

NO SOMOS FERGUSON

EXPOSING THE BLACK/WHITE BINARY PARADIGM IN THE PUBLIC RESPONSE TO THE
POLICE KILLINGS OF JESSIE HERNANDEZ AND ANTONIO ZAMBRANO-MONTES

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Abstract

Despite the fact that there is an increasing awareness regarding brutality and unauthorized use of deadly force by law enforcement in the US, this awareness is overwhelmingly centered on black communities, most notably in Ferguson. This can be considered an example of what some scholars have called the Black/White Binary paradigm; a paradigm that causes US society to think about issues affecting people of color and ethnic minorities only from within a framework of African American oppression and white privilege and aggression. Police brutality, however, also affects Latina/o communities in the US, communities where, for instance, Jessica “Jessie” Hernandez and Antonio Zambrano-Montes were shot and killed by law enforcement under circumstances that warranted close scrutiny. This thesis analyzes the public response to these two cases and provides an answer as to how their deaths were framed by the news media and by protest organizations. It finds that the Black/White Binary paradigm has evolved in the past two decades to include a self-justification system, the Immigrant/Threat frame, which allows instances of police violence against Latinas/os and oppression of Latina/o people at large to be dismissed on the grounds that this group has a rich immigrant culture.

Keywords: Police brutality and violence, Black/White Binary paradigm, content analysis framing, Ferguson-parallel frame, Immigrant/Threat frame, performative turn, social movement organizations, ethnic profiling.

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PREFACE

“I don’t talk about race with White people,” John Metta of the Huffington Post writes, “because I have so often seen it go nowhere” (par. 13). He continues, “Whites are often not directly affected by racial oppression even in their own community, so what does not affect them locally has little chance of affecting them regionally or nationally . . . They are supported by the system, and so are mostly unaffected by it (par. 18). I find it necessary to address the fact that for this thesis, I, a white person, decided on a topic that is so intrinsically connected to the US discourses of race, ethnicity, and minority studies. Undoubtedly, Metta describes an issue that is very real in the US and elsewhere. His words expose white privilege, which manifests itself ever so unwittingly in most white people. When I read Peggy McIntosh, I too was exposed to my own privilege, just as McIntosh herself admits to a similar unawareness of this notion. This is because, she notes, “I have come to see white privilege as an invisible package of unearned assets that I can count on cashing in each day, but about which I was "meant" to remain oblivious” (1). Similarly, university professor Chavella Pittman observes that white students “likely reject racial scholarship in order to deny the privileges associated with their racial group” (Logan et al. 132). Without digressing too much, I see it in my community, too, where distant relatives of mine take to Facebook to protest the removal of a racist, stereotypical depiction of a black helper-type figure in a Dutch celebration similar to Santa Claus, because it is a celebration for kids, who must remain oblivious to offensive matters at all cost. I am convinced that by turning away from this topic, though out of respect for the people it talks about, I would merely contribute to white obliviousness and indifference to these issues. By turning away from this topic, I would silence myself, all the while people who share my skin color keep failing to understand that a statement saying certain lives should matter in no way implies that white lives do not matter. Therefore, by not turning away, I am aware of my position in society as a white person, and hope that this thesis contributes to the discourse in a meaningful and respectful way.

INTRODUCTION

The killing of Eric Garner is a well-known example of a much bigger issue that plagues urban areas across the US; the unauthorized use of deadly force by law enforcement with regard to African American people, most often young men. The gruesome video that shows Garner being choked to death and the subsequent killing of Mike Brown have resulted in outrage, mass protests, and uprisings, most notably in Ferguson, Missouri, where Brown was killed. These killings have drawn the public's attention to the fragile and distorted relationship between communities of color and the police. When Ferguson had erupted for a third time on August 9, 2015, a resident asked, "Why am I in this same situation where I'm running from police in the area where I grew up and went to shop?" (Duara and Pearce par. 27). This question is but one of many that black communities have asked with regard to how they are treated by law enforcement, such as how to talk about deeply-entrenched racism within the police force, or how to possibly restore trust between communities and law enforcement.

There is one particular question, though, that has not enjoyed nearly as much exposure, which is the question of why virtually no attention is spent on how this issue affects other ethnic minorities and/or people of color, especially Latinas/os, whom like African Americans are known to be subject to profiling and are more likely to be shot and killed by law enforcement than whites. For instance, in Maricopa County, of which Phoenix is the county seat, police traffic stops target Latinas/os up to nine times more often than other ethnicities (Nittle par. 4). Furthermore, according to *The Guardian*, which has compiled an overview of every police killing that happened in 2016, Latinas/os make up the second-largest number of victims per million with 3.23, after black people with 6.66 police deaths per million (Swaine et al "Database"). For whites, this figure is 2.9 deaths per million (Swaine et al "Database"). However, the number of Latina/o deaths may well be higher, as police departments often "don't have the option to categorize victims as Hispanic" (Weiss par. 7), because Latina/o, unlike black or white, does not refer to a race but rather an ethnicity.

Only rarely, then, have major national news outlet drawn attention to this particular question. When news broke that a Latino man had been shot dead by police on a sidewalk in Pasco, Washington, the *New York Times* suggested this incident be considered a "'Ferguson' Moment for Hispanics" (Turkewitz and Oppel). However, with this headline the *Times* implied

that a police killing of a person of Latina/o origin is an ancillary element within the structure of police violence, which primarily affects black people. No more than a nod of acknowledgement mentioned in passing, this case is presented as something that is parenthetical to what is really going on. Latinas/os, with this shooting in Pasco, were granted a time slot—a brief “moment” during which they could make themselves heard, only to be silenced once more when that moment was gone.

Latina/o voices remain virtually unheard when it comes to the issue of ethnic profiling and excessive use of force in police departments, which academia have attributed to the existence of a Black/White Binary paradigm. In the mid-1990s, Juan F. Perea, who is professor of law at the University of Florida, argued that this paradigm is widespread and that it completely obscures Latina/o presence (“Paradigm” 1214). According to Perea, US society uses this paradigm to think and talk about racial and ethnic mistreatment exclusively in terms of black and white (“Paradigm” 1214). Even today, it appears that US society’s already limited attention span for Latinas/os has been restricted to the ever so heated debate surrounding immigration and the perceived threat of this population’s unparalleled growth (Nevins 79). But consider for instance the story of Jessica Hernandez, 17, who was shot and killed by Denver police for after a joyride with her friends, or Antonio Zambrano-Montes, the man who died on that sidewalk in Pasco—both died unarmed, and their voices have been all but completely forgotten. Therefore, with the above-mentioned paradigm in mind, this thesis investigates why the deaths of these two Latina/o people at the hands of law enforcement did not see a media response comparable to the Michael Brown and Eric Garner cases, and why the social movement organizations that responded to the deaths of these Latinas/os were not able to match the level of influence and recognition that Black Lives Matter has. In doing so, this thesis seeks to provide more insight into the fact that police brutality extends beyond the Black/White Binary paradigm, and as such, it is an early attempt to restore the voice of the Latina/o communities that have suffered death, violence, and exclusion.

But the way in which the Black/White Binary paradigm is used has changed since it was first identified in the early 1990s. Since that time, academics have not attempted to consider how the use of this paradigm in US society has evolved, and if it still plays as much of a central role in present-day US society as it did when Perea’s article was published. Therefore, in order to be

able to rely on the Black/White Binary paradigm in accounting for the absence of Latina/o voices with regard to police injustice, it is imperative that the terms of this twenty-year-old paradigm be renegotiated. It is noteworthy that this thesis does not challenge the fact that the Black/White Binary paradigm still sees widespread use throughout US society. Instead, this thesis contributes to the debate by arguing that due to changes in US demographics and a rise in xenophobia and nativism, the Black/White Binary paradigm has evolved; it now uses a frame of assumed immigrant and (therefore) criminal status with regard to Latinas/os. As the central part of this renegotiation, I define the Immigrant/Threat frame and argue that this frame allows the use of the Black/White Binary paradigm to self-justify and therefore to self-perpetuate.

Starting with a chapter that reviews the literature, theories, and definitions that are used, this thesis presents two case studies; one in the second, and one in the final chapter of this thesis, and both serve to provide an answer to the question as to why these two cases have not been able to impact the black-versus-white gaze through which police violence is viewed in the United States. The first case that this thesis presents is the case of Jessica Hernandez, while the final chapter focuses on the case of Antonio Zambrano-Montes, whose death was caught on camera only two weeks after Jessica Hernandez was shot. Both cases focus on the media response and on the social-movement response to these shootings. Central to these responses is an analysis of the concepts, or frames that were used and if these frames were influenced by the Black/White Binary paradigm.

The cases that this thesis investigates were selected for analysis for three reasons. First, of instances where police have used questionable deadly force against a person of Latina/o origin, the cases of Jessica Hernandez and Antonio Zambrano-Montes are arguably the most well-known. Their deaths received moderate media attention (the latter arguably more than the former), and sparked public outcry locally. Second, these two incidents took place shortly after the second period of unrest in Ferguson, which could indicate that the responses to these two incidents might be informed by the events in Ferguson. Third, the incidents took place a mere two weeks apart, which makes it likely that a snowball effect occurred; in other words, it is possible that the Jessie Hernandez killing may well have informed the response to the shooting of Antonio Zambrano-Montes.

The two cases are presented in a similar fashion. Both start off with an analysis of the previous conduct of the Denver and Pasco police forces and how this conduct has affected communities of color in the places where these incidents took place. Despite the fact that Denver is a significant conurbation and the fact that Pasco is a rural community, both cities have faced challenges regarding the status of Latinas/os. Second, the event of the shooting is narrated, relying on media coverage and official police reports. Next, the media coverage surrounding these incidents is analyzed. In the case of Jessie Hernandez, news articles were selected from the first five days after the incident. In the case of Antonio Zambrano-Montes, news articles from the first nine days after the incident were selected. This is due to the fact that the volume of news articles written was considerably larger in these cases. A textual analysis is carried out in these respective parts of the presentations and this analysis combines coding through content analysis with a qualitative commentary, revealing the frames that are used by the media to talk about these cases and how this coverage has been influenced by the paradigm. Finally, the presentations turn to the movements that have protested the deaths of Jessica Hernandez and Antonio Zambrano-Montes. I use the term “moment” as a way to collectively refer to the efforts of the movements that contributed to the protest of these two cases. This part aims to expose the frames that the various movements part of this moment have performed and whether these frames were influenced by the Black/White Binary paradigm and if so, how. Ultimately, this thesis demonstrates that the Black/White Binary paradigm is still widespread, that it has evolved to include a self-justification system that frames Latina/o people as immigrants and threats, and that this paradigm has dominated the way in which the cases of Jessie Hernandez and Antonio Zambrano-Montes are framed by news media and social movement organizations.

