

8 minutes 46 seconds: A Carceral Continuum

By Timothy James Young

Sitting here in my four and a half by ten foot prison cell on San Quentin's death row, what has stood out to me the most about the horrifying death of George Floyd is the 8 minutes and 46 seconds that police officer Derek Chauvin knelt on his neck. As I watched the video of those long minutes, I asked myself, "what if that was me?" As I continued to process the image of George Floyd being penned down by three Minneapolis officers and made to give his last breath to the concrete, I began to think about how African Americans have been living that 8 minutes and 46 seconds for 400 years.

As a Black man in America, I have encountered Derek Chauvin types at every bend, corner, and stage of my life. And, in pulling from my memory, I would have to say that my earliest experiences with being choked by systemic racism started in school.

As a child, attending different elementary schools, there was always a tinge of discrimination in the air. Teachers and administrators treated the Black students as second tier. By the time I reached middle school, that "tinge" had become much more discernible. As I entered high school—and as the school system determined that I wasn't the type to just "shut up and dribble"—I became expendable. That means that they became more engrossed with trying to incarcerate me than educate me. Nowadays this is called the "school to prison pipeline," but when I was coming up it was just called the "facts of life."

It is said that most cops are good cops? That may ring true to the recipients of white privilege, but it is not indicative of the Black experience. Where I come from, the majority of the cops are of the same caliber and mentality as that of Officer Derek Chauvin, and as a result, Black bodies overflow the nation's juvenile halls, jails, and prisons. I can't count the number of times that I was harassed by law enforcement, pulled over for no reason, searched, accosted, held at gunpoint, pepper sprayed, and falsely arrested. The worst of it was when five police officers decided to use my face as a punching bag while my hands were cuffed behind my back. Nowadays they call this racial profiling, police brutality, criminalization, and mass incarceration, but when I was coming up it was just called "tough luck."

Generations and generations of Black folks have been preyed upon, imprisoned, and left to decompose inside the belly of the beast—becoming compost for the garden of white supremacy. This happens because the criminal justice system is crooked and corrupt. And because judges, juries, and prosecutors get away with using the same "knee to the neck" practices as that of Officer Chauvin.

When the highest court in the land rules that a Black man is a slave and not a citizen (*Dred Scott v. Sanford*), that's a knee to the neck! When a Supreme Court Justice refers to a Black man peacefully protesting against police brutality as "dumb and disrespectful," that's a knee to the neck! When an African American is tried in front of an all white jury, that's a knee to the neck! When white juries acquit police officers of killing Black people, that's a knee to the

neck! When prosecutors fail to prosecute killer cops, or do so only when they are pressured, that's a knee to the neck!

How do we rectify this? How do we remove this judicial footprint? Here's some food for thought. Had George Floyd survived his 8 minutes and 46 seconds of police terror, and had it not been caught on camera, he would be locked up right now and facing fifty years worth of false charges. The prosecutor would throw the book at him—and just like that, George would be a wrongfully convicted prisoner!

There is not a single Black person in this country that hasn't been racially profiled, discriminated against, or made the victim of systemic racism. At the end of the day, every African American, from every walk of life has felt that 8 minutes and 46 seconds grip around their neck in some way, shape, or form. Be it physically, politically, or socioeconomically—they have felt it!

Will there ever come a time when this Black holocaust is atoned for? A time when it is no more?

As a 50 year old, wrongfully convicted prisoner who has been incarcerated for over 21 years, I thought that I had pretty much seen it all. I have seen marches, riots, protests, movements, and everything in between. I have seen politicians come and go. I have heard all of the lies, rhetoric, propaganda, and lip service that they spew. And I have certainly seen their promises of "hope and change" fall to the wayside. But there is something about this moment that seems different. Not in terms of politicians, or the powers that be, but in terms of the people.

The national outrage and unrest that was sparked by the videotaped death of George Floyd have morphed into a bonafide movement. And the spirit of that movement has taken root all around the world.

Some people attribute the uprising and the movement to George's death, but it was actually a culmination of things that led to the unrest. And to be clear, the movement is just as much about Breonna Taylor, Atatiana Jefferson, Tamir Rice, and Philando Castile as it is about George Floyd. The truth is, there are millions of known and unknown African Americans who have been killed, brutalized, or disappeared by the police. The movement speaks to each and every one of us. It also speaks to the intrinsic nature of everything that has transpired in this country over the past 400 years. This, in totality, is what caused people to get up, rise up, and say enough is enough!

It is a beautiful thing to be able to see America's melting pot come together and signify that a better world is possible. And to hear them say that they refuse to go back to the way things were is a clear sign that they intend to turn the "possible" into a reality. And the fact that they would brave one pandemic (coronavirus,) in order to cancel out another one (systemic racism,) speaks volumes.

Protestors have expressed that they have no more patience for committees, commissions, congressional hearings, town halls, roundtables, panel reviews, think tanks, deep dives, and more jive about reforms. They assert that the time for change is now! And that status quo politicians need to get on board or get out of the way! The people realize that politicians and judges are the gatekeepers of systemic racism, and that the laws and policies that they create have had a carotid stranglehold on the Black community for 400 years.

In following the protests, I am not only seeing a call to defund the police, but I am also seeing a call for abolition. Yes, people are fed up, and they want systemic racism, the police, the prison industrial complex, and the death penalty to be gone! I join them, and even though concrete walls, metal bars, and razor wire prevent me from marching in solidarity, my words penetrate the cosmos and travel the beaten path.

Here in California we are in a unique position because Governor Gavin Newsom is not only someone who "gets it," but he is someone who has vowed to eradicate the roots of racism.

Taking on racism within the criminal justice system will be a tall task. My wrongful conviction comes as a result of police misconduct, judicial misconduct, jury misconduct, and prosecutorial misconduct. And if anyone was to investigate the malfeasance in my case, they would find that all of those acts of "misconduct" were bathed in white privilege, white supremacy and racism. This deserves visualization. Picture the likes of Officer Chauvin sitting in the judge's seat, in the juror's box, and at the prosecutor's table. This was my reality. And this is what prevented me from receiving a fair trial.

And then there is the Appellate process... where the wait is long, the reversals are few, and the system is completely rigged. Now I get the joke of why my trial judge would continually say: "take it up on appeal." He had zero concerns about his erroneous rulings and unethical behavior being appealed to the higher courts. The impression he gave was that, "judges stick together just like cops do."

This is my story. It is a snapshot of systemic racism. It is a portrait of the very thing that Governor Gavin Newsom has vowed to eradicate. My question then, is what will be done to overturn wrongful convictions? What will be done to uproot the systems that make wrongful convictions an American norm?

From my cell on San Quentin's death row, I kneel, and I call out for change. My prayer? That freedom, justice, and equality exist on the other side of this movement. My fear? Is that Black people will be relegated to a carceral continuum, forced to live that 8 minutes and 46 seconds for another 400 years.

Timothyjamesyoung.com

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