

As kids, we have three numbers drilled into our memories: 9-1-1. If our house is broken into or we're in a car accident — we're taught to call the police.

"911, what's the nature of your emergency?"

"We have been socialized, from infancy, that these are the people who protect you." That's Stephanie Jones-Rogers. She's an assistant professor of history at UC Berkeley.

"You know, although, African-Americans learn very quickly that's not always the case for them. But it's kind of engrained into who we are."

Jones-Rogers is an expert in African-American history. She says there has always been a different set of rules for African-Americans in our society.

She brings up the recent exoneration of the police officer — Jeronimo Yanez — who shot and killed Philando Castile during a traffic stop in Minnesota last year.

"Oh my god, please don't tell me he's dead."

"Tonight we are hearing the moment two Minnesota police officers pull up behind Philando Castile's car."

"I have reason to pull them over. The two occupants just look like people who were involved in a robbery."

A video of the stop showed that the officer shot after Castile told him that he had a firearm in the car that he was licensed to carry.

"Yanez's attorney claims that the officer had reason to pull Castile over, and reason to use deadly force."

"This incident had nothing to do with race, and everything to do with presence of a gun."

"The very idea of a black man with a legally obtained firearm is almost an oxymoron."

Jones-Rogers says the idea that African-descended people aren't legally allowed to carry weapons goes back to the 17th century when they first arrived in what is now the U.S.

After 1619, there were some people of African descent who were indentured servants. They worked terms from four to seven years of labor. If they completed the terms, they secured their freedom.

"They had the rights to bear arms; to hold specific kinds of public office; to be on militias; to own property."

But as time went on, their rights were rolled back. In 1639, it was written into law that all people except African-Americans could "be with arms and ammunition." In 1669, the "casual killing" of slaves became legal.

By the end of the 17th century, slavery was a full-fledged institution, and the rights of the once-free African-descended people mirrored the rights of the enslaved. Jones-Rogers says the same thing happened after the Emancipation Proclamation of 1863.

“The year after emancipation, you have every southern state passing what they called ‘Black Codes,’ which criminalized black freedom.”

Flash forward to 2017. Jones-Rogers says the same kinds of rules apply to African-Americans today. It’s the same system, she says, but with a different name.

“In this particular era, it reminds me of the lynching era because the thing that they said was, ‘If black people just stopped committing crime’ — that’s what they say now — ‘If black people just stop committing crimes, they won’t be shot. If black people start following the rules, they won’t be shot.’ They said the same thing when men were castrated and hung.”

In cases like the Castile case, says Jones-Rogers, a jury is asked to determine whether a police officer is justified in having had “reasonable fear” for his or her life in that circumstance. “So they’re actually compelling jurors to become psychologists, in some way, or telepaths.”

Asking jurors to crawl into the minds of police officers, she says, doesn’t work. First, because many of them have been conditioned to sympathize with police officers. Second, because throughout our history, we’ve all been socialized to associate blackness with criminality. And this has shaped people’s fear.

“Where are the limits to this reasonable fear? I mean, there is a point at which I think it’s quite unreasonable to be fearful. This is basically a loophole that the Supreme Court in making this ruling has offered to officers, who, even if in the line of duty, and even if they may not fear for their lives, they have a go-to.”

Jones-Rogers says that the U.S. legal system, which continues to criminalize African-Americans and decriminalize violence against them, needs to change. For that to happen, she says, Americans need to reckon with our nation’s history — one that’s based upon slavery.

“We’ve not reckoned with that past. And I’m not the only one who says this, but I think that it haunts us. Rather than say, ‘This is connected to and grounded in the kind of racial injustices and discriminatory policies and ideas that emerged out of slavery,’ they say, ‘Oh, well, they must be committing crimes.’ It’s like, ‘How do we justify what’s happening?’ rather than really taking a very honest look at ourselves and saying, ‘This is what we’ve always done and now we need to do something different.’

Stephanie Jones-Rogers is the author of *Mistresses of the Market: White Women and the Economy of American Slavery*, to be published in 2018.