1. DEFINING THE THEORIES: LATINA/O, PARADIGMS, AND FRAMES

Before presenting the two case studies, it is necessary to review the theoretical concepts and methodologies that, ultimately, allow the argument to be made that the Black/White Binary paradigm has silenced Latinas/os with regard to police brutality. There are three theoretical elements and as such, this chapter is subdivided into three sections. The first focuses on theories of race, ethnicity, and Latina/o identity. These are of importance, because in order to renegotiate the terms of the Black/White Binary paradigm, which is the focus of the second subsection here, it is necessary to understand how notions of race and ethnicity pertain to Latina/o identity. As such, this first section begins with the definitions of race and ethnicity that I use, followed by a survey of how the thriving Cuban, Puerto Rican, and Mexican communities in the US came into existence and how diverse these communities are today. In order to give voice to Latina/o communities that have fallen victim to police brutality and the Black/White Binary paradigm, it is imperative to dwell on what Latina/o means today, and how this ethnonym can be complicated by looking to the differences that exist within these communities. The renegotiation of the Black/White Binary paradigm in the second section of this chapter—which, as mentioned in the introduction, is necessary to understand just how powerful this paradigm still is—is presented as a response to the preceding survey and the product of this renegotiation is the Immigrant/Threat frame. This frame is a highly truncated, xenophobic, and nativist interpretation of Latina/o presence in the US. Finally, this chapter discusses the theoretical scholarship regarding, for instance, framing, coding, and the performative turn, that is used in the analysis of the cases of Jessie Hernandez and Antonio Zambrano-Montes.

1.1 Arriving at a Definition of Latina/o

First of all, regarding the frequency with which the term Latina(s)/o(s) is used here, it is important to understand why this term is used in lieu of others. Latina(s)/o(s) is preferred over the less-inclusive but much more widespread Latino(s). Two recent, neologistic terms, Latin@(s) and Latinx(s), which both essentially share the same meaning as Latina(s)/o(s) but circumvent the gender-specific nature of the original Spanish noun. So far, this term has permeated parts of Tumblr and sees increasing use in academics (Ramirez and Blay par. 12). The term that arguably enjoys the most widespread use in common conversation, politics, and the media, Hispanic(s), is

avoided in this study, unless it appears in a direct quotation. This is due to the fact that Hispanic(s) finds little resonance with the people it refers to, as it was fabricated by members of the Nixon administration as a census classification (Zimmerman par. 8). Most Latina/o authors refrain from using this term, and some have criticized it openly, such as Sandra Cisneros, who wrote, “To say Latino is to say you come to my culture in a manner of respect . . . To say Hispanic means you're so colonized you don't even know for yourself or someone who named you never bothered to ask what you call yourself. It's a repulsive slave name” (Gonzalez par. 5). It is important to note, furthermore, that the term Latinas/os itself has a double meaning; the term may refer either to all persons born in Latin-American countries or to all persons residing in the US who claim any Latin-American heritage. In this study, Latinas/os is used exclusively to refer to the latter meaning, but whenever this study mentions a sub-group, or sub-ethnic group that is commonly thought of as being part of the greater Latina/o population, this study will refer to the term that these communities themselves have adopted, such as, for instance, Cuban American, Mexican American, or Chicana/o.

Word choice aside, the semantics, that is, *what* Latina/o refers to is a central part of this study. The word Latina/o is an ethnonym that refers to over fifty-five million people who live in the US. This word denotes an ethnic classification in which a multitude of sub-ethnicities can be discerned. A Latina/o “race,” then, does not exist; rather, Latina/o people may identify as mestizo, mulatto, indigenous, black, white, or no race at all. Indeed, there are Filipino Americans who identify as Latina/o. Thus, while the word exists as an umbrella term, referring to this constituency within the United States, Latinas/os are extremely heterogeneous. Care must be taken, therefore, to prevent this racialization of Latinas/os, which is why this study interprets this population as a multi-racial, multi-ethnic composition.

The concepts of race and ethnicity are highly complex, and often—a result of this complexity, no doubt—these terms are misread, confused, and conflated. That is why it is necessary to discuss the definitions of race and ethnicity that I use in this thesis. Perea defined ethnicity as being “a varying mix of different traits,” referring to “physical and cultural characteristics that make a social group distinctive” (“Ethnicity” 575). Examples of these characteristics, he argued, may be “race, national origin, ancestry, language, religion, shared history, traditions, values, and symbols” (“Ethnicity” 575). Race describes the physical traits

based on which a group of people can be distinguished, and is therefore a component of this mix that is ethnicity. In Perea's definition, then, an ethnicity is the summation of a set of applicable traits, which may be physical and/or cultural ("Ethnicity" 575). However, legal scholar Ian Haney-López has warned that the concept of race ought not be understood as anything other than just that; a concept, a social construct. In his book *White By Law*, Haney-López writes, "Race can be understood as the historically contingent social systems of meaning that attach to elements of morphology and ancestry" (10).

In order to have a complete understanding of how the Immigrant/Threat frame has been incorporated into the Black/White Binary paradigm and how it dominated the public response to the deaths of Jessie Hernandez and Antonio Zambrano-Montes, it is crucial to understand what Latinas/os are, how their many communities were established in the US, and how differing present Latina/o experiences are. Furthermore, understanding what Latina/o signifies is also important to the process of moving beyond the paradigm. However, the notion of giving Latinas/os a voice with regard to police brutality comes with the possible caveat that without complicating the definition of Latina/o and the historical, political, and socio-economic differences that have existed among Latina/o communities, this thesis would in turn enable the paradigm it tries to analyze. Therefore, this chapter now turns to a carefully laid-out survey of some of these differences. This survey begins with a brief overview of a number of important factors and the historic events that have shaped the US Latina/o populace. In doing so, three of the most important sub-ethnicities widely considered to be Latina/o are considered, which, again, serves to get a sense of this population's diversity. Thereafter, it provides a presentation of the wide-ranging socio-economic, political, and racial differences that exist within this population group.

During the 2010 census, a little over fifty million Latinas/os resided in the United States (Ennis et al. 3), and it is growing fast; according to the Pew Research Center, this figure had already grown to fifty-five million by 2014 (Stepler and Brown). To discuss all ethnic compositions that are part of the Latina/o population in this chapter is not feasible, which is why for the purpose of this survey, of the approximately twenty ethnicities that the US census considers "Latina/o or Hispanic," three are discussed; Cuban, Puerto Rican, and Mexican American. Together, these groups of people represented almost eighty percent of all people who

identified as Latina/o in the 2010 census (Ennis et al. 3). The remainder can be broken down as follows; 5.5% identified as South American Latinas/os, of which 1.8% identified as Colombian and 1.1% as Peruvian; 4.8% identified as Central American, 2.8% identified as Dominican, and 1.3% identified as Iberian (Ennis et al. 3).

The first sub-ethnic group discussed here, Cuban Americans, represent 3.5% (Ennis et al. 3) of the Latina/o population, and live predominantly in Florida's urban areas. Evidently, Cuba's close proximity to the Florida Keys has made the peninsular state the prime destination for Cuban American migration, as Key West is only about 100 miles or 160 kilometers away from Habana as the crow flies. The Cuban American population, for a large part, has become what it is today due to a series of historical events in the twentieth century, most notably the Mariel boatlift of 1980, although it should be noted that migration between the Florida Peninsula and Cuba goes back much further than that.

The first major spike in migration from Cuba to the United States was seen between 1959 and 1963, when close to 260,000 Cubans departed the island for the United States, and this number stagnated somewhat in the two decades that followed, until the boatlift in 1980 (Masud-Piloto xxiv). The Mariel boatlift marked an abrupt policy change in Fidel Castro's regime, and was the result of a long period of unrest in Cuba, when many people sought to leave the island, but were not allowed to. In May of 1980, Castro announced that anyone wishing to leave Cuba could do so from the small harbor town of Mariel (Fernández 602, 610), and some have argued this boatlift was Castro's way ridding the island of undesirable citizens. This news then quickly spread to Florida, where people rushed to Key West, and set sail for Mariel to pick up relatives. In that year alone, 124,000 Cubans left for the US (Fernández 604).

The Mariel boatlift is without a doubt the seminal event in the Cuban American community, and is by one of the many facets that have shaped the multilateral concept that is Latina/o. Even today, its lasting impact on the Cuban American community can be felt. According to Gastón A. Fernández, there is a notably higher rate of institutionalization, incarceration, and marginalization among the so-called *Marielitas/os*, or the Mariel generation, than among pre-Mariel and post-Mariel Cuban immigrants (621). Furthermore, *Marielitas/os* are still subject to stigmatization even internally among Cuban American (Fernández 621), because of their lower socio-economic status. The notion exists that assimilation into US society has

generally fared well for the Cuban American community, which Emily H. Skop, in her critique, has dubbed “the sweeping Cuban success story” (468). The Mariel boatlift emphasizes that such descriptions ought to be complicated. Cuban Americans have a lengthy history and relationship with the US, despite the fact that the relationship between Cuba and the US has been frigid for the better part of a century.

The second sub-ethnic group discussed here, Puerto Ricans represent almost 10 percent of the US Latina/o population. Around 5.3 million Puerto Rican Latinas/os live in the US mainland, primarily in New York City, while the unincorporated US territory is home to around 3.5 million people. Perhaps more so than other Latinas/os, Puerto Ricans Latinas/os can be considered a transnational group of people (Aranda 3); travel to-and-from the mainland is, of course, domestic, and therefore easy. The most important point-of-entry in the US mainland for Puerto Ricans has historically been New York City, where East Harlem became the Puerto Rican answer to other immigrant communities such as Little Italy and Chinatown and was dubbed *El Barrio* (Berger par. 1).

Puerto Rican emigration happened mostly for economic reasons, as the economy of Puerto Rico has historically fallen behind that of the mainland. According to a 1957 study on Puerto Rican migration patterns carried out by the N.Y.C. Department of City Planning, Puerto Rican migration to the mainland began to rise when World War II began (7). During this time, significant numbers of Puerto Rican Latinas/os relocated to the mainland to fill in for people who had been drafted to join the US military. The US government in fact stimulated Puerto Rican migration by sponsoring their expensive trip to New York, so that they could work in the city’s factories for free (Flores 101). It was not until the war had ended and the economic boom of the 1950s, that the Puerto Rican Latina/o population began to increase dramatically. This is due to the fact that, given the favorable economic climate of the 1950s, employment was easily found in the US. Moreover, the rise of air travel made it easier to travel back and forth. Finally, despite an investment program by the federal government aimed at shifting Puerto Rico from a rural to an industrial economy, the island’s unemployment remained high enough to allow for a steady flow of migrants into the mainland according to the N.Y.C. Department of City Planning (4). New York, however, was now no longer the only major receiving city; other Puerto-Rican *Colonias* were established in Chicago and Boston (Flores 130).

Finally, Mexican Americans are by far the largest Latina/o subgroup, making up more than half of the US Latina/o population in 2010 (Ennis et al. 3). Historically, the Mexican American narrative is marked by colonialization and a contradiction between being wanted for labor, and being racialized and discriminated against. An example hereof can be found when looking to the annexation of what is now known as the US Southwest. The Treaty of Guadalupe-Hidalgo turned the United States into a country with two coasts, giving the US more or less the territorial boundaries it has today. The annexation was seen as the destined course of events, as John O’Sullivan, the father of manifest destiny, put it on the eve of the Mexican-American War:

“California will, probably, next fall away from the loose adhesion which, in such a country as Mexico, holds a remote province in a slight equivocal kind of dependence on [Mexico City]. Imbecile and distracted, Mexico never can exert any real governmental authority over such a country . . . The Anglo-Saxon foot is already on [California's] borders. Already the advance guard of the irresistible army of Anglo-Saxon emigration has begun to pour down upon it” (9)

Griswold del Castillo has estimated that around 100,000 people lived in the Southwest at this time (62) and this population soon became the target of harassment and discrimination—even lynchings. Navarro states that “Violence became the medium by which the White controlled and governed” (40). Indeed, over the course of the next eighty years, observes Robert Delgado, roughly six hundred Latina/o people would be lynched, mostly in the Southwest, and most of the victims Mexican (299, 301). The grounds for these lynchings ranged from accusations of refusing to act Anglo to conspiring to take back the US Southwest for Mexico (Delgado et al. 299, Navarro 51). In *Latinos and the Law*, Delgado, Perea, and Jean Stefancic note that this number should be considered “conservative” (299). Delgado, furthermore, writes that these events were quite similar to lynchings of African American people in the Deep South, and were perpetrated at a similar rate (300). However, “[l]atino lynching,” concludes Delgado, “falls outside the dominant paradigm of American history” (305). Therefore, “the few historians and writers who came across reference to it may have afforded it scant treatment” (305).

