’re using here in court, because we’re in a courtroom, and it’s not polite. (“Michael Dunn Retrial—Day 5—Part 5 [Defense Closing Arguments]”)

INVENTORY AND RECEIPT
(SEARCH WARRANT)

FOUR (4) 9MM SH&W CARTRIDGES; FRONT WINDSHIELD (MUSKIE)
ONE (1) FIBERGLASS MAGAZINE; GLOVE BOX (SMITH)
EIGHTEEN (18) 9MM LIVE ROUNDS FROM MAGAZINE; GLOVE BOX (SMITH)
THREE (3) RIFLE PADS; FROM TRUNK (SMITH)
ONE (1) RIFLE GUN TOTE; FROM TRUNK (SMITH)
ONE (1) PAIR OF SUNGLASSES; FROM BACKSEAT (SMITH)
ONE (1) MODEL FS33, 22LR PUMP ACTION RIFLE; TRUNK (MUSKIE)

DATED this 7TH day of DEC., 2012, M.A. MUSKIE 61139
Officer

RETURN
(SEARCH WARRANT)

STATE OF FLORIDA)
COUNTY OF DUVAL)

Received this Search Warrant on the 7TH day of DEC., 2012, and executed and served the same in Duval County, Florida, on the 7TH day of DEC., 2012, by searching the premises described therein and by taking into my custody the property described in the above Inventory and Receipt and by having read and delivered a copy of this Search Warrant and Inventory and Receipt to LEFT IN VEHICLE

I, M.A. MUSKIE 61139, the officer by whom the Warrant was executed, do swear that the above Inventory and Receipt contains a true and detailed account of all the property taken by me on said warrant.

M.A. MUSKIE 61139
Officer

Sworn to and subscribed before me
this 17 day of December, 2012.

AP R. Haddock
Judge, Circuit Court of the Fourth
Judicial Circuit, in and for Duval
County, Florida.

Figure 11: Search warrants in *People v. Dunn*.

“Polite” is another word for “respectable.” Or, given that “respectable” has increasingly taken on racialized connotations, “polite” is the *polite word* for “respectable.” And if we listen to the polite word “N-word” whispered by Hanania, the ventriloquistic accusation—“Davis tells Tevin Thompson, ‘F that N-word’”—backfired. Her conspicuous moderation of tone and volume imbued the word “N-word” with paradoxical resonance. Hanania’s need to remind the jury that “obviously, real words were used” further controverted the claim of obviousness.

Equally specious was Hanania’s rhetorical question, a feint posing as axiom: “Would anyone be saying that it was about race if someone had said, ‘Hey, I hate that country music,’ or ‘that redneck music,’ even?” By doubling down on her example of country music with a substitutive epithet (*redneck*), Hanania laid out her cards unambiguously: no one, she was ready to bet, would even think about race had this case involved a dispute over a stereotypically white musical genre.⁹⁰ But her very presumption relied on the conflation of whiteness with racelessness—a logic that, in itself, stirs in

the ethos of white supremacy.⁹¹ For if one finds it hard to imagine a fatal encounter resulting from the salvo, “I hate that country music,” maybe it’s because we don’t hear black people voicing righteous fury toward country music at nearly the same rate with which white people have disparaged rap (Dowling 2017). Let’s call the bluff on Hanania, then, by seeing her hypothetical scenario to its conclusion, inverting all variables on the table. A 145-pound, 17-year-old unarmed white kid, sitting in a car with three unarmed white friends, is playing loud country music and minding his own business. A 47-year-old, 250-pound black man pulls up in a car that contains multiple weapons and weapon accessories—guns, ammo, nunchucks, you name it. He tells his fiancée, “I hate that redneck music.” When his fiancée heads into the store, the man initiates a harsh dialogue with the boys, and within minutes, unloads ten bullets and kills the 17-year-old. At the police station, this black man cries self-defense. He had feared for his life, feared that truckloads of retaliatory white teens would show up at his hotel. Awaiting trial, he writes letters from jail about how he wishes more people would arm themselves and kill rednecks. (Not that it’s about black versus white; it’s a “subculture redneck issue,” he insists.) In trial, though, this defendant denies familiarity with the phrase “redneck music” or even the word “redneck.” If he had said anything to his fiancée, he would have said “country crap.”

Come to think of it, Hanania’s right. No prosecutor, in this scenario, would feel compelled to make the case explicitly about race . . . because explicit statements about race *wouldn’t be necessary to launch a successful case against this defendant*. Systems of social, legal, and carceral anti-black racism would do all of the requisite incrimination. Stated another way: given the past trends of biased news reportage and juridical outcomes for interracial crimes, prosecutors would not need to identify the color of this defendant’s skin to obtain a litigious advantage; the plain and visible fact of the man’s blackness would suffice. First, he would be branded as a deranged killer (with an inexplicable revulsion toward country music, no less). Second, in light of the arsenal recovered from his car, he would be labeled a terrorist, even someone who wished to start a race war.⁹² Finally, considering Florida’s record of capital punishment for black-on-white crimes, he would receive not a life sentence—as Dunn did—but, in all likelihood, a death sentence.⁹³

people v. dunn (III): smokescreen and silence

[There are] YouTube videos of these guys [the youths in the Durango], and they're all gangster rappers. . . . You know, 'cause when the police said that these guys didn't have a record, I was like, you know, I wonder if they're just flying under the radar. 'Cause they were bad.

– Michael Dunn (2013a), jailhouse call to Rouer⁹⁴

Jordan Davis loved rap music, and he loved playing it loudly. Yet at the Southside Boulevard gas station, he and his friends did not have the right to play music as loudly as they wanted. By all accounts, they were violating the municipal noise ordinances of Jacksonville.⁹⁵ Urban noise pollution, after all, is a real problem, one that touches on accessible spaces, sensory accommodation, and neurodiversity.⁹⁶ With *People v. Dunn*, however, the defense attorneys' moves to criminalize Davis's loud voice and loud music amounted to games of whataboutism. Yes, let's have conversations about noise pollution and civic policy. But just as urgently, let's rectify the systemic problems of gun proliferation, Stand Your Ground, and racist formidability biases so that societies may keep black children alive long enough to participate in these conversations. The way things turned out, we are left to pursue a dialogue standing over the body of Jordan Davis rather than with any chance to include his voice in the mix.

Davis's loud music was unquestionably a catalyst for the fatal encounter, as it drew Dunn's attention to the Durango to begin with. Disruptive and abrasive though it may have sounded to Dunn, however, the rap music itself was not a weapon.⁹⁷ Actually, that's not true. In *People v. Dunn*, Davis's music did serve as a figurative weapon. It just so happens that defense attorney Cory Strolla was the one who ended up wielding it. Strolla, through the first trial, harped on the loudness of the youths' music to build a case for reasonable doubt. With the burden of proof on the State, Strolla aimed to persuade the jury that—with loud music saturating the entire Gate gas station soundscape—Tommie Stornes, Leland Brunson, Tevin Thompson, and bystander Steven Smith could neither have heard Dunn's alleged threats to Davis nor have known for certain that Davis *didn't* threaten Dunn in return. In cross-examination, Strolla asked the three youths to admit what they could not “hear,” could not “[lip] read,” and could not perceive or accurately recall owing to factors of musical interference, distance, lighting, and agitated states of mind (Testimony by Leland Brunson 2014, 1720; Testimony by Tevin Thompson 2014, 1672). “Isn't it true that the music was so loud that the windows and mirrors were vibrating in that SUV?” Strolla asked Thompson. “Isn't it true the music was so loud you could

not hear everything Jordan Davis said?” (Testimony by Tevin Thompson 2014, 1669, 1670). With these questions, Strolla turned the music against the youths and chipped away at their sensory credibility. He depicted these young black bodies as quasi-disabled: perceptually deficient, mnemonically lapsed, and informationally dubious.

