



# The kneed for Justice: When taking a knee is an abuse of privilege

By:

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In collaboration with:



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# About the author

Dr. Abdul Haqq Baker is the founder and Managing Director of the 2009 award winning youth initiative, Strategy To Reach Empower & Educate Teenagers (STREET) UK, a former Lecturer in Terrorism Studies at the Centre of Studies in Terrorism and Political Violence (CSTPV) in the University of St Andrews and Research Fellow for the University of Exeter's European Muslim Research Centre. He was also chairman of Brixton Mosque, London between 1994 and 2009 where he successfully countered external extremist threats to the local Muslim community and successfully challenged the destructive propaganda that accompanied it.

His strategic focus involves intervention frameworks that enable strategic community based and statutory collaborations/partnerships to address the multifaceted challenges faced by violent extremism and environments at risk of developing them. His STREET programme was subsequently cited by the Department of Communities and Local Government (DCLG) and British think- tank DEMOS, among others, as a model case study. Its effective approach towards youth engagement and intervention led to it winning the Preventing Violent Extremism Innovation award (17th February 2009) for the most innovative youth programme in 2008.

Abdul Haqq's insight, experiences and expertise in successfully challenging violent radicalisation has led to him being widely acknowledged as an authority on violent extremism and counter-radicalisation in the UK as well as an expert in the field of youth intervention projects. He has acted in the capacity of adviser and on occasion, expert witness regarding international terrorism cases.



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# Introduction

A reflection on recent events in the US will continue to illustrate an ugly reality; Black lives are of little or no consequence to the country's sociocultural or political context – unless of course they resemble commodified values akin to the former transatlantic slave era:

"The 13th Amendment forbade slavery and involuntary servitude, 'except as punishment for crime whereof the party shall have been duly convicted'... More than a century later, our prison labor system has only grown. We now incarcerate more than 2.2 million people, with the largest prison population in the world, and the second highest incarceration rate per capita. Our prison populations remain racially skewed. With few exceptions, inmates are required to work if cleared by medical professionals at the prison. Punishments for refusing to do so include solitary confinement, loss of earned good time, and revocation of family visitation. For this forced labor, prisoners earn pennies per hour, if anything at all."<sup>[1]</sup>

Only socioeconomic frameworks are, therefore, of any significance to the existing institutionalised apparatus. In support of the above mentioned assertion regarding the inconsequential nature of Black lives, one only has to consider the videoed murder of Ahmaud Arbery last February and his assailants continuing to go about their lives uninterrupted.

It was only after video footage went viral a few months later that they were subsequently arrested and detained.<sup>[2]</sup>

Yet another example that highlights the overall societal insignificance of Black American lives was [p]resident Trump's insistence and support to ease restrictions in reopening the country for business despite revelatory reports that African-Americans are disproportionately affected by COVID-19.<sup>[3]</sup> This somewhat crude attempt to appease his base of support as election season looms has not gone unnoticed<sup>[4]</sup> and cannot be dismissed as mere coincidence:

"Donald Trump has again suggested the US may need to accept the reality of more deaths in order to start reopening the economy..."<sup>[5]</sup>

When collateral damage in reopening the economy amounts to the continuing disproportionality of deaths among Black communities – Trump's least successful voter bloc – his comments should not come as a surprise.







# Classified 3/5th human: The murder of George Floyd

“Equating enslaved Blacks to three-fifths of all other (White) persons matched the ideology of racists on both sides of the aisle. Both assimilationists and segregationists argued...that Black people were simultaneously human and subhuman...seemingly all embraced Black inferiority – and in the process enshrined...racist ideas in the nation’s founding document. By 17th September 1787 delegates in Philadelphia had extracted “slave” and “slavery” from the signed US Constitution to hide their racist enslavement policies.” [6]

George Floyd’s murder at the knee of a policeman continues to reverberate internationally, not because of it being yet another example of police brutality but instead, due to the calm disregard displayed by the officer as he kneeled, hand in pocket, on the victim’s neck as he visibly forced the last breath out of the stricken and clearly distressed individual. A question must be asked: What emboldened this officer to be so comfortable – on camera, in front of a multitude of remonstrating onlookers and in broad daylight – to flagrantly disregard ethical protocol and murder Floyd? Perhaps the answer can be found in the following observation:

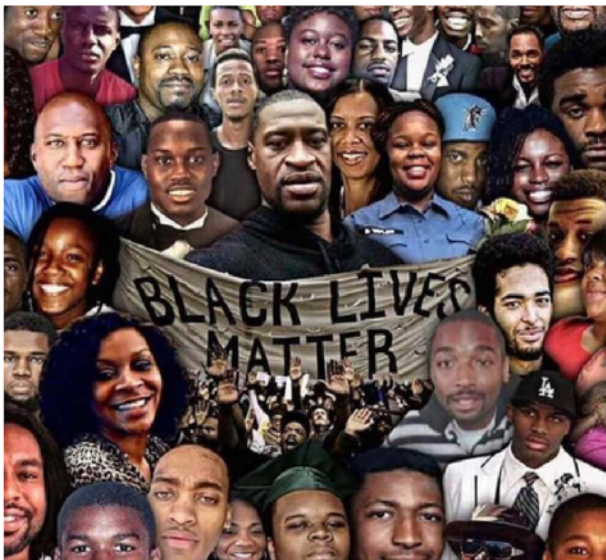
“Whiteness rests upon a foundational premise: the definition of whites as the norm or standard for human, and people of color as a deviation from that norm.”[7]

Floyd, like the rest of the Black population, particularly those who are incarcerated, remains – in the eyes of bigoted, racist Americans – 3/5th subhuman at best according to the US Constitution. Based on this supposition, any ensuing autopsy is likely to attribute his death to underlying issues relating to poor health. This almost foregone conclusion is also likely to be predicated by the belief that:

“White solidarity is the unspoken agreement among whites to protect white advantage and not cause another white person to feel racial discomfort by confronting them when they say or do something racially problematic.”[8]







One needn't look too far in the past to recall miscarriages of justice, where law enforcement officers have been exonerated despite video footage and other incriminatory evidence that unequivocally established their corresponding guilt.[9] The four officers involved in Floyd's death have since been dismissed from their posts; however, this is insufficient.[10] They should be arrested and three of them charged as accessories to murder, with Derek Chauvin, the main culprit, facing either 1st, 2nd or 3rd degree category offences. In fact, reports have surfaced surrounding previous complaints regarding former officer Chauvin's conduct:

**"The Minneapolis police officer seen kneeling on the neck of an unarmed black man heard saying "I can't breathe" multiple times before he died was a 19-year department veteran who was the subject of at least a dozen police conduct complaints that resulted in no disciplinary action and one that led to a "letter of reprimand." The officer, who was praised for valor during his career, also once fired his weapon during an encounter with a suspect, records show."**[11]

It would be interesting to ascertain the Minneapolis Police Department's definition of 'valor' and whether it espouses values designed to preserve white privilege, while also protecting white fragility because Chauvin's demeanour, during his deadly assault, appeared to be one of achievement and pride – valor even – similar to that of a hunter once he has subdued his prey...

**"That's not a chip on my shoulder; that's your foot on my neck"**[12]

This article has endeavoured to highlight glaring disparities vis-à-vis justice as it applies to race and ethnicity. The paradigmatic lens for success is invariably white. There is simply no other acceptable archetype upon which it is measured. Evidence of this can be witnessed with Jackie Robinson whose story:

**"...is a classic example of how whiteness obscures racism by rendering whites, white privilege, and racist institutions invisible. Robinson is often celebrated as the first African American to break the color line and play in major-league baseball. While Robinson was certainly an amazing baseball player, this storyline depicts him as racially special, a black man who broke the color line himself. The subtext is that Robinson finally had what it took to play with whites, as if no black athlete before him was strong enough to compete at that level.**

**Imagine if instead, the story went something like this: "Jackie Robinson, the first black man whites allowed to play major-league baseball." This version makes a critical distinction because no matter how fantastic a player Robinson was, he simply could not play in the major leagues if whites – who controlled the institution – did not allow it... Narratives of racial exceptionalism obscure the reality of on-going institutional white control..."** [13]

Unfortunately, a significant minority of black people subscribe to the illusion of success within the white paradigm to the extent of believing they have transcended their race and/or ethnicity. Reference is made in this instance to OJ Simpson who, "For a long time...seemed to be running away from his race. "I'm not black, I'm O.J.!" he'd tell his friends." [14] His eventual fall from grace among white and black America was resounding. This is in stark contrast to Black personalities who peacefully challenged systemic racism by adopting stances espousing civil rights in solidarity with oppressed peoples – African Americans in particular.