In the twentieth century, there still existed strong nativist and xenophobic sentiments, for instance during the Great Depression era (Nevins 27), but it became clear that Mexican labor proved vital to the US economy. Much like Northeastern cities’ reliance on Puerto-Rican

“migrants” to resolve the employment vacancy caused by the war effort, the bracero program was a similar initiative to meet demand for inexpensive labor in the Southwest, but unlike the labor program in the Northeast, the bracero program backfired. Launched in 1942, the bracero program was a way for the government to meet the strong labor demand in the Southwest, and over the course of two decades, around 4.5 million workers partook in the program. Perhaps a more important reason, though, notes Peter Andreas, it was an attempt to reduce unauthorized immigration from Mexico (33). By providing a legal way for foreign laborers to work in the US, it was thought that Mexican migrants would become less inclined to attempt an unlawful (and dangerous) border crossing (Andreas 34). Yet, it would soon become clear that instead of the expected increase in legal migration, rather the opposite was happening. Hundreds of thousands of undocumented immigrants were caught crossing the border illegally between 1947 and 1953—850,000 in the latter year alone (Andreas 34). In fact, writes De Genova, “four undocumented migrants entered the United States from Mexico for every documented bracero,” which was due to the fact that US employers overwhelmingly violated the program’s terms in various ways (42). These terms were a protection of sorts, including set wages and set duration of laborer contracts. According to De Genova, employers preferred hiring undocumented workers as opposed to braceros so as to circumvent the program’s terms (42). As for braceros, they were often encouraged to stay on longer than their visas allowed, rendering them undocumented and therefore unaffected by the program’s terms (42). As a response, the government launched Operation Wetback, a mass deportation effort during which nearly three million undocumented Mexicans were sent back (42). Operation wetback was presented as a way of regaining control over the border, and while it did lead to a decrease in illegal border crossings, the number of braceros increased drastically, because it was made significantly easier to enter the US as a bracero worker (Andreas 34). So much so, notes Andreas, that deportees were taken to a US point-of-entry along the border, where they would be instructed to step over to the Mexican side, only to enter minutes later as a bracero worker (34).

Mexican migration into the US started to increase during the final decades of the twentieth century, and an important reason behind this increase is a series of changes in US immigration policy introduced in the late 1980s, spearheaded by the Immigration Reform Control Act (IRCA) of 1986. According to the Migration Policy Institute, IRCA granted amnesty to all undocumented immigrants who had uninterruptedly resided in the US since 1982, but at the

same time it attempted to clamp down on unauthorized immigration by expanding the border patrol by fifty percent and by introducing punitive measures to employers who deliberately hire undocumented laborers (5). Intended as a form of immigration preemption, not only did IRCA make it more hazardous to cross into the US illegally, it also limited job opportunities for undocumented laborers. Under its provisions, as much as 3.2 million undocumented immigrants became legalized US residents under IRCA's provisions (Durand et al. 108). But much like the bracero program, IRCA did not stop unauthorized immigration, notes Dreby (184). Instead undocumented points-of-entry shifted towards rural, less enforced, and more dangerous parts of the border region (Dreby 184). Additionally, in fear of being deported by the tougher, increasingly militarized, post-IRCA Immigration and Naturalization Service (which today is part of the DHS as the Immigration and Customs Enforcement), undocumented immigrants turned their back to the border, and stopped returning to Mexico (Dreby 184).

The 1990s saw a rise in anti-immigrant and anti-Mexican sentiment in the US, particularly in California. Around 400,000 undocumented immigrants entered the US annually between 1990 and 1993, an estimated 500,000 entered in 1994, and between 1998 and 2000 this figure had risen to approximately 700,000 annually (Passel & Suro 5). Although estimates are scarce, Durand et al. have found that among undocumented immigrants, Mexicans have historically been the largest group; 75 percent of the 3.2 million people who gained legal status as of IRCA were Mexican (108). Furthermore, Durand et al write, around 1 million Mexicans were undocumented in 1992, amounting to one-third of the undocumented population at the time. In California, which has historically received the highest number of migrants from south of the border, this increase led to the formation of a xenophobic, and anti-immigrant political climate, embodied by the Republican candidate in the 1994 gubernatorial election, Pete Wilson (Andreas 87, Nevins 75). Most of Wilson's campaign effort was centered on the introduction of a state-wide proposition aimed at denying public services such as education and healthcare to the undocumented population so as to encourage this population to leave the US (Andreas 87, Nevins 75).

Thus far, this section has shown that the definition of Latina/o is anything but straightforward and homogenous. Latinas/os have vastly differing histories experiences in relation to the United States. This can be reinforced by considering the position of Latina/o

people in present-day US society. In general, Morales et al. observed, the socio-economic status of Latinas/os around the start of the millennium can be compared to that of the black population (478). Of all Latina/o families, the same study later notes, one in four lived below the poverty line compared to seven percent of white families—again similar to the black population (478). In general, they continue, Latinas/os tend to hold jobs that are more “high-risk” and “low-social position” such as manufacturing or service jobs (479). In terms of the rather delicate question of what race Latina/o people identify with mostly, the 2010 census reports that Latinas/os generally identified either as white or as “some other race” (Ennis et al. 14). Regarding political orientation, Lopez et al note that the *Latino vote* generally tends to go to the Democratic party instead of the Republican Party (par. 1).

The above-mentioned statements are true due to the fact that they are generalized; they do not account for the vast differences that exist within this group of people. In order to truly make sense of the Latina/o population, the focus has to shift away from such generalizations. Even in academics, the consensus has been that Latina/o people do not differ all that much socio-economically, and that their political values are more or less the same—the big exception being Cuban Americans, who have been portrayed as a model minority. Morales et al. noted an overall low socio-economic status among Latinas/os, and one factor that has proven to be of influence in this English proficiency. The Pew Research Center has found that Latinas/os “who do not speak English” are 8.5 percent less likely to find employment (Kochar 16), a process which disproportionately affects Mexican immigrants compared to, for instance, Puerto Rican or Cuban immigrants (Kochar 3,4). The same study also finds that Cuban Americans are much more likely to be employed in the professional sector than other Latinas/os (3), and that Cuban employment distribution closely resembles that of the white population, noting only a small difference between foreign-born and US born Cuban American (4). Puerto Rican employment patterns, it should be noted, more closely resemble that of the Cuban American than the Mexican American community (4).

The Pew Research Center attributes the general income gap that exists between Latinas/os and whites to education differences, poor command of English among some Latina/o immigrants, and a lack of experience in the US job market (Kochar 4, 15, 16), but other studies have argued that Latina/o socio-economic status is intrinsically connected to skin color, too. This

connection, maintains Hunter, can be considered a remnant of an extremely rigid racial caste system that was put in place in New Spain (239). As an example, Hunter cites a 2003 Washington Post article in which it was revealed that Latinas/os who identify as white may earn up to \$2,500 more than Latinas/os who identify as “some other race,” and up to \$5,000 more than Latinas/os who identify as black (Hunter 241, Fears par. 7). Moreover, Hunter finds that white Latinas/os are less likely to be unemployed and tend live in white neighborhoods (par. 3). As over eighty-five percent of Cuban American self-identified as white in the 2010 census (3), it appears that this group is at what Hunter calls “the top” (241).

But as mentioned before, Hunter’s portrayal of a model-minority variant of the Cuban American narrative ought to be nuanced, despite the fact that Cuban American have generally fared better socio-economically than the Mexican or Puerto-Rican communities. There is a significant group of Cuban Americans that has struggled to be accepted by the community, and often these people are *Marielitas/os*. Although the first wave of Mariel immigrants was mostly white—over 90% according to Skol—this began to change later on, when half of the Mariel immigrants identified as black or mulatto (458). On top of stigmatization from members of the US Cuban community as observed by Gastón A. Fernández (621), non-white Mariel immigrants have proven to hold a considerably lower socio-economic status; they are more likely to live in poverty, they generally have a lower household income than white Mariel immigrants, and they are less likely to work in the professional sector (Skol 466).

Differences in the Latina/o population can be seen clearly when looking at the Latina/o electorate, as well. Although the media phrase “the Latino vote” assumes a voter bloc, there are diversions to be noted. Perhaps not surprisingly given the aforementioned, Cuban American were considerably more likely to support the Republican Presidential nominee during the 2016 general elections; only 41% of Florida Cubans backed Secretary Clinton, compared to 71% of other Florida Latina/o groups (Krogstad and Flores par. 2). In a 2003 study, R. Michael Alvarez and Lisa García Bedolla briefly mention apparent “political, institutional, and ideological constraints” (44) that have set Cuban American apart from other Latina/o groups as the only conservative voting bloc within this group. A common explanation for Cuban American conservatism is that most Cuban American identify with a narrative of near-hatred towards the island’s rulers; they are said to despise Castro’s regime and communism as a whole, making

them more likely to vote for a party that agrees most with this ideology (Moreno 216-220). Here too, nuance is in order, because Cuban American are not quite the robust, Red voting bloc that is often depicted. For example, in challenging this notion, Jessica Lavariega Monforti has found that Cuban conservatism can be tied to arrival in the US; post-Mariel Cuban arrivals tend to identify more with the Democratic Party than those who arrived during the 1950s and 1960s, as do second- and third-generation Cuban Americans (284). However, she informs, these groups have shown weak voter turnout in recent elections (280).

A singular definition of Latina/o is difficult, if not impossible to produce. In fact, this review a number of critical moments that have shaped the Cuban, Puerto-Rican, and Mexican communities in the US, makes evident that Latinas/os do not have a collective identity. Moreover, the analysis of the wide-ranging socio-economic, political, and racial differences that exist among Latinas/os problematizes this even further, let alone the fact that many people actively distance themselves from any such umbrella term as Latina/o or Hispanic. But in naming all these differences, this section represents an effort to move beyond the Black/White Binary paradigm inasmuch as omission of this survey would surely have reinforced the paradigm; “[t]he mere recognition” observes Perea, “that "other people of color" exist, without careful attention to their voices, their histories, and their real presence, is . . . a reassertion of the Black/White paradigm” (1219). However, as is outlined in the following section, the Black/White Binary paradigm does more than just ignore Latinas’/os’ “real presence” (Perea 1219). In fact, it strips the Latina/o population of anything that might indicate that this group has been and will continue to be vital to US society, leaving in its place a xenophobic and nativist frame, namely the Immigrant/Threat frame.