By contrast, Michael Dunn sought sympathy in court by disclosing putative disabilities of his own, namely hearing loss and ear pain. “Growing up in the [Florida] Keys, scuba diving is a big part of life, and I actually have damage to my right ear,” Dunn testified. “I don’t know what the percentage is, but I do have a loss of hearing in my right ear and consequently my left ear kind of compensates for it” (Testimony by Defendant 2014, 2860). On the stand, Dunn was asked by Strolla to clarify whether the youths’ “loud thumping [music]” had caused him “any discomfort.” He responded: “It did in my left ear, my sensitive ear” (2860). Dunn’s disability shored up his status as victim; the youths’ beloved music physically hurt him, and was so loud that, in his words, his “eardrum was vibrating” at the gas station (2957). None of this explains why Dunn chose to park so close to the Durango or why he rolled down his Jetta’s windows (thus exposing his ears to the music at full blast), especially given his understanding that Rouer would be in the store for only a couple of minutes to fetch a bottle of wine.⁹⁸

In court, Strolla went after more than just the acuity of Davis’s friends. He outright assailed their characters with repeated snipes at their musical and vocal propensities. During cross-examination, for example, Strolla asked Tommie Stornes about his aspirations as a musician and music producer. “Isn’t it true about a week after the shooting, you created a song about Jordan Davis?” asked Strolla. Stornes said “yes,” and confirmed the song was titled “Jordan Davis” (Testimony by Tommie Stornes 2014, 1830). Strolla swooped in with baited praise: “And you’re smart enough to know marketing [that] when people were looking up Jordan Davis’s name, your song could pop up? . . . And isn’t it true you posted [the song] so that you could try to make money from Jordan Davis?” (1831). Stornes denied these insulting charges. “No, sir,” he quietly replied. But Strolla pressed on: “Even though you titled the song *Jordan Davis*?” (1831). No doubt, Strolla was trying to peg Stornes as a money-hungry opportunist who would coldly exploit the death of a friend.⁹⁹

In closing statements, Strolla likewise attempted to delineate Tevin Thompson as a cold, unfeeling person: “Listen to the 9-1-1 calls. They’re in evidence. . . . ‘Can you send the ambulance? My friend’s shot? And you will hear zero panic in [Thompson’s] voice, almost zero distress” (Closing arguments 2014, 3358). Here is a transcript of the call to which Strolla was referring. Audio is available online.

Current Musicology

THOMPSON: May I please have the ambulance, please?

9-1-1 OPERATOR: Someone's sick or hurt?

THOMPSON: Somebody's been shot.

9-1-1 OPERATOR: Where at?

THOMPSON: The Gate gas station on Baymeadows Road, South Side.

9-1-1 OPERATOR: Who shot him?

THOMPSON: We have no idea. Please, can you just bring help, please, now.

9-1-1 OPERATOR: Do you know what they look like?

THOMPSON: No, ma'am, I do not. The police are here. But please, can you just bring help.

9-1-1 OPERATOR: Okay, there's an ambulance on the way. You don't know who shot him?

THOMPSON: No, ma'am ("Jordan Davis 911 Calls," 7:30).

To Strolla's ears, Thompson's voice conveyed "zero distress." Or was it a voice barely held together, with shock and terror bursting at the seams? How do you *want* a black kid to sound when calling 9-1-1, maybe for the first time in his life? Scream more loudly? Cry more convincingly? Can we think of tragic precedents that would disincentivize a black teen from calling the authorities to report any violent crime?¹⁰⁰ To suspicious white ears, Thompson might have sounded too respectable on the phone, with a surplus of "may I" and "please" and "ma'am." Of course, neither Thompson's vocal mannerisms nor Stornes's musical entrepreneurship had any evidentiary bearing on Dunn's murder of Davis.¹⁰¹ But what Strolla did was to place Davis's friends on trial by proxy, to paint these black youths as emotionless, heartless thugs (without, naturally, uttering the T-word out loud). For if they were thugs, then maybe Jordan Davis was a thug, too. And if Jordan was a thug, then, for all we know, this thug had a shotgun.¹⁰²

Besides denouncing the youths' black voices and demolishing the credibility of their black ears, Strolla sang the praises of Dunn's white ears, the "damage to [his] right ear" notwithstanding. Friendly character witnesses took the stand to describe the demeanor of Dunn at the wedding that he and Rouer had attended on the afternoon of Black Friday. At the wedding reception, according to Strolla's leading questions, Dunn didn't "push over the DJ table or tell that guy to turn it down" or "storm out of there when he played music that the kids listen to," such as "any type of hip-hop or any kind of music like that" (Closing arguments 2014, 3352; Testimony by Alexandria Molinaro 2014, 2683). Despite the fact that *not* pushing over a DJ table at a wedding sets an absurdly low bar for decorum and basic

human decency, Strolla sought to establish Michael Dunn as a general patron of music and an ally to musicians. Dunn's ears could tolerate, even celebrate, loud music—including the loud hip-hop “that the kids listen to.” Strolla elevated Dunn's image through the musicophilic equivalent of *Some of His Best Friends Are Black* (*Some of His Favorite Music Is Black*).

During cross-examination, John Guy did not press Dunn on the details of his aural impairments or disability, nor did he ask Dunn how or whether he, with his sensitive ears, could have tolerated loud music at his son's wedding or at similar events. Instead, Guy tried to rope the loud music back to the State's advantage, interrogating Dunn about how he could have heard Davis's alleged threats over the Durango's booming stereo (*Testimony by Defendant 2014, 2958*). Dunn, however, slyly worked these questions to his favor by inverting their premise. As he had already testified, the fact (or falsity) that he could distinctly hear Davis over the high-volume rap went to prove *just how loudly* this teenager had been screaming threats. Dunn further launched into an explanation of how he could “certainly” hear Davis “because the bass isn't, there's no mid-range, there's no—there's no instruments or voices, it's just low bass, and I, he is so excited and angry, I hear him over that, with my window up” (2958). Guy and his co-counsels neglected to put pressure on Dunn's convoluted account, which would have fallen apart with even a brief listening exercise. Contrary to Dunn's description of the music in question (all bass, no vocals), the rap song playing at the time, Lil Reese's “Beef,” consists of nonstop vocals. Was Dunn lying? Did he misremember? Did some of Lil Reese's lines—such as “Run up on ya with that fuckin' pipe”—lead Dunn to imagine a pipe in Davis's hands? (“Lil Reese ft Lil Durk and Fredo Santana”). (Recall that Dunn testified to seeing Davis with a vague weapon; in his own speculative words, it was “some kind of industrial object, a pipe, something that would look very much like a barrel” [*Testimony by Defendant 2014, 2956*].) For that matter, did Dunn hear other lyrics from the rap song—“Fuck nigga, you don't want no beef / You shoot one, I'm shootin' ten / 300, we take yo' life / Savage shit, bitch say that twice”—as words coming out of *Davis's* mouth? During his intake interview, after all, Dunn casually said to the police: “I don't know if they're singing or what. But they're saying, ‘Kill him.’ So I put my window down again, and I said, ‘Excuse me, are you talking about me?’” (2964). By his own admission, Dunn had perceived the youths as just potentially singing along to the car stereo. He had no reason to believe they were singing *about* him. But in Dunn's perspective, Davis, by talking the talk (the Lil Reese lyrics), was rap personified—a black teen embodying and ventriloquizing “thug subculture” itself.