Colin Kaepernick's refusal to stand to the national anthem and instead, kneel or, take a knee during it polarised sections of the US, causing an outcry that echoed among White House corridors at one end of the spectrum in contrast to the overwhelming support he received at the other. Unlike Derek Chauvin, Kaepernick used his particular privilege to highlight a position antithetical to the racism most recently on display by yet another police officer:

"I am not going to stand up to show pride in a flag for a country that oppresses black people and people of color," Kaepernick told NFL Media in an exclusive interview after the game. "To me, this is bigger than football and it would be selfish on my part to look the other way. There are bodies in the street and people getting paid leave and getting away with murder."<sup>[15]</sup>

In response to Trump's racist intimations towards him, Kaepernick's ensuing response was dignified and direct:

"He always says make America great again. Well, America has never been great for people of color. And that's something that needs to be addressed. Let's make America great for the first time."<sup>[16]</sup>

Age old insinuations with racial undertones casting aspersions on Kaepernick as an 'uppity negro' abounded in some quarters. For those unfamiliar with this phrase, it was first:

"...applied to a black person who dared to step out of the space defined for them by the white-dominated social order. Uppity Negroes met violent ends for crossing the "whites only" barriers of the Jim Crow era. Uppity Negroes fought for the right to vote. Uppity Negroes studied hard and learned to use the system's rules in order to transform the system itself."<sup>[17]</sup>

In view of this it is therefore essential to be aware that:

"...the trigger for white rage, inevitably, is black advancement. It is not the mere presence of black people that is the problem; rather, it is blackness with ambition, with drive, with purpose, with aspirations, and with demands for full and equal citizenship. It is blackness that refuses to accept subjugation, to give up."<sup>[18]</sup>

# Cruel Britannia?

The focus of the article will now shift to the UK; however, at this juncture I will revisit my own experiences with British police on 28th August 1989, referring to aspects of their respective witness statements in an effort to highlight the contrasting narratives. It is necessary to place these within a discernible context so I will cite excerpts from my own statement in the first instance:

**“The next thing I knew, this officer grabbed me and his colleagues rushed towards me. I remember the train doors opening and officers trying to push me out onto the platform. I don’t know how many officers there were but blows were flying all over the place. I recall a few of my colleagues holding onto me tightly, asking the police what they were doing and why they were attacking me...”[19]**

At this point it is also necessary to emphasise the significance of the intervention of my friends to assist me while under duress from this particular assault. The degree of violence was severe and this galvanised them into responding decisively, placing themselves at risk in the process. The requirement for public responses to aggressive arrest tactics, like those used against George Floyd with such devastating effect, has never been more urgent. Standing by and simply recording is not enough – especially when a number of onlookers are present and can also physically intervene if necessary.

**“I would not like to say how many officers pounced on me but there were more than 8 of them. One of these officers grabbed me by my left hand index finger and started bending it backwards. At the same time, two other officers were holding me by my neck pushing it a particular way. I thought they were going to break it. When they loosened their grip on my neck, I had no choice but to start bending down as this officer had not let go of my finger. I managed to pull it away but felt it out of joint. Because of this, I folded my arms over my chest and, although pushed to the floor would not allow the officers to handcuff me as my finger still felt disjointed. When I managed to click it back, I let my hand come from under my chest. I was subsequently handcuffed...”**

**The next thing I knew, an officer had put his foot on my head with the right side of my face on the ground away from the tube (train). When everything had calmed down we were picked up (like animals) from the ground. We had to wait whilst the officers were given their helmets which had fallen off during the chaos.”[20]**





Referring to excerpts of the arresting officers' statements, PC Doddrell alleged that after threatening to attack him and his colleagues, I attempted to assault him and that both he and PC Webb stepped in to restrain me, however, one of my colleagues had grabbed me to prevent this from happening.[21] PC Webb corroborated some of Doddrell's account, however, as was established during my appeal, there were a number of inconsistencies between these and other arresting officers' recollection of events.[22] For example, a third arresting officer, PC Holt recounts, in complete contradiction to his two above-mentioned colleagues that:

**"...when he was on the platform, (Mr) Baker still resisted and fought frantically... He eventually appeared to settle down and then leapt at me, leaving the ground. He landed on me with all his weight and force, stunning me temporarily. I was aware of a ripping sensation in my lower back..."[23]**

As my counsel noted, regarding this particular statement; **"Astonishingly, no one else saw this last act of athletic prowess and fighting skill."**[24] A total of 15 officers were involved in the incident described above. For the sake of brevity, the article will not proceed to describe the remaining events of that night. Suffice it to mention, medical treatment was sought upon my release on bail and the final report relating to my injuries formed the basis of my defence and successful appeal. Many of my friends were also arrested after this incident.