1.2 The Black/White Binary Paradigm and the Immigrant/Threat Frame

The Black/White Binary paradigm was first described in 1993 by a scholar named Robert S. Chang, who drew from Thomas Kuhn’s theory of scientific paradigms. In his publication, Chang observed that race and ethnicity have always been viewed from within a binary space, writing that “critical race scholarship tends to focus on the black-white racial paradigm, excluding Asian Americans and other racial minorities” (1267). In adopting this approach, Chang invoked Thomas Kuhn’s highly influential book, *The Structure of Scientific Revolutions*.

In this book, Kuhn writes that in its most straightforward sense, a paradigm presents a researcher with “an accepted model or pattern” (23), while maintaining that in science, paradigms have to function as a means to shed new light on, or renegotiate themselves (23). Following Kuhn, this thesis argues that the Immigrant/Threat frame, which is introduced at the close of this section, is the product of the self-renegotiation of the Black/White Binary paradigm.

After Chang, Juan F. Perea published multiple times on the Black/White Binary paradigm and its function in society. Perea, in quoting Kuhn, accepts paradigms as a necessary way for a researcher to narrow down the researched (Perea 1217, Kuhn 24), but draws attention to the problematic yet inescapable way in which paradigms may abridge historical narratives for the sake of convenience (Perea 1213, Kuhn 136-9). Indeed, as quoted above, merely mentioning the existence of Latinas/os, argues Perea, serves only ignore Latinas’/os’ “real presence” and reinforces the paradigm. “Indeed,” theorized Kuhn, “those that will not fit the box are often not seen at all” (Kuhn 24, Perea 1217). Most authors, notes Perea, “simply assume the importance and correctness of the paradigm, and leave the reader grasping for whatever significance descriptions of the Black/White relationship have for other people of color” (1220). But while Perea’s analysis is limited to the use of the paradigm in the academic sphere of influence, he does note that the use of the paradigm is not exclusive to the scholarly discourse, but that it sees widespread use throughout US society. In fact, he writes, the Black/White Binary paradigm is “[t]he most pervasive and powerful paradigm of race in the United States” (1219). The Black/White Binary paradigm therefore “structures both scholarly and popular discourse” (Luna 226).

It should be noted that there are also scholars who have adopted a slightly different approach to explaining how race and ethnicity structure US society. For example, Eduardo Bonilla-Silva asserts that the bi-racial order is shifting towards “a tri-racial stratification system” (4). Aside from white and what he calls the “collective black” (4), a third racial stratum has emerged. He describes this stratum as a buffer group between the two other strata and has called this group “honorary whites” (4). Members of this group have ‘moved up’ from being part of the “collective black,”—which includes not only black people, but also dark-skinned Latinas/os, dark-skinned Asians, and the white poor—to being more associated with whiteness and white privilege (4). To illustrate this, Bonilla-Silva refers to the currently high socio-economic status of

East-Asian Americans, which has rendered them more white compared to a century ago (1). Despite observing a tri-racial order instead of a bi-racial one, Bonilla-Silva's work appears to agree with Perea's point-of-view. Despite there being three racial strata in his argument as opposed to two, Bonilla-Silva deliberately organized these to operate from within a black-white binary system; after all, he observes a collective *black* stratum, an honorary *white* stratum, and a *white* stratum.

But the position of Latinas/os in US society and the way in which this population is viewed or framed is important because it does not quite fit with Bonilla-Silva's tri-stratification theory. Rather than being part of a collective black, honorary white, or white stratum, Latinas/os are viewed using a specific set of notions that warrant a redefining of the Black/White Binary paradigm. Not only has it been some twenty years since Perea's article was published, US society has transformed dramatically since. Between 2000 and 2010, the US population grew by 27.3 million people, and more than half of this group is of Latina/o origin (Ennis et al. 3). Not only that, the attacks on the World Trade Center in 2001 changed the face of US immigration and border policy amid heightened sentiments of xenophobia. The effect that demographic and societal changes may have had on how the Black/White Binary paradigm is structured and how it operates in US society have not yet been investigated by academia, even though it has changed significantly. The terms of the paradigm have evolved; instead of 'solving' the function of Latina/o people in US society by leaving them out altogether, this thesis argues that the Immigrant/Threat frame is part of the paradigm and serves as the justification for the exclusion of Latinas/os in such issues as ethnic profiling, racial violence or police brutality.

The Immigrant/Threat frame can be compared to Leo Chavez' Latino Threat narrative, the main difference being that the Immigrant/Threat frame serves as the paradigm's justification for the dismissal of Latinas/os with regard to societal issues; the frame is often much subtler than the narrative as a result. In 2008, Chavez argued that the anti-immigrant sentiment in the US, which to a large extent applies to Latinas/os, is framed around a belief system that connotes foreignness and illegality to all Latinas/os (22). This frame, or—in his own words—“narrative” is that of the “Latino Threat” According to Chavez, the way Latinas/os are framed in US society “is a story with a number of interwoven plot lines, or narrative themes: the construction of “illegal aliens” as criminals . . . the Mexican invasion and *reconquista* (reconquest) of the United

States, an unwillingness to learn English and integrate into U.S. society, out-of-control fertility, and threats to national security” (23). Especially the latter part of Chavez’ observation, the physical threat to safety, is important in understanding how the Latino Threat narrative operates. In Arizona, which was soon followed by other states, a law was passed in 2010 to allow law enforcement to stop and determine a person’s legal status, if “reasonable suspicion exists that the person is . . . unlawfully present in the United States” (Arizona Senate Bill §2(B)). “[R]easonable suspicion” here implies the authorization of ethnic profiling, so that people can be apprehended essentially based on what they look like. The Latino Threat narrative is the backbone of legislation such as SB 1070; it seeks to exclude Latina/o people using the argument that their presence in the US is threatening. But the Immigrant/Threat frame that this thesis introduces is distinct from the Latino Threat narrative in that it dictates and justifies the dismissal of Latina/o people *within* the Black/White Binary paradigm. The frame is, as such, always connected to the argument that the plights of Latinas/os do not matter due assumed immigrant status, assumed criminal status, or a combination of these two.

The difference between the Latino Threat narrative and the Immigrant/Threat frame can be observed in academics, too, and here it becomes clear that the Immigrant/Threat frame is less outspoken than the Latino Threat narrative. The Latino Threat narrative is notably used by Samuel Huntington, who in his article entitled “The Hispanic Challenge” relied on a segregation argument to warn America of the threat that the growing Latina/o population poses. “The persistent inflow of Hispanic immigrants,” he wrote in his opening, “threatens to divide the United States into two peoples, two cultures, and two languages . . . The United States ignores this challenge at its peril” (30). David Kennedy, whom Huntington cites, similarly invokes the Latino Threat narrative in arguing that Mexican Americans, may “eventually” repatriate the US Southwest, something that “no previous immigrant group could have dreamed of doing” (par. 47). While Huntington and Kennedy use the Latino Threat narrative to propose scenarios that are rather over-the-top, the Immigrant/Threat frame often manifests itself much more demurely, albeit that it is no less problematic than the Latino Threat narrative. For instance, Nestor Rodriguez of the University of Texas offered the following explanation as to why Latinas/os have not protested police violence as much as African Americans, “When it comes to Latinos, a large percent are immigrants or children of immigrants,” he remarked, “so they have a host of issues to deal with in regard to status” (Danielle par. 7). “To some extent,” he went on, “the

Latino community is already overwhelmed by other issues” (Danielle par. 7). Indeed, by referring to Latinas/os as being already “overwhelmed” by “other issues” concerning immigration and “status”—which in turn connotes illegality and criminality—he uses the Immigrant/Threat frame to subtly affirm and justify the notion that Latinas/os cannot be part of such debates like the one regarding police violence. If anything, it is this subtlety that makes the Immigrant/Threat frame all the more dangerous, and makes the paradigm all the more powerful.

As US society has evolved, so has the use of the Black/White Binary paradigm. It functions to exclude the Latina/o community by viewing it as a singular, foreign entity, and as a threat to the nation’s safety and integrity, while undermining the diversity of the millions of Cubanas/os, Puertorriqueñas/os, and Chicanas/os that this first part chapter has sought to emphasize. Perea recognized that the Black/White Binary paradigm denies Latinas/os access to meaningful debates in US society, such as the debate surrounding police violence. But now, the paradigm includes the Immigrant/Threat frame as a way of explaining why Latinas/os do not when it comes to this debate. As Embrick concludes, instances of “violence toward Latino/as by the police are routinely dismissed as Latino/as are often seen as “illegal” in the US and therefore criminal, and deserving of whatever punishment they receive—as seen in the case of Antonio Zambrano-Montes” (840). In its renegotiated form, then, the paradigm has been self-justified, allowing it to self-perpetuate. How exactly this manifests itself with regard to police killings of Latina/o people is shown in the cases of Jessica Hernandez and Antonio Zambrano-Montes.

1.3 Framing the News Media and SMOs

Finally, the various theories and methodologies that were used the analysis of the Jessie Hernandez and Antonio Zambrano-Montes cases require attention. As both cases involve examining news coverage, this thesis has drawn from several theoretical concepts from media studies. In analyzing the news media’s coverage of the deaths of these two people, Jessica Hernandez and Antonio-Zambrano Montes, this study is in agreement with the notion that entertainment value is of crucial importance to how news stories are written. In *The Shock of the News*, Brian A. Monahan introduces the term “public drama” to refer to a style of reporting that dramatizes and emotionalizes, and most importantly, serializes a news story to the extent that it “bear[s] greater resemblance to popular fiction than to journalism” (xii). As is demonstrated in

these case studies, the news stories surrounding these two events are examples of such public dramas.

The reporting style that is analyzed in the two case studies is not only influenced by the appeal of public drama, but also by the Black/White Binary paradigm, and the concept of frame analysis is helpful in comprehending how the media have made use of the paradigm. The process of *Framing* and frame analysis, although not quite a product of media studies (but rather sociology), became a much-publicized academic concept in the early-twenty-first century, and it can find meaning in a plethora of differing sub-fields. However, note Stephen D. Reese, Oscar H. Gandy, and August E. Grant in the preface to *Framing Public Life*, frame analysis proves most useful in comprehending “mediated communication, especially through television and print media” (xv). In particular, “news framing can eliminate voices and weaken arguments,” James W. Tankard agrees, and “the media can frame issues in ways that favor a particular side without showing an explicit bias” (Reese, Gandy, and Grant 95).