Even as Cory Strolla exploited the details of the youths' loud rap music, this defense strategy paled next to a complementary ploy that he

Current Musicology

undertook toward the end of the initial trial: the weaponization of silence. In his closing arguments, Strolla first reminded the jury that the youths, when Dunn started shooting, had sped away from the Gate parking lot and circled around a nearby shopping plaza before returning to the gas station for help. Based on in-store surveillance time stamps and phone records of 9-1-1 calls, calculated Strolla, “that truck was gone for three minutes” (Closing arguments 2014, 3356). Upon stating this estimate, Strolla fell silent and directed his gaze at a clock on the courtroom wall. And waited.

“One minute,” said Strolla, after exactly one minute had passed. He was pacing back and forth in front of the court clerk’s table. People in the gallery sporadically coughed and cleared their throats.

“Two minutes,” said Strolla, after another minute went by. He walked up to his lectern, licked a finger, and flipped through his notes.

“There were no weapons found in that truck in the three minutes,” said Strolla after the minutes were up. “Where was the truck? It left the scene” (Closing arguments 2014, 3356).¹⁰³

Strolla’s forced silence felt painfully long by virtue of the awkward and anomalous speechlessness. That was his intention. He was trying to simulate the “ample time” in which the boys could have ditched a “firearm or pipe” (or whatever weapon Dunn claimed to have seen) from the Durango, “because they’re a hundred yards away [from the Gate gas station] in a dark parking lot,” where there would have been plenty of opportunities to toss weapons into “the dumpsters,” “the roofs,” or “the bushes” (Pre-trial Proceedings 2014, 1300, 1301). For one hundred and eighty seconds, Strolla wanted the jury to fidget, to second-guess their instincts, to imagine how the black youths could have plausibly disposed of a shotgun. Yet the moment of compulsory silence in the courtroom was perverse if we stop to think about one of the only things that had been incontrovertibly transpiring during those three minutes: Jordan Davis was dying. All we know for sure—something no one in the courtroom could dispute—is that those were three of the last minutes of Jordan’s life. Far from serving as a moment of silence *for* Davis, Strolla’s wordlessness was poisoned by insinuations of black criminality.

Think back to the 2015 Bernie Sanders rally in Seattle. Protesters Marissa Johnson’s and Mara Willaford’s demands for four-and-a-half min-

utes of silence in memory of Michael Brown were met with noisy refusals and racial epithets. It failed as far as literal silence was concerned. But their attempt to impel silence succeeded as an irruption of respectability politics. In *People v. Dunn*, Cory Strolla's demand for three minutes of silence succeeded. But it was a moral failure, too, insofar as it herded imaginations toward racist stereotypes of armed and devious black people. And it's hard to fault the State for not objecting to Strolla's gambit. How does one verbally object to silence—that is, something that sounds like nothing? Any request for a sidebar with the judge in the middle of Strolla's silence would simply have prolonged the moment of mandatory quietude in the courtroom, thereby affording the jury even more time to imagine what shady actions the youths could have committed in those few minutes.

People v. Dunn was a trial saturated with sonic footprints and innuendos: loud music, a “hysterical” fiancée, the (un)voicing of “thug,” the armchair diagnosis of a teen's “zero distress” speech in a 9-1-1 call, the smokescreen of rap, the silence, and, above all, the formidable, threatening voice of the now-deceased black teenager who, if you believe Michael Dunn, started it all. Lucy McBath, Jordan's mother, has wondered: “In my mind I keep saying, ‘Had [Jordan] not spoke back, spoke up, would he still be here?’” (Coates 2014a). In other words, if Jordan hadn't played music so loudly, hadn't raised his voice to a white man, hadn't been disrespectful, had been more sonically respectable . . . would he have lived to see another Thanksgiving? Most likely. But if staying silent versus speaking out comprised the razor-thin line between staying alive and being murdered, then Davis's encounter with Dunn would have been a *near-death* experience regardless—still far too close for comfort.

Say Rhonda Rouer had found the right bottle of wine a bit faster that night and had come out of the store thirty seconds sooner, and that she and Dunn decided to drive away before things turned violent. Jordan Davis would have lived. Yet it wouldn't have foreclosed the eventuality of Davis crossing paths with another Dunn on another evening at another gas station, or Dunn hearing another black kid play a different rap song someplace else, some other day. Because many Michael Dunns walk the earth. And many Jordan Davises lie beneath it.

coda and he is survived by miracles

The first words out of the doctor's mouth was, "I'm sorry, Mr. Davis, I was not able to revive." . . . And something just came out of me that apparently was so—I think you have a sound inside of you that, when it comes out, when people hear it, they know something is wrong. And the policeman, who's 6'5", 250 pounds, started crying; the chaplain, she started crying. So the sound must have been something else.

– Ron Davis (“Jordan Davis—Jordan’s Family”)

I just started screaming. . . . I couldn't think, I couldn't breathe. All of those fears just came crashing down on me at one time.

– Lucy McBath (Effron 2014)

Jordan Davis is survived by family. He is also survived by the ones who survived: Tevin Thompson, Tommie Stornes, and Leland Brunson, whose testimonies helped put Michael Dunn behind bars. But that the flesh of these young men came out unbroken doesn't mean their spirits emerged unscathed. Thompson described his aftershocks to a writer for *Rolling Stone* magazine: “Can't get my work done, laying awake all night, never coming out of my room. It plays in my head a lot” (Solotaroff 2013). Stornes likewise stated: “I wake up still in the situation. Anywhere I go, I'm nervous, feeling like someone's gonna do something to me.” And Tanya Booth-Brunson spoke on behalf of her son, Leland Brunson: “[On his 18th birthday, Leland] went over to Jordan's house and just sat on his bed and cried. They were supposed to have a huge party together. Now, he doesn't even hardly leave the house. The light's gone out of his eyes.”

Thompson, Stornes, and Brunson survived against enormous odds. Just look at the projectile trajectories through the Durango, including one showing a bullet that clipped the overhead visor and could only have missed the skull of Stornes, in the driver's seat, by inches (Figure 12). It is a miracle that no one else in the car died. And no less miraculous is that Jordan Davis, the only child of Lucy McBath and Ron Davis, was ever born:

McBath was riddled with uterine fibroids that made bringing a fetus to term almost impossible. She'd miscarried twice and delivered a stillborn son by the age of 34; then she got pregnant with Jordan. Her surgeon put her on ironclad bed rest for eight months till her due date, staged a radical procedure to partition the fetus from the huge tumor trying to squash it—and still she almost died in labor. For a week after his birth, she lay at death's door with a rabid case of septicemia, half-conscious, bloated on antibiotics and bearing the kind of pain they couldn't numb. “She was moaning all the time, couldn't hardly speak—they sent for the chaplain a couple times,” says Ron [Davis]. When she somehow came through it, though, there was Jordan: the happy, healthy boy she'd suffered to meet.



Figure 12: Projectile trajectory markers.

Again, talk about resilience. Or don't. Instead, talk about how long it took to bear a life, and how fast white rage snuffed it out.

Lucy McBath and Ron Davis screamed when they learned their son had died. A little over a year later, these parents would sit silently in the same room as the man who had killed their son. Prior to the opening statements for Michael Dunn's first trial, Judge Russell Healey called McBath and Davis into the courtroom to receive private instructions (recorded in the pre-trial transcripts) about comportment. "We have you, I think, seated [in] the second row just so there's—in case there was some sort of an emotional response," Healey told them. "If a tear comes to your eye, I understand. Hopefully you'll have a tissue or something and just wipe your eye. If it gets to a point where you're somewhat overcome, you will probably need to leave the courtroom" (Pre-trial Proceedings and Opening Statements 2014, 1257–58). Healey acknowledged that his demands would be easier said than done (Figure 13).