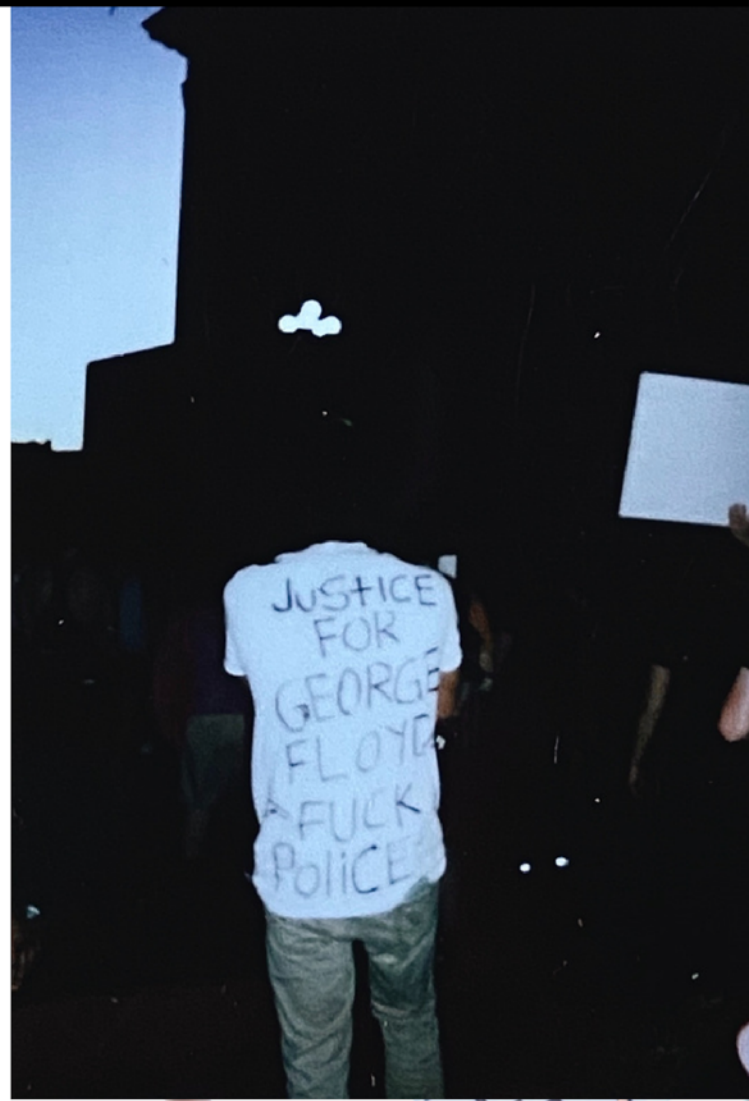




# Conclusion

The ability to provide accounts, based on a combination of vivid memories and archives, is arguably a rare occurrence, particularly among black populations, for a number of reasons, among them being that a significant number (in the US especially) simply do not live to tell the tale. Also, continuous negative encounters with police are so frequent, and victim accounts so seldom believed, that they fail to report repeated violations of civic, legal and indeed, human rights. Institutionalised and systemic racism also exist in the UK albeit to a lesser degree than the US. Both societies are far from eradicating this cancerous disease that continues to pervade almost every segment of society. The collective will to thoroughly tackle it is lacking in the corridors of power. In fact, as has been witnessed in both countries as well as other parts of Europe and Latin America, the resurgence of far-right politics indicates such bigotry will remain for the foreseeable future, because:

"...racism – like sexism and other forms of oppression – occurs when a racial group's prejudice is backed by legal authority and institutional control. This authority and control transforms individual prejudices into a far-reaching system that no longer depends on the good intentions of individual actors; it becomes the default of the society and is reproduced automatically. Racism is the system."<sup>[25]</sup>







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