Arguably the most important method of analysis that this thesis incorporates is frame analysis. With regard to the media, frame analysis is used to investigate how the Black/White Binary paradigm has permeated the news media in its reporting, and it does so by relying on textual analysis so as to expose the frames that are used in the media’s coverage of these two case studies. More specifically, these sections rely on the use of content analysis, which is a coding technique that provides insight into words and phrases that the media rely on in covering these incidents¹. Quite literally, then, content analysis involves a carrying out an extensive lexical search to reveal the frequency of these words and phrases. Kathleen Carley observes that content analysis has been “the dominant solution to textual analysis problems” but notes that this method sees “only limited success” (77). Content analysis is not necessarily an efficient technique to carry out, despite its popularity, and that is due to several reasons, some of which Carley cites as “lack of simple routines, time-consuming data preparation,” and also “difficulties in relating textual data to other data” (77). Even the results that this technique yields, warns Carley, may be inaccurate: “the focus on concepts implicit to traditional content analysis often results in an overestimation of the similarity of texts because meaning is neglected” (77). In other

¹ A complete overview of all news articles that were used can be found in the Appendix. It should be noted that some of these news articles are quoted directly throughout the text; the citation entries for these articles also appear in the Works Cited list. The in-text citations of these articles have been marked by a superscript asterisk (*).

words, even though various texts may include the same words or phrases, content analysis disregards the possibility that these words signify something else entirely. This thesis overcomes Carley's critique in three ways. First, with regard to the possible neglect of meaning that Carley warns of, this thesis uses content analysis to provide insight into the frames that the media use; it is therefore combined with an extensive qualitative commentary of these frames. Secondly, since the source material exists exclusively on webpages that always contain more text than the article proper, care has been taken not to count certain codes if they appear in this 'online paratext.' For instance, if the word "girl" is coded, the use of this word counted only when it refers to Jessie Hernandez. Thirdly, the news articles that were analyzed in this thesis exclusively talk about either the death of Jessie Hernandez or the death of Antonio Zambrano-Montes; hence, they are similar by default. Due to this inherent similarity, the use of content analysis proved successful in examining which words and phrases the media use frequently, and subsequently how these words and phrases are used to frame these two news stories from within the Black/White Binary paradigm.

Frame analysis, moreover, does not only serve to examine the role of the media in these two cases, but instead it is here used as a vital tool to in examining the themes and discourses that the social movement organizations, or SMOs, have focused on in the two cases that are discussed. As professed by Bedford and Snow, frame analysis has become "a central dynamic in understanding the character and course of social movements" and it is crucial in recognizing and giving meaning to the recurring themes that the movements studied here rely on in protesting the two incidents. The concept of framing is the focal point of this thesis' analysis of SMOs, but as written below, analyzing the organizational structure and resource mobilization of the SMOs is crucial in understanding these movements. In analyzing the frames that are used by the protest movements that this study considers, this thesis has drawn from scholarship of performance and performance studies. In her well-known book *Gender Trouble*, Judith Butler relied on the performative turn to argue that gender is not something that is determined at birth, but rather, it is an "act," as it were, which is both intentional and performative (139). Performativity is useful in understanding how protest movements carry out direct action and what frames are used in these actions. As such, this study argues that protest movements actively perform these frames.

The protest movements discussed in this thesis perform their frames using two sources; semiotic or textual sources and spatial sources. Obvious examples of textual sources within a protest movement are protest signs and banners carried by protesters. As such, frame analyses that rely on protest signs are not new; In 2016, Selim Ben Said and Luanga A. Kasanga incorporated frame analysis to provide a better understanding of the use of language as a medium during the Arab Spring, sourcing their data from protest signs (74). Two years prior Kasanga published a similar article in the *International Journal of the Sociology of Language*, where the focus lies more on the concept of code choice in concluding that the use of English protest signs in the Arab Spring was a deliberate attempt to address the international community rather than a demonstration of protesters' ability to communicate in English (38). In this study, the use of protest chants in particular is also considered a textual source that movements use to perform frames. Spatial sources, secondly, are equally important in establishing the frames of protest movement. In the *Quarterly Journal of Speech*, Danielle Endres and Samantha Senda-Cook write the following: "Instead of merely arguing that people make meanings for places through discourse, we argue that places, imbued with meaning and consequences, are rhetorical performances" (260).

Finally, this thesis incorporates resource mobilization theory in analyzing how the movements that have protested the two cases operate. Central to this part of the analysis are the five types of resources as identified by Edwards and McCarthy in 2004 that SMOs have to use in order to mobilizing people. First, they identify moral resources, which determine the status and credibility of an SMO (126). These are granted by an independent party and are retractable, and can come in the form of an endorsement, for instance by a celebrity (126). Second, Edwards and McCarthy define cultural resources, which can be defined as the pre-conceived notions that members of an SMO may have regarding the organization of a direct action (126). They indicate that this may involve the process of looking to and copying tactics from successful SMOs (126). Third, Edwards and McCarthy identify Social-Organizational resources, which refer to how a movement organizes its infrastructure and its PR. Fourth, they discuss the human resources necessary to run an SMO, and finally, they define the material resources needed to fund it. In the analysis of the different SMOs that have protested the deaths of Jessie Hernandez and Antonio Zambrano-Montes, frame analysis is primarily combined with the second type of resource that Edwards and McCarthy identify, namely cultural resources. As is made clear in the forthcoming

case sections, the SMOs in both cases have been marked by a tendency to rely on the public responses to deaths of Mike Brown and Eric Garner, and use these responses as a cultural resource.

2. THE CASE OF JESSICA “JESSIE” HERNANDEZ

On the early morning of January 26, 2015, Jessica Hernandez was shot by police in Park Hill, a quiet neighborhood in Denver, Colorado. The incident received generous media attention in Denver and its surroundings, primarily because the person killed was a minor, a female, and a criminal, and as such, the media’s coverage relied heavily on the use of frames that emphasize these facts. The subsequent protest, or moment, furthermore, was marked by two movements struggling to find appropriate frames to perform in protesting Jessie’s death. Both the media’s coverage and the protest moment display frames that are influenced by the Black/White Binary Paradigm in its renegotiated form.

This chapter first of all contextualizes the case of Jessie Hernandez by focusing on the prior conduct of the Denver Police Department (DPD) with regard to the use of deadly force. Several important prior incidents are considered in which the DPD was faced with allegations of misuse of (sometimes deadly) force in an incident involving a Latina/o. In response to these reported incidents, statistics are used to provide insight into the DPD’s history with the use of deadly force in the last several years. The incident on January 26 is described thereafter, which is followed by a frame analysis of the response that this incident generated in the local media. Using content analysis, the three frames that the media relies on in shaping a portrait of Jessie Hernandez are exposed. This analysis reveals the use of an Age frame and a Gender frame, both of which amplified the Immigrant/Threat frame and in turn the Black/White Binary paradigm. In its final part, this chapter incorporates the notion of performance in exposing the frames that are used by the two protest movements that have shaped the Jessie Hernandez moment, the Denver Freedom Riders and Buried Seedz of Resistance. This analysis concludes that the former movement relied on the performance of a Ferguson-parallel frame that is influenced by the Black/White Binary paradigm, while the latter relied on performing a frame of Queer Latina/o identity.

2.1 Analyzing the DPD’s Prior Use of Deadly Force

The death of Jessie Hernandez followed a series of incidents that resulted in accusations of excessive use of force (Roberts “Valverde” par. 1). The first incident had happened in 2012,

but in March 2014, a report about the incident resurfaced (Roberts “Lucero”). During this incident, a DPD officer forced a woman named Patricia Lucero face first against a wall while handcuffing her, after which she swung Lucero around and once more against that wall, causing injuries to her face (Roberts “Lucero” par. 12). A video depicting this incident also surfaced, as well as a report by an independent monitor that criticized the DPD’s decision not to discipline the officer involved (Roberts “Lucero” par. 9). On July 26, 2014, not long after the Lucero incident resurfaced, Joseph Valverde was shot and killed during a DPD drug sting operation. The reason why shots were fired at Joseph was that he was allegedly reaching inside his jacket for a gun (that was later retrieved from his body) while police were attempting his arrest (Roberts “Valverde” par. 5). However, a lawsuit that was filed against the DPD states that Joseph had not pointed the gun at the police, nor had the DPD ordered him to release the weapon; instead, the claim held that Joseph was reaching towards it so as to disarm himself and surrender to the police (Mitchell par. 10). Hours later on that very same day, it was reported that DPD officers had shot and killed a 21-year-old identified as Ryan Ronquillo outside a funeral home (Roberts “Funeral Home par. 8). According to this report, Ryan’s arrest was warranted for several counts of vehicle theft, and as such the DPD had been looking for Ryan for some time (Roberts “Funeral Home par. 9). The DPD found him sitting, unarmed, in his car as he was about to attend a memorial service for his best friend (Roberts “Funeral Home par. 12). Neither the Valverde nor the Ronquillo incident led to the indictment of a DPD officer (Roberts “Valverde” par. 1).

Despite the notoriety of these cases, they alone do not allow the assertion be made that over the years, the DPD has displayed ethnic bias in its conduct. A study carried out by Correll et al. has attempted to provide more insight into the conduct of this particular police department. Published in the *Journal of Personality and Social Psychology* in 2007, this study features two test samples, one consisting of DPD officers and one consisting of normal citizens. The test subjects carried out assignments presented to them in a non-specified “video game simulation” (1009), where they were confronted with images of people, either black or white; some holding random objects like cell phones, while others were depicted with different types of handguns drawn (1009). The assignment; to decide, within a split-second, whether or not to shoot the person they saw appear in front of them (1009). In presenting their findings, Correll et al. note that the citizens in the experiment were very likely to err in the “stereotype-inconsistent targets” (1015)—with which they mean ‘unarmed black person’ and ‘armed white person’—while the

police test group “set a higher, more stringent threshold for the decision to shoot Black targets” (1015), which is later attributed to the fact that the officers, due to their training, “were better able to detect the presence of a weapon,” in a general sense, than were the civilians (1020). However, response time was also taken into account, which demonstrated that, much like the citizens, the officers in the test sample took significantly longer to make a decision when faced with an “inconsistent” target (1020), which was especially noticeable among officers “from urban, violent areas” (1014). Their final conclusion holds that this “latency bias” (1021) is rather normal among officers from urban centers, and stresses that despite this, the DPD officers in the sample did not display noticeable bias in the eventual decision whether or not to shoot (1021).

Of course, much more research is required to make any assertions whatsoever on what this study might say about ethnic bias in the DPD’s conduct in the real world. This is not least because Correll et al. organized their experiment along a Black/White binary structure. The simulation that was used depicted only black and white people (1006, 1010, 1012-3, 1016-21); the City of Denver is 30 percent Latina/o, compared to 11 percent African American (Census.gov “ACS”). Moreover, it is not specified whether or not the simulation used by Correll et al. features lifelike environments and situations, or if the test subjects were only confronted with static images of people on which the decision to shoot was based. In the case of Ryan Ronquillo and as is detailed below, the case of Jessie Hernandez, the police fired shots at a (moving) vehicle, a policy that faces scrutiny in police departments across the nation.

In 2015, the Colorado legislature published a statistics report on every officer-involved shooting throughout the state from 2010 to 2015 and even these rough statistics indicate that bias might well play a role in officer-involved shootings. Consider, for instance, the following; of all officer-involved shootings, 52 percent of the white citizens involved in these incidents carried a firearm, compared to 53 percent of Latinas/os involved and 83 percent of the African Americans who were involved (Munoz et al 5). Meanwhile, of the white citizens involved, 40 percent were killed in the event, compared to 52 percent of Latinas/os and 37 percent of African Americans (Munoz et al 5). Finally, then, of all the officer-involved shootings included in the report, 57 percent was white, 28 percent was Latina/o, and 14 percent was African American (Munoz et al 11). Keep in mind, though, that relatively, Latinas/os, were more likely to be killed during the incident than any other ethnicity, despite that Latinas/os and whites were equally likely to be

carrying a firearm. Furthermore, it should be stressed that these figures concern the entire state of Colorado, not the City of Denver proper.