With tears discreetly welling and evaporating, McBath and Davis stayed glued to that second row as the trial unfolded.¹⁰⁴ They listened to Dunn denigrate Jordan as a rageful, foulmouthed, violence-prone,

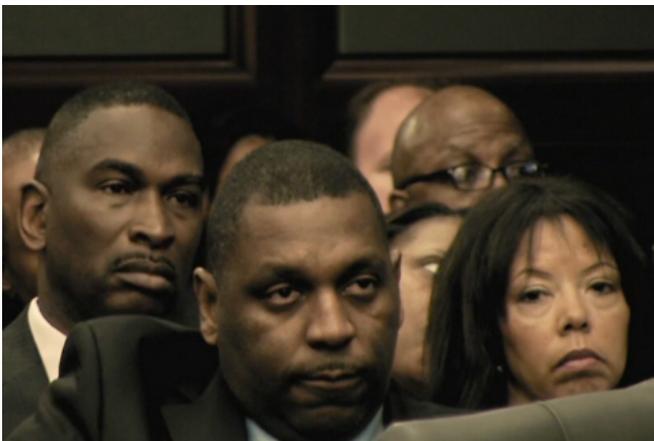


Figure 13: Ron Davis and Lucia McBath (second row, left and right of frame).

shotgun-wielding delinquent. They listened to Dunn's family and friends describe the defendant as a peace-loving, music-loving fellow. They heard not one, not two, but five eyewitnesses (Smith, Stornes, Thompson, Brunson, and Dunn) deliver graphic accounts of their son's final moments. They listened to Cory Strolla criminalize Jordan's friends and damn them as loud, unruly, unfeeling. Amid these thorough denunciations of black noise, the black silence in that courtroom went unheard. How did Ron Davis, when unexpectedly called by opposing counsel to testify, *not* holler hate as Strolla tried to muddy the waters?¹⁰⁵ How did Lucy McBath *not* wail as she listened to repeated narrations of her son's death? How is it that someone can bemoan black sonic excess but neglect to recognize a pair of bereaved black parents who compressed all the grief in the world into impossibly respectable exteriors?¹⁰⁶ It's the aural equivalent of survivorship bias, whereby every audible scream is rigorously shushed, yet every scream unscreamed is taken for granted.

At Michael Dunn's sentencing on October 17, 2014, Lucy McBath stood up to give her victim impact statement. Between sobs and gasps, she shared loving memories of her son. Toward the end of her statement, McBath fixed her gaze on Dunn, then addressed him directly for the first time. "I choose to forgive you, Mr. Dunn, for taking my son's life," she said, breathless from weeping. "I pray to God to have mercy on your soul" (Warren 2014).¹⁰⁷ As a woman of faith, McBath later explained that God had spoken to her and moved her to extend mercy even to her greatest enemy, perhaps in hopes that rehabilitation and transformation may one day visit upon Dunn through others' gestures of grace. For all of her anger toward her son's killer in particular, however, McBath has since called out the broader faults of institutional racism, lax gun laws, and what she calls the "legal lynching" enabled by Stand Your Ground ("Parents of Black Shooting Victim" 2015). She has channeled private mourning of a lost child into public critiques of systemic ails. In doing so, McBath was extending a legacy of radical black compassion, honoring the examples set by Shirley Sherrod's forgiveness of the NAACP (and even of Breitbart News), by bell hooks's meditations on love as salvation, by Cornel West's "love ethic," by Martin Luther King Jr.'s famous sermon on "loving your enemies," and by Frederick Douglass, who went so far as to imagine how a cruel slaveowner—had he "been brought up in a free state, surrounded by the just restraints of free society"—might have turned out "as humane and respectable as are members of society generally" (Nunnally 2012, 3–5; hooks 2001, 15; West 1993, 19; King Jr. 2010; Douglass 1855, 79, 80). A capacious benefit of the doubt, a faith that people can be more than the worst of what they've done.

McBath's decision to forgive Dunn was profound precisely because



Figure 14: [left] Lucia McBath speaking at rally against gun violence (photo by Gemma Purkiss).¹⁰⁸ [right] Ron Davis holding a photo of Jordan Davis (*JET*).

such forgiveness may seem virtually inconceivable, pulsing forth, as it did, from a heart crushed by sorrow (Figure 14). Her practice embodied the ethos of “just mercy” advocated by the lawyer Bryan Stevenson, who reasons that “it’s when mercy is *least* expected that it’s most potent,” and that therefore “the most meaningful recipients of our compassion” may be the people “who haven’t even sought it” (2014, 294, 314, emphasis added). But McBath has admitted the exhaustion of clutching fury in one hand while conferring forgiveness in the other. “Forgiving Michael Dunn doesn’t negate what I’m feeling and my anger,” she told Ta-Nehisi Coates. “And I am allowed to feel that way” (Coates 2014a). Yes, McBath is allowed to be an angry black woman without being an Angry Black Woman. She can choose to remain, when the spotlight glows too hot, a bereaved black mother rather than step forward as the inexhaustible face of bereaved black motherhood. She should be able to display resilience—whether by remaining silent in the courtroom, or by orating with a megaphone—without people seizing on her signs of resilience as an unlimited license to ask something more of her, or *to do something else to her*. She can show clemency; she can withdraw in devastation. Because she is more than one thing.¹⁰⁹ She is the complexity and the complexion that the Michael Dunns of the world do not see. She radiates a spectrum of humanity that a prejudicial society needs to embrace, but might not yet deserve.



Over the course of researching *People v. Dunn*, I had the privilege of becoming friends with Lucy McBath and Ron Davis, who work today as fierce activists for social and racial justice. Even between their busy sched-

ules (with Lucy running for Congress in 2018, and Ron traveling the world with humanitarian programs), they insisted on making time to read drafts of this article, to collaborate on public lectures, and to raise funds for their respective youth scholarship foundations in Jordan's name.¹¹⁰ Some of the most powerful things I ascertained from Lucy and Ron came from simple anecdotes, little details casually shared over meals or over the phone. From Lucy, I learned that she and Jordan used to play music together while driving around; that Jordan was afraid of guns; that Jordan saw his own likeness in Trayvon Martin; and that, even with the pain that comes with remembrance, she appreciates opportunities today to reminisce about her son (McBath 2018). From Ron, I learned that he and Lucy check in with each other once every couple of weeks; that Jordan's favorite song was The Brothers Johnson's 1977 cover of "Strawberry Letter 23" (written by Shuggie Otis, 1971), because Ron used to play it for him in the car; that Jordan also liked the Temptations, Sly and the Family Stone, Chief Keef, and Rick Ross; and that Ron is thankful he had the chance to take Jordan on a vacation to Las Vegas in 2011, a year before the murder (Davis 2018c).

During a 2018 visit to Dartmouth, where I teach, Ron told me something that left me speechless.¹¹¹ He said he believed that Michael Dunn, who is serving a life sentence, could—rather, will—one day change. Dunn, insisted Ron, will reckon with his racism and emerge a better man, whether it's in five years, or ten, or twenty (Davis 2018a). When that day comes, Ron will want to visit Dunn in prison. Not a day sooner.¹¹² To my ears, such faith in goodness sounded nothing short of miraculous, seeing as how Dunn has never, to my knowledge, offered any public indication of repentance.