There is one particular part of the DPD's code of conduct that has played a crucial role in the death of Jessie Hernandez, namely the act of shooting at moving vehicles. DPD officers were allowed to do so when Jessie and Ryan were shot. In both cases, the DPD's statement read that the officers involved fired at a vehicle that was moving in a direction that posed a threat to the safety of themselves or another officer, which does not conflict with what is allowed by the DPD. Specifically, the DPD's code of conduct states that police may fire at a moving vehicle when: "The vehicle or suspect poses an immediate threat of death or serious physical injury to the officer or another person and . . . [t]he officer has no reasonable alternative course of action to prevent death or serious physical injury" (Tenser "Policy"). However, the American Civil Liberties Union (ACLU) observes that police departments in "across the country" have started to abandon this practice (par. 4). The reason why this particular practice is increasingly being phased out is that it almost never works, according to the ACLU (par. 4). Even the DPD, before listing the conditions when it *is* allowed, presents the following warning:

Firing at a moving vehicle may have very little impact on stopping the vehicle. Disabling the driver may result in an uncontrolled vehicle, and the likelihood of injury to occupants of the vehicle (who may not be involved in the crime) may be increased when the vehicle is either out of control or shots are fired into the passenger compartment (Tenser "Policy").

In any case, the DPD recommends officers move out of the vehicle's path of direction at all times instead of using potentially lethal force, something that is "common sense," says the ACLU (par. 4), but this did not happen in the case of Jessie Hernandez. Why that is the case is a question that cannot be answered, because to this day it is not precisely known if Jessie was shot while the car was in motion, or while it was stationary.

2.2 Monday, January 26, 2015

Despite the fact that the circumstances of Jessie's death are not precisely known, an effort is made in this section to provide a timeline of the events on the morning during which she was

killed. The Denver Post reported on the day of the incident that Jessie and four of her friends were hanging out in a car parked in an alleyway in Denver's Park Hill neighborhood before daybreak, playing loud music for "several hours," before being spotted by a police officer who had responded to a call mentioning a suspicious vehicle (Paul and Philips par 8, 15). The article mentions that the officer proceeded to check the vehicle's plates in the database to find that the car had been reported stolen since Saturday, at which point he requested assistance (Paul and Philips par. 8-9). There are two versions of what happened next; the police maintain that they fired shots *after* Jessica started moving the car in their direction—which is in line with the DPD's code of conduct *if* "death or serious physical injury" (Tenser "Policy") cannot be averted—while the Hernandez family attorney and passengers of the vehicle maintain that the police shot Jessica *before* she pushed the gas (Vankin par. 4*). DPD Chief Robert White told reporters at the scene of the shooting that when the officers approached the car, "the driver struck the original officer, at which time the officers fired several shots, striking the driver" (CBS Denver "Protocol" par. 5*) One of the teenagers who was in the vehicle later came forward with a story that conflicts with the DPD's version of that morning's events. She told the press that when Jessica hit the officer's leg, she had already been shot from the left-hand side of the car and lost consciousness, explaining also why the car veered off into to the brick wall of an alleyway garage (Vankin par. 4-6). The autopsy report, released in late February 2015, ruled Jessica's death a homicide (Fieldstadt par. 1); the coroner wrote in his opinion that "there was no evidence of close range discharge of a firearm" (qtd. in Fieldstadt par. 4). This is conflicting with the DPD's description of events, which places both officers in front of the vehicle, who, according to the police, shot Jessica at close range. The autopsy, furthermore, revealed that the bullets entered Jessica's body from the left, and according to the family attorney this undermines the DPD's statement that she was shot while she drove the vehicle in the direction of the police. (Fieldstadt par. 5).

After the shots were fired, the passengers were removed from the vehicle and handcuffed, and according to eyewitnesses, Jessica too, was taken out of the car but as she had lost consciousness at some point inside the vehicle, she reportedly fell out of the car and onto the ground; an eyewitness video apparently shows the police searching her, handcuffing her, and dragging body her to the side of the road (Minnis par. 6). Although this video has remained unpublished, this form of brutality was confirmed by the coroner during the autopsy, which

revealed some abrasions on her body to have been inflicted post-mortem.

2.3 Analyzing the Media

News of Jessica's death began to break on the morning of January 26, 2015, and right away the media's use of the Black/White Binary Paradigm becomes evident. Denver's *7NEWS Channel* was the first to report on the event, using the headline "Teenage girl in stolen car shot and killed by Denver Police early Monday morning" (Lupher, Padilla, and Watts*). Later that day, more news stories begin to pop up. Reuters headlined its article "Denver police shoot and kill underage girl driving stolen car full of teenagers," while *FOX31 Denver* introduced its piece as follows, "Friends say police shoot, kill teen girl; community holds vigil" (Young*). That evening, *CBS Denver's* headline read, "Chief Believes Officers Followed Protocol In Shooting Of Teen Suspect."

As is made evident in the section below, these four very early headlines already display the media's use of the Black/White Binary paradigm quite clearly, and in the days that followed, the press continue to develop the story of Jessica Hernandez' death. In order to appreciate the subtleties of the media's systematic disregard of Jessica's Latina identity and what her death has meant to people of color in Denver, this section turns to a frame analysis of the media coverage in the wake of the incident. This analysis reveals that the media have used the Black/White Binary Paradigm as a way to frame the story of Jessica Hernandez, allowing it to become anything *but* an example of police brutality against people of color. Instead, by relying on this paradigm, the media have used a sensationalist approach to craft an image of Jessica that makes the story of her death shocking, salient, and thus appealing to the public. Not only, then, does the media's rendition of the incident and its aftermath resemble what has been described as "grief porn" (Yell 112), this rendition also saw constant serialization whenever a new bit of information on Jessica was released, adding to the public drama of this incident.

The media have crafted the news story of Jessica Hernandez by emphasizing three key frames, Jessica's young age, her gender, and the insinuation that she herself is to blame for the incident. Twenty-one news articles were selected for analysis, all written and published between January 26 and January 30, 2015. The three key aspects that the media relied on in framing the news story of Jessie Hernandez were revealed using content analysis, and the implementation of

this technique and its coding process are detailed here. A total of 115 references are made to the age of Jessica and/or the passengers in the car (i.e., the words “Teen(s),” “Teenage,” “Teenager(s),” “Underage,” “Young,” “17,” “seventeen” and “17-year-old” appeared 114 times, cumulatively). Similarly, references to femininity and girlhood were made 61 times (i.e., cumulatively, the words “girl,” “girls,” “woman,” and “female” appeared 59 times). It should be noted that quite often these articles simultaneously reference age and gender by stating, for instance, “teen girl,” or “young woman.” A total of 91 references to crime are made (i.e., the words “stole,” “stolen,” “suspicious,” “suspect,” and “arrest” cumulatively appeared 91 times). These are primarily references to car theft, mentions of the word “suspect,” and references to a reported run-in with the police that Jessica had had several weeks prior. Finally, then, of all the news articles included in this analysis, only one addresses Jessica’s Latina identity and how that might problematize her death, by stating that “because Hernandez was young, Latina and gay,” she “carried three identities that have often suffered discrimination at the hands of law enforcement” (Paul and Phillips “Shooting Death” par. 24*). The words “Latino,” “Hispanic,” and “Mexican” are otherwise not mentioned in any of the news articles included in this analysis.

As shown above, the fact that Jessica was only seventeen is framed by the media as the single most important reason why her story is one worth reading, especially during the first day after the incident. Age was referenced an average of 5.5 times per article—as much as three examples saw age being referenced 10 times. Age is such a central aspect to the media’s treatment of Jessica’s story that one might wonder to what extent the media would have covered it had Jessica been middle-aged. There is, however, a fairly straightforward reason as to why age is emphasized in the media’s framing of this story; the fact that it features the death of a child makes for a shocking story, and for the media, this means that it is therefore newsworthy. After all, “[t]he media,” writes Brian Monahan in the preface to *The Shock of the News*, “translate and transform their subject matter . . . to attract an audience,” and “to entertain that audience” (xiv). Indeed, this necessity to emphasize age has led to awkwardly-phrased, sensationalist headlines, such as Reuters’ use of the phrase “underage girl driving stolen car full of teenagers.” Throughout the first week of news coverage, age is framed as the central aspect of Jessica’s news story, as different media sources continue to reference to the police death of a “seventeen-year-old” or “teen” or a combination thereof.

Jessica's gender sees strong emphasis as well in this initial news coverage, which, if anything, functions to reinforce the Age frame. A look at the four headlines cited above is telling of this process, given that three refer to Jessica's gender, while all mention it in the first sentence of the article—often in the same breath as the age aspect. Regarding the media's word choice in addressing Jessica's gender; "young woman" and "female" are used 10 times cumulatively. Instead, the media overwhelmingly rely on the word "girl" in referring to Jessica, which is used 49 times. On first day after the media had little choice but to rely on this word; Jessica's name was not introduced to the public at this point, let alone the fact that Jessie indeed was a girl. Yet something as simple as this choice of phrase soon became a very powerful way in which the media framed the story of Jessica, for girlhood connotes something else entirely than "woman" or "female." This is supported by the fact that the use of "girl" remained strong as time passed. By linking girlhood to Jessica, the news media actively invoke a sense of innocence and naiveté, adding to the sense of tragedy, shock, and public drama of the story. It would be a mistake, therefore, to view the Age and Gender frames as existing separate within the news coverage of Jessie Hernandez' death. Rather, the Gender frame informs the Age frame and as such, the story of Jessica Hernandez is not a story of the death of a *teen*, but that of a *teen girl*.

But by emphasizing the Age and Gender frame, the media create a sharp contrast between what this frame signifies, and what happened on the morning of January 26, 2015. The Age and Gender frame problematizes Jessica's character, producing the question as to how and why a teen girl got into a situation where she had to be neutralized by law enforcement. After all, as Rachel Simmons has observed, a regular girl, a "Good Girl," is understood as a girl who "follows the rules," and "has to do everything right" (8). But this problematization is exactly what the news media have used as yet another frame that adds to the public drama of the story, transforming Jessie from the above-established innocent teen girl into a teen girl gone bad; a criminal; a threat. The Age and Gender frame alone is strong enough to scapegoat Jessica, for good girls do not get themselves shot. Yet in that line of thought, something had to have happened that got Jessica in trouble, which is precisely what enabled the media to invoke the third frame discussed here. By elevating the incriminating evidence against her, the media rely heavily on the Immigrant/Threat frame, which renders Jessica the sole suspect in the narrative of her own death. After all, she had committed several crimes and allegedly tried to run over police officers, and as was reported soon after the incident, she was cited for "eluding a police officer

and resisting arrest” (Gurman par. 1^{*}) three weeks prior. In almost all news articles that were analyzed, the fact that Jessie Hernandez was behind the wheel of a stolen car is mentioned rather just as quickly as are words and phrases that rely on the Age and Gender frames, buttressing the notion that her death was the tragic result of her own criminal actions.