On the day Dunn received his sentence, Lucy walked out onto the steps of the courthouse to explain, in front of an array of cameras, why she chose forgiveness. "I believe that Michael Dunn had not been raised the way we were raised, the way we were raising Jordan," she declared, squinting into the early afternoon sun (Warren 2014). A reporter asked her what she had seen in Michael Dunn's face when she had addressed him in court.

Lucy took a few seconds to think it over.

Then, with a slight shrug, she said: "Nothing."¹¹³ Ron, standing next to her, nodded in agreement.

Lucy McBath and Ron Davis gave Jordan life. Dunn stole that life. Meaning he stole everything from these parents. But maybe plunderers cannot wholly take what they cannot see, and cannot silence the voices that they hear only as noise. Meaning Dunn couldn't take away a mother's mercy, a father's grace, or all of the values these two parents shared with their child from his cradle to his grave.

Notes

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1. See also Halpern (2015) and Travis Jr. (2016, 102–4).
2. Dorian Johnson, who had been walking with Michael Brown, witnessed the altercation. He recalled that Brown, after being struck by Wilson's first bullet, announced: "I don't have a gun" (*State of Missouri v. Darren Wilson*, Grand Jury Volume IV 2014, 123).
3. Wilson testified that Brown had said: "Fuck what you have to say," "What the fuck are you going to do about it" (*State of Missouri v. Darren Wilson*, Volume V 2014, 209), and "You are too much of a pussy to shoot me" (214).
4. Wilson claimed he had "[told Brown] to get on the ground, get on the ground," and that "less than one minute" passed between "[seeing Brown] walking down the street until Michael Brown is dead in the street" (*State of Missouri v. Darren Wilson*, Grand Jury Volume V 2014, 272).
5. Loehmann claimed he had "ordered Tamir [Rice] three times to show his hands before opening fire," though several witnesses later came forward to say they had heard no warnings at all (Blackwell 2015).
6. Timothy Loehmann, statement to investigators (signed and dated 30 November 2015).
7. The move to criminalize Rice didn't simply come from police officers. In an article for CNN, legal analyst Philip Holloway recommended that people "turn to the specific facts," which include the following: "Tamir Rice, while being a mere 12 years old, appeared much older" (Holloway 2015). For Holloway to classify Rice's "older" appearance as "fact" is all the more problematic given the author's legal credentials.
8. See Carmody (1994).
9. Authors summarized their findings as follows: "Five-, 7-, and 10-year-olds first rated the amount of pain they themselves would feel in 10 situations such as biting their tongue or hitting their head. They then rated the amount of pain they believed two other children—a Black child and a White child, matched to the child's gender—would feel in response to the same events. We found that by age 7, children show a weak racial bias and that by age 10, they show a strong and reliable racial bias" (Dore, Hoffman, Lillard, and Trawalter 2014). See also Trawalter, Hoffman, and Waytz (2012).
10. Instructive though it may be, "racial empathy gap" can nevertheless sound too neutral, absolvent, clinical, and bilateral, as if people of different races simply happen to lack empathy across color lines, and as if dark-skinned bodies aren't the ones who overwhelmingly pay for such a lack—paying, at times, with their lives. Perhaps a more honest term would be *racist* empathy gap.
11. In contrast to their poor treatment of black women, the same physicians in the era of US

chattel slavery usually “expressed ‘a good deal of solicitude’ for the white woman . . . [and] acted to relieve whatever discomfort she was experiencing” (Schwartz 2006, 166). See also Bourke (2014) and Dudley (2012).

12. In other words, says Weheliye, blackness is a “changing system of unequal power structures that apportion and delimit which humans can lay claim to full human status and which humans cannot” (2014, 3).

13. Empirical studies of “formidability bias” and “pain bias” are complemented by research on the “superhumanization bias” and the “Magic Negro myth.” White research subjects have, in some cases, gone so far as to express beliefs in black people’s ability not only to withstand pain, but also to “suppress hunger or thirst” (Waytz, Hoffman, and Trawalter, 2015, 356).

14. For a similar example, Ana María Ochoa Gautier has noted Alexander von Humboldt’s nineteenth-century documentations of the physical resilience and indecency of the Colombian bogas, the Magdalena River’s boat rowers. As Ochoa Gautier points out, Humboldt’s “positive impression of their tremendous physiques and ‘demonstration of human force’ . . . was muted by the sounds they made,” evidenced by this Prussian explorer’s “repeated use of negative adjectives of excess” such as “barbarous, lustful, angry” (2014, 31–32).

15. In Washington’s plea of “Stop calling me RESILIENT,” then, “calling” is as much of a keyword as “RESILIENT.” To call someone something is to exert implicit control over description, designation, and diagnosis.

16. On the racial politics of “Jeep Beats” and vehicular (black) noise, see Dery (2004, 407–20), Jasen (2016, 6–7), Kelley (1996, 134–35), Rose (1994, 61–62), and Blake (2012, 87–109). For historical perspectives on automobile sound systems, see Morris (2014).

17. In her groundbreaking book on the metaphors and materialities of hygiene (and its opposites), anthropologist Mary Douglas defined dirt as “matter out of place,” or anything that “offends against order” (1966, 44, 2); see also Kapchan (2017, 283). On dirt and blackness, see Fanon (2008, 82–86, 146–47); cf. Read (1996).

18. See also Smith (2006, 33–34), Kennaway (2016, 117–19), Chang (2016, 69–70), Markus (2015), and CTVNews.ca Staff (2017).

19. All cameras in the courtroom belonged to the documentary filmmakers for *3½ Minutes, 10 Bullets*. Full recordings of the trial and the retrial are available online and are cited in this article accordingly. I am grateful to Ron Davis, who has worked closely with the *3½ Minutes, 10 Bullets* team, for helping obtain access and permissions to original footage.

20. References to *People of the State of Florida v. DUNN MICHAEL DAVID* are hereafter abbreviated as *People v. Dunn*.

21. On the mishearing or nonhearing of slaves’ music, see also Gordon (2015, 108–32) and Hartman (1997, 35).

22. Ronald Radano strikes a balance between purely defeatist and purely celebratory accounts of slave music. Although the musical talents of a slave gave slaveowners “yet another way to make money . . . by hiring him or her out for local dances and balls,” this talent nonetheless “partially exceeded the realms of markets and exchange” insofar as the musicality resided within—and originated solely from—the slave body (2010, 366).

23. In technical terms, resilience (Latin, *resiliens*) describes the capacity of a thing to rebound to its original state following the application of deformational force. Urban researchers have begun using the phrase “resilience machine” to describe environmentalists’ surging preoccupation with discourses and models of resilience. “Resilience is replacing sustain-

ability in everyday discourses,” observes Simin Davoudi, “in much the same way as the environment has been subsumed in the hegemonic imperatives of climate change” (2012, 299). Even though resilience can be a worthwhile metric and goal, some writers argue that the concept implicitly drops the onus of survival on endangered locations and their inhabitants, all the while failing to address the systemic ills that enable this endangerment in the first place.

24. Writing about the neoliberal complex of music, sexism, and racism, Robin James describes resilience as follows: “Instead of expending resources to avoid damage, resilience discourse *recycles damage into more resources*. Resilience discourse thus follows a very specific logic: first, damage is incited and made manifest; second, that damage is spectacularly overcome, and that overcoming is broadcast and/or shared, so that: third, the person who has overcome is rewarded with increased human capital, status, and other forms of recognition and recompense, because: finally, and most importantly, this individual’s own resilience boosts society’s resilience. The work this individual does to overcome their own damage generates surplus value for hegemonic institutions” (2015, 7, emphasis in original).

25. On the neoliberal appropriation of “diversity,” see Ahmed (2012, 51–82) and Chang (2016, 9–32). Unsurprisingly, one of the first fields to examine human resilience was child psychology, as researchers in the mid-20th century sought to analyze how youths could or could not thrive under adverse circumstances. See Schoon (2006, xiii–xv), de Bruijne, Boin, and van Eeten (2010, 13–32), and Masten and Powell (2003).

26. In 2010, US veteran-turned-antiwar-activist Ethan McCord spoke about how “the military refused to grant him a medical discharge and instead discharged him with a pre-existing personality disorder, a distinction that precludes him from receiving disability benefits from the military” (Lazare and Harvey 2010). A staff sergeant, upon hearing this request for mental healthcare, called McCord a “pussy” and told him to “to get the sand out of [his] vagina.”

27. “Comprehensive Soldier Fitness” (n.d).

28. As Gallagher notes, the military ultimately “attempts to become more ‘cost effective’ within neoliberal regimes of value by creating new diagnoses that evade the temporal logic of ‘post’ traumatic stress from combat experience” (2016, 3).

29. In studying the biased criminalization of poor black women, Ann Cammett outlines the complicated case of veteran Shanesha Taylor, who, as a homeless, unemployed, single mother of three, had to present herself at her 2014 legal proceedings “as someone who did not resemble the image that many have of poor black mothers—the omnipresent Welfare Queen—an irresponsible, lazy mother who is somehow scamming the system” (2016, 385). Stereotypes of the “underserving welfare queen,” points out Brianne Gallagher, also haunt the medical-military bureaucracies of the Veteran’s Administration and its mismanagement of financial and medical provisions (2016, 2).

30. See also Scheper-Hughes (2008, 25–56).

31. Kaika draws on the work of Roberto Esposito, who has argued that “the idea of immunity, which is needed for protecting our life, if carried past a certain threshold, winds up negating life” (2013, 61).

32. Recent studies have shown the deleterious effects of racial microaggressions on physical and mental health. Although people who weather racist encounters could be deemed resilient, their repeated tolerance of such stressors may lead to measurable negative effects on the body (Williams and Mohammed 2013; Sue et al. 2007).

33. Respectable resilience is also exemplified by black people who are told that they’re “so

Current Musicology

articulate and well-spoken,” or that they can pass as white on the telephone (Danielle S. 2015; see also Kennedy 2008, 144–85).

34. On the majority-white audience of *The Oprah Winfrey Show*, and on Oprah’s giveaways of cars and other goods, see McDonald (2007, 169).

35. Resilience is a semantic cousin of “grit” (the word itself connoting a clenching of teeth), which speaks to the ability of strong and silent types who can weather pain, who can grin and bear it, who can Keep Calm and Carry On. See Duckworth (2016), Tough (2012), and Thaler and Koval (2015). On the Internet age’s problematic (and neoliberally nostalgic) repurposing of the World War II British poster “Keep Calm and Carry On,” see Hatherley (2016). With thanks to Dale Chapman for introducing me to Hatherley’s book.

36. See Brownstone (2015).

37. See also “Bernie Sanders ‘Black Lives Matter’ Protester [Interview]” (2015).

38. See Bernie Sanders, “On the Issues” (n.d.; last accessed February 16, 2018).

39. See “Black Lives Matters Demonstration at Bernie Sanders Westlake Event Seattle (unedited).”

40. As Jennifer Lynn Stoeber points out, silence “offers black people no guaranteed refuge from state and police violence,” as shown by the October 2015 incident at Spring Valley High School in South Carolina involving a young black girl who was “accused by her teacher of refusing to leave class after using her cell phone; she quietly stared forward at her desk until her school’s ‘resource officer’ grabbed and violently pulled her to the ground, desk and all” (2016, 3).

41. Some attendees, after the event, tried to reconcile this cognitive dissonance by spreading unsubstantiated rumors that these women were hired by Sarah Palin (Johnson 2016).

42. Photo from Oluo (2015).

43. About a month after the Sanders rally in Seattle, CNN’s Don Lemon criticized BLM protesters who, like Johnson and Willaford, were intent on being loud. He asked how social justice for black people could come about “without [them] being involved in the political or the legislative process.” Added Lemon: “It doesn’t just happen from yelling” (“Don Lemon to Black Lives Matter: Why Are You Yelling?”). Lemon’s statement was factual, of course. Social change doesn’t just come from yelling. But it’s a misleading accusation, because no one can accurately say that anything ever *just* comes from any one thing.

44. James Baldwin, *I Am Not Your Negro* (2017), based on the 2016 documentary *I Am Not Your Negro* (dir. Raoul Peck), based in turn on Baldwin’s unfinished manuscript, *Remember This House*.

45. In 2016, Walmart made the controversial decision to stop selling “Bulletproof: Black Lives Matter” T-shirts after this retail corporation received a written complaint from the US Fraternal Order of Police. See Papenfuss (2016).

46. Cage’s skin, which possesses powers of cellular regeneration, is not actually made of steel; *skin of steel* is just a metaphor.

47. *Luke Cage*, Season 1, Episode 3.

48. See Fukui and Toyoshima (2013).

49. Anthropologists, psychologists, and music cognition specialists would be among the first people to warn that we’re far from fully unraveling humans’ complex mind-body connections. Nevertheless, significant empirical and ethnographic data have begun to demonstrate that sounds, especially loud and percussive sounds, can induce biochemical states that measurably increase the human body’s psychological and dermal resilience.

50. Outside the controlled settings of laboratories, ethnographers have observed similar phenomena of sound-induced resilience, notably in forms of religious-musical trancing and drumming. As Judith Becker remarks, trances—from the “Sun Dance ritual of the Lakotas to the self-flagellation of Shi’a Muslims to the self-stabbing of the Balinese *bebuten* trances”—feature people who “perform feats of physical endurance that are unthinkable in ordinary body-mind states of consciousness” (2007, 166). Balinese trancers, for example, “not only do not feel pain when stabbing themselves but also rarely display any resultant physical trauma such as open, bleeding wounds” (Becker 2004, 148).

51. Rap—like any music—is not a monolith, but the apparent recognizability of its generic characteristics might impel perceptions and discourses that generalize it as such. Adam Krim’s seminal work on rap divided it into multiple subgenres, including party rap, gangsta rap, mack rap, and reality rap (2000, 54). On defining and redefining rap, see also Kajikawa (2015, 4–6).

52. Curiously, it is conceivable Tupac might not have been killed that night had his car not been stopped by the Las Vegas police for loud music (sonic disturbance); this police stop occurred only fifteen minutes before the shooting.

53. See “26 Rappers Who Have Been Shot” (n.d.).

54. On the definitions and (in)definability of “black music,” see McGinty (1993). Concerning “musical blackness,” see Gaunt (2006, 37–55). For a dive into voice’s “acousmatic blackness,” see Eidsheim (2011). And on the historical initiatives of “black music inquiry” and “ostensibly . . . ‘black’ projects,” see Ramsey (2001, 1, 2).