The media’s use of the Immigrant/Threat frame displays the influence of the Black/White Binary Paradigm in its renegotiated form. It draws attention away from the possibility that the officers’ decision to shoot may have been influenced by ethnic profiling and instead zooms in on Jessie’s threatening behavior. Again, Reuters’ choice of phrase in its headline reading “underage girl driving stolen car full of teenagers” exemplifies this, particularly with the use of the word “underage,” which aside from youth connotes illegality. The phrase “car full of teenagers,” which is meant to dramatize the recklessness of five kids jacking a car and smoking pot, verges on the comically absurd. Still, invoking illegality and irresponsibility is an important part of the Immigrant/Threat frame’s ability to dismiss police brutality involving Latinas/os (Embrick 840). There are also allusions to Jessie’s status as a 1.5-generation immigrant, although this was never confirmed by Denver authorities or the Hernandez family. For example, a *Denver Post* background article alluded to the Hernandez family’s poverty by reporting that Jessie and her six brothers and sisters lived “in a mobile home in Thornton” (Paul and Philipps “Teen Driver” par. 9^{*}). That same article, furthermore, reports that Jessie was a student at New America School, which instead of providing, for instance, opportunities to 1.5- or second-generation children, “specializes in educating immigrant and at-risk students” (par. 17^{*}). While references to immigration and legal status are implied rather than explicated in the analyzed articles, the Immigrant/Threat frame links Jessie Hernandez’ criminal behavior to her being Latina, which is picked up on by some readers. One respondent argued that the survivors in the car ought to be grateful for the DPD’s mercy, saying that they would all have been killed had they been in Mexico: “How do you think Mexican Police would have hendled [*sic*] the same situation... ALL the thugs in the car would have been shot and killed” (Gurman and Banda^{*}). The *Denver Post*, the only news organization to refer to Jessica’s Latina/o identity, was scrutinized for apparently downplaying Jessica’s criminal threat. In an opinion piece on Jessica, a reader was “alarmed” to find that the *Post* “portrays her more as a victim and martyr than a criminal,” and continued by writing that “the constant coverage of vigils, protests and remembering the kind deeds Hernandez did in her life doesn’t change the fact that she made some serious, fatal mistakes

along the way that culminated in an early, unfortunate death” (“2 Letters” par. 1). Concurring with this viewpoint, another reader, tapping into a rich stereotype of bad Latina/o parenting, asked “Where were her parents in guiding her and warning her that her behaviors and choices were going to ruin her life?” (“2 Letters” par. 2).

The simple truth is that in most well-documented cases of police brutality, the victim was in a situation where the police may have had reasons to intervene. As such, the point of this section on how Jessica was framed is not to point blame at the media for reporting facts; Jessica and her friends were in a situation where they had broken several laws; they had been playing loud music, smoking, and drinking in an alleyway far from where they lived, at a time when other people their age group would definitely be asleep—all of this in a car that was not theirs. But the media’s prime focus is, as Monahan rightly observed, to entertain an audience (xiv) and by doing so, the media turned the story of Jessica Hernandez into a public drama and grief porn; it became a story serving solely to entertain audiences with the shocking death of someone’s child. Indeed, the care with which the media frame Jessica is in stark contrast with the level of attention that is spent on investigating how Jessie’s death impacted the community she belonged to, or what it means that her death marks the fourth time in six months that an unarmed Latina/o was killed by the DPD, or why the DPD was still allowed to shoot at moving vehicles. By not considering these possibilities in its coverage, the media relied on a reporting style that is influenced by the Black/White Binary Paradigm. Finally, the serialization and dramatization of Jessica’s prior contact with law enforcement evokes the Immigrant/Threat frame; it dismisses her as a thug, and a criminal something that underscores the media’s use of the Black/White Binary paradigm in its coverage.

2.4 Analyzing the Ferguson “Moment”

Two local SMOs took on the task of organizing protests and actions for Jessie Hernandez: The Denver Freedom Riders, a Civil Rights and Black Lives Matter-inspired activist organization, and BSEEDZ, a youth organization for queer Latinas/os. The efforts made by these movements make it evident that Jessica’s death did not go unnoticed. Protest marches were organized, vigils were held, a petition was filed, and Denver’s pride parade was blocked by protesters demanding justice for Jessie. Her death is significant to the queer Latina/o community;

BSEEDZ adopted its current name in honor of her, and nearly a thousand people were present at her funeral—in Brooklyn, her picture was turned into a mural. However, these two parties held differing and sometimes conflicting viewpoints, and as is made evident in the section below, the Jessie Hernandez moment is best understood as being divided into two parts. In its analysis of these two parts, this section combines frame analysis with the notion of performativity to provide insight into how these two parts produced frames, or rather, performed them.

The Denver Freedom Riders' part of the Jessie Hernandez moment is marked primarily by the performance of a frame of that invokes a parallel with the events that transpired in Ferguson, which can be made clear by considering the movement itself. First, it should be noted that its website, www.denverfreedomriders.com is no longer in use, and a glance at the movement's Facebook timeline reveals that the most recent activity on there, at the time of this writing, dates back to January 18, 2016 (see "Video"), which in turn followed a nearly six-month hiatus (see "#whathappendtoSandraBland"). Unless the organization has merely ceased to operate online, it is safe to assume that the Denver Freedom Riders are not active anymore. The Denver Freedom Riders organized only few on-the-ground actions; instead, the movement was active mostly on Facebook, on which it posted blog entries, photos, news articles, and events hosted by other organizations at two-day intervals to its following of roughly 1,816 people (Denver Freedom Riders). This number may well have been higher during the organization's heyday, given the fact that the page has been silent for over a year at the time of this writing. Despite its considerable Facebook presence, insight in the SMO's operations in real life remains limited, again due to there no longer being a website on which, for instance, a calendar of the group's operations can be accessed. Yet by considering the events overview on the group's Facebook page, it becomes clear that the Denver Freedom Riders organized five gatherings; a protest for Jessie Hernandez held on January 28, 2015 was its first ever—its final gathering, a legal seminar, took place three-and-a-half months later on April 15, 2015 (Denver Freedom Riders).

The SMO was informed primarily by historic periods of significant black protest in defining its philosophical agenda, but also in determining its resource mobilization processes. To start with, the content posted on the Freedom Riders' Facebook page echoes the message of Black Lives Matter. Its solidarity with this movement makes sense because it was founded

shortly after the second wave of unrest in Ferguson and other cities in the US. One post, for example, invites followers to read a piece on its now-defunct website that “reflects on our recent freedom “ride” to Baltimore” (see “Baltimore & Black Lives Matter”), which was written during the 2015 Baltimore protests. The movement also hosted a conference on Martin Luther King Day in 2015, entitled “The Denver Freedom Riders present Black Lives Matter” (Jalandoon)

Secondly, the Denver Freedom Riders explicitly state their solidarity with civil-rights-era activism. Its name, of course, is a reference to the Freedom Riders of the 1960s. However, no signs indicate that the Denver Freedom Riders actually rode buses, although one particular event involved a carpool ride from Denver to the suburb of Aurora, Colorado (see “Miles from Justice”). It appears, then, that the name of this organization is to be understood as symbolic (hence the quotation marks in the above-cited article on the group’s trip to Baltimore), but it does make clear just how central these examples of direct action were to the Denver Freedom Riders. Its mission was to learn and draw inspiration from signs of resistance against authorities in other places in the US and across the globe, and to put these experiences to use in Denver. Therefore, the Denver Freedom Riders relied on Black Lives Matter and the 1960s Freedom Riders in defining its mobilization strategy. “We Ride For Freedom,” the movement proclaimed on its website, “We’ve been to Ferguson, Palestine, Baltimore and back to Denver. We bring lessons and experiences back to build and empower our community, raise their consciousness through education, help them resist oppression and expand their access to democracy and human rights” (“We Ride For Freedom”). The centrality of black protest to the Denver Freedom Riders’ philosophy led to this movement’s strong use of the Ferguson-parallel frame, which, as mandated by Denver Freedom Riders’ mission statement, allowed for the Jessie Hernandez protest to be framed as Denver’s ‘Ferguson.’

The first sign of protest that demonstrates the performance of the Ferguson-parallel frame can be seen on the evening of January 26, 2015. Around one hundred (Paul and Philips “Suspect” par. 30) friends, family and neighbors gathered at the scene of the incident in Park Hill that evening to mourn the death of Jessie Hernandez. Press photos that from that night show some mourners displaying their grief through protest signs that demonstrate the performance of this frame. A majority of the signs decried the DPD officers’ use of lethal force. Signs that read “LETHAL FORCE IS TERROR,” “STOP POLICE TERRORISM,” “JESSE [*sic*] HERNANDEZ WAS MURDERED,” “JUSTICE FOR JESSE [*sic*],” “YOUR BADGE IS NOT A LICENSE TO KILL,” and finally

“POLICE ARE DENVER’S BIGGEST GANG” (Padilla and Hernandez*, Farberov “Rammed”) exemplify this part of the protesters’ framing process. Jessie’s girlhood, once more, is used as a frame to express grief; the protest signs that depict this read, “COWARDS SHOOT GIRLS” and “GIRLS’ LIVES MATTER TOO” (Farberov “Rammed”). Although the text written on these signs reveals two frames, one focusing on police violence and the other on gender, the frames that they represent are part of a performance of the Ferguson-parallel frame.

Although the protesters’ use of the Ferguson-parallel frame was meant as an assertion that Jessie Hernandez matters just as much as Michael Brown or Eric Garner, the frame is an affirmation of the Black/White Binary paradigm. For one, performances of the Ferguson-parallel frame in the case of Jessie Hernandez involved a strong degree of adopting, or rather, appropriating the language and imagery of Black Lives Matter through intertextuality, for instance in the sign that read “GIRLS’ LIVES MATTER TOO.” Aside from using the Ferguson-parallel frame to proclaim that specifically Jessie’s girlhood matters, the sign asserts that it matters “*too*,” and by doing so, it subordinates her to the main movement that the sign refers to. The Ferguson-parallel frame, furthermore, incorporates Jessie into a strictly African American narrative. For example, video posted to *The Denver Channel*’s YouTube channel features one bystander commenting matter-of-factly that “right now in the United States, a black person is being killed every twenty-eight hours by our leaders, and it is due to a broken system that we’re trying to fix” (1:24s) The woman who was interviewed here referred to a study carried out by Arlene Eisen in 2012, who divided the number of African American deaths at the hands of law enforcement, security guards, and vigilantes by the number of hours in a year, yielding one death per twenty-eight hours (Eisen 12). The report was published as early as 2012, but the accompanying hashtag, #Every28Hours, became a trending topic on Twitter and a key phrase in the Black Lives Matter movement after the deaths of Eric Garner and Michael Brown in 2014. In a fact-checking piece, the *Washington Post* questioned the accuracy of the claim, but regardless affirmed that the phrase “perpetuated widely” (Lee par. 3) and that it was “being quoted by thousands of people” (Lee par. 9). The bystander who used the 28-hours claim thus relied on a phrase that holds strong significance to Black Lives Matter in her performance of the Ferguson-parallel frame. There is no denying that, given the time the incident took place, it would almost come as a surprise if a performance of this frame did not involve any intertextuality between

Jessie Hernandez and Black Lives matter. But in doing so, the bystander overlooked one major problem: Jessie was not African American.

Two days after the incident, the Denver Freedom Riders organized an action that they described as a solidarity rally for Jessie Hernandez (see “Solidarity Rally”). It remains the largest protest organized for Jessie Hernandez, and much like the vigil held on January 26, this action can be considered a performance of the Ferguson-parallel frame. The press reported that the January 28 protest drew as much as 200 people, although the Denver Freedom Riders’ Facebook event indicates a slightly smaller attendance of 177 (see “Solidarity Rally”). The action was held outside of the DPD’s District 2 headquarters in Park Hill, where the shooting happened. The founder of the Denver Freedom Riders, Anthony Grimes, among others, led the crowd in chants during the event (Cotton), the words “no justice, no peace” (Hesse par. 2) echoing through the crows as the building’s façade was illuminated with Jessie’s picture (Lewis). At some point during the demonstration, members of the Denver Freedom Riders were invited inside the police station for a conversation about the upcoming investigation of the incident (Lewis, Paynter 10:45). The demonstration peaceful; there were no altercations between protesters and the police, and as such no arrests were reported.