55. On “B/black music” implicitly or explicitly narrated through black resilience, see, for example, McClendon (1976), Cleveland and McClain (1983), Jones (2002, 17–121), Floyd Jr. (1995), Ramsey (2003), Mahon (2004, 33–58), Kun (2005, 88–94), Garrett (2008, 10–11), Reeves (2009), Redmond (2013, 261–88), Kernodle (2013, 181–204), and Bonnette (2015). For additional reflections on essentialist trappings of music and blackness, see Katz (2012, 9–11), Miller (2010), Perry (2004, 10–18), Keyes (2002, 6–13), and Crawford (1986). Mark Anthony Neal warns that rap’s signs of resistance may, as with any artform, buckle under the weight of market interests, a peril he describes as a “tumultuous marriage between black cultural production and mass consumerism” (1999, 17). See also Kun (1994) and Martinez (1997).

56. On the politics of ambivalent claims about bebop’s (non)politicality, see Porter (2002, 54–100). With thanks to Michael Heller for this reference.

57. Video available at “Retta—Classical Music.”

58. On rap, religion, and the naivety of neat divisions between (morally) “good” rap and “bad” rap, see Pinn (2003).

59. See Keyes (2002, 104–21, 186–209), Jeffries (2011, 77–111), and Rose (2008, 75–94). Ta-Nehisi Coates harpoons the massive hypocrisy of causal arguments when it comes to rap and societal virtues: “Ronald Ferguson, a Harvard social scientist, has highlighted that an increase in hip-hop’s popularity during the early 1990s corresponded with a declining amount of time spent reading among black kids. But gangsta rap can be correlated with other phenomena, too—many of them positive. During the 1990s, as gangsta rap exploded, teen pregnancy and the murder rate among black men declined. Should we give the blue ribbon in citizenship to Dr. Dre?” (2017, 27). On the educational and therapeutic potential of rap, see Hadley and Yancy (2012).

60. For a comparable study, see also Teitelbaum (2017, 61–88).

61. See Will (2018), Curtis (2000), and Gordon (2016).

Current Musicology

62. See Judge (2018), Faust (2018), and Sugrue (2010).
63. Unless otherwise stated, all jailhouse letters cited hereafter have been obtained from the Law Offices of John M. Phillips, available at <http://floridajustice.com/michael-dunns-letters-from-jail>.
64. According to reporter Dave Schneider, the media made the case “about loud music. ‘Loud music trial begins.’ ‘Loud music trial continues.’ This wasn’t a ‘loud music trial.’ This was a 21st-century lynching” (quoted in *3½ Minutes, 10 Bullets*, ~1:00:15). See also Swayne (2014).
65. Cover of *Jet* (January 14, 2013).
66. See Whaley (2014).
67. On the epistemology and stakes of saying what things are or aren’t “about,” see Yablo (2014).
68. I use the term “youth” in accordance with the United Nations’ definition of any person between 15 and 24 years of age. The UN and UNESCO make this designation for “statistical consistency across regions,” for clarifying scholarship eligibilities, and without prejudice against alternate definitions of youth by Member States (United Nations Educational, Scientific and Cultural Organization, n.d.).
69. “Michael Dunn Trial—Cory Strolla—Press Conference,” ~12:37. On the history and uses of the “race card,” see Mendelberg (2001) and Dei (2004).
70. The witness who memorized Dunn’s license plate was named Shawn Atkins. See Testimony by Shawn Atkins (2014, 1419–20).
71. Evidence photograph reproduced in CNN Wire (2014).
72. To be clear, Dunn acknowledged Rouer as “hysterical” on three separate occasions during his testimony. He also said she was a “wreck” and was “hyperventilating” (Testimony by Defendant 2014, 2897, 2899).
73. According to the youths’ testimonies, Dunn had parked his Jetta so close to the Durango that, if Davis had tried opening the Durango’s door, it would almost certainly have dinged the Jetta’s rear door. No scratches or marks, however, were found on the Jetta during subsequent inspection.
74. Screen captures from “Michael Dunn Retrial—Day 2, Part 2.” I have included stills from the retrial instead of the original trial because Brunson’s gestures were slightly clearer the second time around.
75. Direct examination: “Can you use your voice to try to convey to the jury the volume of that person’s voice?” Smith, more loudly: “YOU’RE NOT GOING TO TALK TO ME THAT WAY!” (Testimony by Steven Smith 2014, 1339)
76. Available as “Dunn Call 7” and “Dunn Call 8” at <http://www.jacksonville.com/news/2014-02-17/story/listen-state-attorneys-office-releases-michael-dunn-jailhouse-phone-calls>. See also Johnson (2014).
77. Verbatim repetition in testimonies tends to sound suspicious. Common and generalizable examples include “I plead the Fifth,” “I don’t recall,” “Not to my recollection,” and other evasive maneuvers. Dunn’s strict repetition of key terms (*thug, familiarity*) may indicate memorization by way of witness preparation. Some writers have called witness preparation a necessarily “dark” and “dirty” dimension of the United States adversary system, and its ethics remain murky and underdefined (Gershman 2002; McErlean, Stolle, and Smith 2010).
78. Phonemically, of course, the phrase “rap crap” doesn’t sound anything like the phrase

“thug music.” (Interestingly, the State did not raise this point—either despite or because of its obviousness.) Indeed, as far as clever rhymes go, “rap crap” is quite memorable. How likely is it that Rouer misheard or misremembered “rap crap” as “thug music,” especially given that she acknowledged his remark and responded with, “Yes, I know” (Testimony by Rhonda Rouer 2014, 2306)?

79. “Michael Dunn Trial—Cory Strolla—Press Conference.”

80. For video, see “Michael Dunn Trial—Day 6—Part 2 (Prosecution Closing Arguments),” ~1:11:47.

81. Ron Davis, Jordan’s father, disagreed. “With [Dunn] saying ‘thug music,’ how can you as a juror not think that this was about race?” said Davis in a CNN interview. “Because before you even met Jordan, before you even looked at Jordan, looked at his clothes, or anything else, you heard rap music, and so you assumed it was all African Americans in the car, and you said, ‘I hate that thug music.’ So it is about race” (“Black Juror from Michael Dunn Trial States It Wasn’t about Race and He Was a Nice Guy,” ~6:35).

82. In 2007, Joe Biden famously landed in hot water when he described Barack Obama as “clean” (Zimring 2015, 220–21; Coates 2017, 122).

83. Perhaps the vehement certainty with which Strolla asserted Dunn’s unracistness is precisely what merits suspicion. We’ve heard such superlative disavowals before from the likes of Donald Trump, who has repeatedly called himself the “least racist person” (Scott 2018).

84. Judge Healey justified his decision on the motion as follows: “On January 16, 2014, Defendant filed the instant ‘Motion to Determine Confidentiality of Court Records and Motion for Protective Order Sealing Certain Court Records and Limiting the Disclosure of Discovery Materials.’ In this Motion, Defendant seeks to protect ‘any and all “jailhouse” conversations of the Defendant, including but not limited to any and all discussions, phone calls, and/or visitations.’ In support of his Motion, Defendant argues that such closure is required to prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice, to protect a compelling governmental interest, and to comply with established state and federal constitutional law and cases” (“Order Denying Defendant’s Motion” 2014, 5–6 [item 10]); Healey denied the motion on the basis that the “Defendant failed to present any evidence showing that the disclosure of the jail calls ‘would jeopardize the safety’ of any of the victims or witnesses” (10 [item 23]). See also Eastman (2014).

85. Here is one jailhouse letter that was entered into evidence. From Dunn to Rouer: “I had a visit from a Mr. Lockett—he’s Mitch Stone’s partner, and friends with Corey [sic] Strolla. He mentioned in passing that I had made no mention of a gun to you, based on your testimony to the prosecutors. He asked what I had told you, and I then realized that we hadn’t really discussed what happened, as we were more concerned with whether or not anyone was hurt. Let me assure you, just as I told the detectives who first interviewed me in Melbourne, [redacted] and later Mitch Stone—there was a weapon. I cannot say for sure what it was, as I only saw the top portion of the barell [sic]—to me it looked like a shotgun” (Dunn 2012). Wolfson brought up the contents of this letter in closing statements: “The first time [Dunn] mentioned [the gun] to [Rouer] is in a letter [from] December 5th, 2012, and this letter is in evidence and he says, ‘He mentioned in passing that I made no mention of a gun to you, based on your testimony with the prosecutors’” (Prosecution Closing Arguments [Rebuttal] 2014, 3315).

86. I spoke with Ron Davis (Jordan’s father) about this letter, but we were unable to confirm the identity of Michelle or her relationship to Dunn. Based on Dunn’s repeated use of the word “mom” (as opposed to “my mom”) in the letter, however, it is very likely that Michelle

Current Musicology

is Dunn's sibling. Moreover, this Michelle should not be confused with Michelle Reeves, the name of a witness who had been working at a dry cleaners in the Southside Plaza.

87. One of Michael Dunn's neighbors also spoke with the Davis family's lawyer and offered disturbing details about Dunn. See "Michael Dunn's Neighbor Speaks to Davis Lawyer John Phillips (Highlights)."

88. Full transcript of the "Pound Cake" speech can be accessed at "Dr. Bill Cosby Speaks" (n.d.).

89. See also Johnson (2014).

90. Delineating country music in monolithic terms is, of course, no more appropriate than painting rap with a broad brush. For intersectional studies of class, race, sexuality, and sub-genres in country music, see, for example, Hubbs (2014) and Stimeling (2011).

91. Jennifer Lynn Stoeber notes how the putative invisibility and "inaudibility of whiteness does not mean it has no sonic markers, but rather that . . . dominant listening practices discipline us to process white male ways of sounding as default, natural, normal, and desirable" (2016, 12). See also Sue (2006, 15–30), Delgado and Stefancic (1997), Doane and Bonilla-Silva (2003), and Chandler (2009).

92. See Corbin (2017).

93. On racial biases in death penalty sentencings (in Florida specifically and in the United States more generally), see Zeisel (1981) and Price (2015).

94. Available as "Dunn Call 4" at <http://www.jacksonville.com/news/2014-02-17/story/listen-state-attorneys-office-releases-michael-dunn-jailhouse-phone-calls>.

95. See "Jacksonville, Florida—Code of Ordinances." The Council's general provisions state: "The making, creating and maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the City."

96. On noise pollution, see Bijsterveld (2008, 53–158); on sonic-sensory accommodation, see Cheng (2016, 89–92).

97. Over the past decade, music scholars have become particularly attuned to the social, political, and moral ramifications of sound's weaponization. In this discourse, one recurring theme involves the insidiousness of such weaponization—that is, the relative ease with which people can deny sound's weaponized status (owing to the alleged immateriality, invisibility, ephemerality, and intangibility of sonic stimuli when compared to visible weapons). In the case of *People v. Dunn*, however, it becomes important to entertain the inverse: cases in which music is falsely or inaccurately accused of being offensive, incendiary, or weaponized. See, for example, Goodman (2010), Volcler (2013), Zuazu (2015), Prochnik (2010), and Cusick (2008).

98. Rouer ended up buying wine and chips, but by Dunn's own admission: "I knew she was getting wine. The chips were a surprise" (Testimony by Defendant 2014, 2853).

99. During redirect, State attorney John Guy gave Stornes the chance to explain, asking: "Why *did* you write the song?" To which Stornes replied: "I wrote the song as a memorial to Jordan. Like if you—if you met Jordan and know Jordan, he had a big heart like this, and hopefully, you know, you can get a vibe of what type of person he was" (Testimony by Tommie Stornes 2014, 1853; see also "Michael Dunn Trial—Day 2—Part 5," ~57:50).

100. There have been multiple reports of police mistaking black men and women for crimi-

nals, even when these individuals were the ones who called for help in the first place. High-profile examples include Henry Louis Gates Jr. getting arrested when his neighbor called the police to investigate him (as he had been seen trying to “break” into his own house) and Charleena Lyles calling the police about a burglary, then getting shot seven times by the police when they arrived. See Staples (2011), Ogletree (2010), Dunn (2010), and Goff and Buchanan (2016). One recent study has shown that high-profile cases of police violence in a community significantly lowers subsequent rates of police-related 9-1-1 calls; that is, when reports of police brutality break, people (especially black people) are, for the year thereafter, less likely to report crime (Desmond, Papachristos, and Kirk 2016). On how “forensic listening” of the audio evidence surrounding Michael Brown’s shooting may illuminate bystander sensitization, civilian distrust of police, and the racial biases of surveillance technology (ShotSpotter™ microphones), see Hamdan (2016, 2014). With thanks to Josh Kun for pointing me to Hamdan’s work.

101. It’s not clear to me why the State did not object to Strolla’s line of questioning (on grounds of irrelevance or beyond the scope) with regard to Stornes’s songwriting.

102. For a comparable example—Rachel Jeantel saying “Yes, sir” twenty-three times when testifying as a key witness in the trial of George Zimmerman—see Bradley (2013).

103. For full video, see “Michael Dunn Trial—Day 6—Part 3 (Defense Closing Arguments),” ~19:45.

104. On the multi-camera setup within the courtroom, see the production notes for *3½ Minutes, 10 Bullets*, available online at http://festival-droits-de-lhomme.org/doc/2016/3_1-2_Minutes_Production_Notes_FINAL.pdf.

105. Strolla called Ronald Davis as a witness “for purposes of impeachment against Tommie [Stornes] and Tevin [Thompson]” (Testimony by Ronald Davis 2014, 2628). Stornes and Thompson had both testified that, following Jordan’s death, they had not discussed details of November 23, 2012 with Ron Davis. Strolla believed he could contradict the youths’ claims with statements made by Ron Davis in a prior deposition.

106. See also Paquette (2016).

107. Remarkably, McBath had already chosen to forgive Dunn after the *first* trial, when the hung jury failed to convict him on the first-degree murder charge; in other words, McBath had been willing to forgive Dunn long before she could receive assurance that he would face justice for killing her son. See Coates (2014a, 2014b).

108. Photo obtained from Brown (2015).

109. On the potential inextinguishability of black life even in the wake of black lives’ systemic and violent negations, see Sharpe (2016, 10–17), Hartman (1997, 28–32), and “The Black Outdoors: Fred Moten & Saidiya Hartman at Duke University” (2016).

110. McBath’s foundation is called Champion in the Making; Ron Davis’s foundation is called Walk With Jordan. Both offer college scholarships for youths and in particular youths of color.

111. Ron Davis came to Dartmouth College to participate in a lecture and roundtable discussion about *People v. Dunn*. The event was called “His Music Was Not a Weapon: Black Noise, Breakable Skin, and the Plundered Voice of Jordan Russell Davis” (April 23, 2018, Loew Auditorium in the Black Family Visual Arts Center, Hanover NH).

112. As I worked on this article, I frequently contemplated visiting Michael Dunn in prison. But Ron Davis convinced me that this would be a futile effort because a reporter had recently sought out Dunn and come away with no new information; Dunn has remained intent on

blaming Jordan and claiming he had seen a shotgun. “We don’t want to give [Dunn] a voice at all,” Ron insisted (Davis 2018b). I intend to respect Ron’s wishes.

113. See article and embedded video at “Uncut: Jordan Davis’ Parents React to Sentence” (2014).

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