Most significantly, the Ferguson-parallel frame establishes a powerful connection between the death of Jessie Hernandez and several landmarks in black history, and it does so to the extent that frame overshadows much of the protest. The above-cited chant, “no justice, no peace” (Hesse par. 2), is the first instance in which intertextuality is used to express the Ferguson-parallel frame. The phrase carries strong significance for the Black Lives Matter movement and saw use in Ferguson and in New York City pending the grand jury decision on the Garner case; Glen Ford even considers the slogan “political property” of the Black Lives Matter movement at large (par. 3). As such, the significance of this slogan does not reach the Latina/o community. Far more obvious use of intertextuality in expressing the Ferguson-parallel frame, furthermore, can be heard in the words “girls’ lives matter, queer lives matter, youths’ lives matter,” which can be heard in a YouTube video uploaded by Tim Paynter (2:05s). In the same vein, one protester carried a sign reading “JESSIE’S LIFE MATTERS,” (Lewis) much like the sign seen during the January 26 vigil that read, “GIRLS’ LIVES MATTER TOO.” Moreover, the Freedom Riders’ solidarity rally incorporated a form of intertextuality that needs to be

understood as references to profound pieces of black heritage. One example hereof is a sign that is a cutout of the raised fist symbol, accompanied by the text “Fists up / Fight back” (Paynter 0:20s)—the imagery and symbolism of which evoke black nationalism and Black Power. At one point during the demonstration, finally, Jumoke Emery of the Freedom Riders even took to the megaphone to read from well-known Black Panther member Assata Shakur (Lewis). These textual references to Black Lives Matter, Civil Rights, black nationalism, and the Black Panthers are indicative of the fervor with which the Denver Freedom Riders aimed to establish the Ferguson-parallel, possibly to the extent that their source of inspiration overshadowed the events that took place in the Park Hill alley.

This possibility is buttressed by a second medium through which the Ferguson-parallel frame is performed during the solidarity rally, which is space. Regarding the role that locations play in protest, Endres and Senda-Cook have argued that “places, imbued with meaning and consequences, are rhetorical performances” (260). Some of the most significant protests marches in the United States were held at the National Mall in D.C., and on the state-level, such actions are generally held on the steps of capitol buildings (Endres and Senda-Cook 267). But in Ferguson, protests often took place outside of the city’s police department, most notably on October 14, 2014, when around 600 protesters marched on the station, resulting in many arrests, among whom was Dr. Cornel West. Place, then, plays a critical role in establishing the rhetoric of a protest, and in this case, the performance of the Ferguson-parallel frame. The Denver Freedom Riders’ choice to meet outside of DPD’s District 2 headquarters is significant for more symbolic reasons than just the fact that the officers involved worked here. It here signifies yet another reference to Ferguson and Black Lives Matter, completing the notion that the Denver Freedom Riders were primarily invested in reproducing a Ferguson-style protest in their own city.

Not everyone took kindly to the effort made by the Denver Freedom Riders. In a piece on this protest that was published on the website of the *Denver Post*, Anthony Cotton observed that this tension “stemmed from what some Latinos felt was a lack of representation when protesters met police inside the station” (par. 1-4). Grimes announced this meeting over the megaphone, stating that the DPD was willing to speak with himself and four others, and when this meeting

was over, a member of the Denver Freedom Riders addressed the crowd, explaining what was discussed,

“We met with Sergeant West as well as Commander Mike Calo and we let them know that our community is hurting. We let them know that a family is grieving. We let them know that a killing has happened on Monday, happened before that, and may happen again, and we are tired, but we’re not tired of fighting” (Paynter 10:48s-11:17s).

Then, a woman who felt that it was not appropriate for the Freedom Riders to meet with the DPD, addressed the crowd in frustration. Because Freedom Riders’ rhetoric and agenda focuses primarily on the interests of Denver’s black population, she felt as though their strong presence overshadowed the presence of Denver’s (queer) Latina/o community. “I refuse to let this be hijacked” she said according to Anthony Cotton (par. 5). She continued, “this is our community, these are our people . . . We have young Latinas who were not allowed inside . . . Why are people who don’t even speak the same language having conversations for the (Hernandez) family?” (Cotton par. 5-6). In the Paynter video, a Latina named Cecelia Kluding-Rodriguez—who may well be the person whom Cotton cited—can be seen addressing the crowd, voicing a similar concern. She begins her part with the words, “I just want to say, first of all, ¡*Jessie Hernandez, presente!*” (12:50s); in which *presente* means “here” or “present,” but should to be understood as a term that is used by many Latinas/os to pay tribute to a life that was lost. She continues, “The representation of queer Latinas here is very low! *Somos parte de este comunidad*, and there’s very few people here who speak Spanish! We need more representation of our own communities here” (12:58s-13:10s).

Given the challenges that US society faced at this point in time, it is understandable that the Ferguson-parallel frame was expressed so strongly by the Freedom Riders; Grimes, who had visited Ferguson early that month (Grimes par. 1), certainly understood the power and importance of solidarity in directing his movement’s involvement in the Jessie Hernandez protest. After all, a minority person had now been killed in his home, under circumstances that warranted full transparency in its subsequent investigation. It cannot be stressed enough, then, that the Denver Freedom Riders and the people present at the January 28 action had united in earnest and in honor of Jessie Hernandez. Yet, as the tensions between demonstrators indicate, a dangerous pitfall of such a strong reliance on a principle of solidarity between Black Lives

Matter and Jessie Hernandez is that it invites the use of the Black/White Binary paradigm. By incorporating these pieces of culture and history in the Ferguson-parallel frame—whether they be references to Black Lives Matter or a reading of a very well-known Black Panther member—the demonstration framed Jessie Hernandez using references that are exclusively and unmistakably part of the black experience. Consequently, the experience of Jessie Hernandez, who identified as a queer Latina, is negated. Instead her death is framed from within the familiar and popular context of black-and-white police violence, indeed, to the point where Latinas who were present, such as Cecilia Kluding-Rodriguez, no longer could resist the urge to speak out.

The solidarity rally on January 28 was the only event dedicated to Jessie Hernandez that the Denver Freedom Riders organized, and it is difficult to determine why the movement took no further action as more news on the case broke. A possible explanation is that the SMO's human and material resources were not substantial enough to keep its momentum, despite having successfully mobilized some two-hundred people. In other words, what very little can be concluded based on the information available might indicate that the Denver Freedom Riders was an organization of limited means. The group organized five events within a relatively short time span before ceasing to announce new actions and subsequently becoming increasingly less active on Facebook. Even so, the group's Facebook page was updated regularly, while it only briefly continued to share news on Jessie Hernandez—the most recent post on Jessie dating back to March 2, 2015. Another explanation could have contributed to the movement's demise; the decision to stop focusing on Jessie Hernandez may well have been deliberate, given the accusation that—during its first major event—it “hijacked” (Cotton par. 6) the protest of Jessica Hernandez.

Up to the present section, the purpose of this frame analysis has been to expose the attempts to craft an image of Jessie and the attempts to perform a representation of Jessie that does not match with what she herself identified with, but in the second part, or the BSEEDZ part of the Jessie Hernandez moment, it becomes clear that frames can also function to do the exact opposite. When Cecilia Kluding-Rodriguez took to the megaphone to address the crowd at the solidarity rally, she performed a frame that is in contrast with the Ferguson-parallel frame that had dominated the gathering up to that point. As a member of BSEEDZ, she called for better representation of queer Latinas/os, which is precisely what BSEEDZ seeks to do. Buried Seedz

of Resistance— BSEEDZ for short—is a youth-led SMO focusing on Denver’s young, queer Latina/o population. Its current name was adopted in January 2015—a direct response to the death of Jessie Hernandez according to its website: “It was at this time that BSEEDZ reflected on the resilience of queer people of color worldwide and found inspiration in a [*sic*] old Mexican proverb that . . . translates to “they tried to bury us, but they didn’t know we were seeds”” (SOL Colorado par. 13). The frame, then, that BSEEDZ performed in its response to the death of Jessica Hernandez is a frame of queer Latina/o identity, a frame that, in contrast with the complicated and problematic Ferguson-parallel frame, mirrors the ways in which Jessie Hernandez identified herself.

Although BSEEDZ has focused on other topics, the seminal event that has shaped the movement’s framing process, as evidenced by its name change, is the death of Jessie Hernandez. Much like the Denver Freedom Riders, BSEEDZ operates on Facebook, where it has a following of over 1,600—comparable to that of the Denver Freedom Riders, albeit slightly lower (Buried Seedz of Resistance). Still, since 2012, BSEEDZ has posted nearly eighty events to its Facebook page, the most recent of which took place on January 26, 2017—a vigil marking the two-year anniversary of Jessie’s death that drew around sixty people (see “Honoring Jessie”). There are numerous examples of actions that BSEEDZ organized in name of Jessie and the Hernandez family. For instance, BSEEDZ invited its Facebook following to join them and *Presente.org* to deliver at least 19,000 signatures to Denver’s regional FBI office for a petition that called for the US Department of Justice to investigate the DPD’s conduct in the shooting of Jessie Hernandez (see “Petition”). *Presente.org*, which launched the petition, calls itself “The largest Latinx online advocacy organization in the United States” (Presente.org). That same day BSEEDZ organized a vigil at a makeshift altar in Park Hill, near the alleyway where Jessie was shot, a video of which was posted on YouTube by Steven Bailey. The altar was adorned with various pictures of Jessie, on which she is stylized in high-contrast black and white, while an *aureola* surrounds her face; a powerful reference to the Virgin of Guadalupe (Bailey 0:23s). Some of the people present, including Kluding-Rodriguez, wore t-shirts with that same image, holding candles, *veladoras*, with the *Virgen*’s image (Bailey 2:13s).

There are two other actions that BSEEDS scheduled in its response to the death of Jessie Hernandez during which the movement performed the Queer Latina/o frame. The first took place

two weeks before the delivery of signatures at the FBI on February 6, 2015. On this day, an LGBTQ conference was set to take place in Downtown Denver, and just before the plenary opening part of the event was to commence, Kluding-Rodriquez, along with many other BSEEDZ members, took over the stage. This takeover was part of an unannounced action to speak out on police violence against queer Latinas/os in light of the Jessie Hernandez killing. The takeover, which was documented and published on YouTube, depicts the group carrying signs with Jessie's picture while chanting "*Jessie, presente,*" and "trans lives matter" (National LGBTQ Task Force 3:20s, 13:00s). BSEEDZ held the stage for over twenty minutes, and according to the description of the YouTube video that was posted by the organization of the conference, Denver Mayor Michael Hancock, who was scheduled deliver the opening address, canceled his speech and left (National LGBTQ Task Force). Secondly, on June 21, 2015, BSEEDZ demonstrators shut down the Denver pride parade as part of yet another unannounced action to draw attention to police violence against queer Latinas/os in Denver (BuriedSeedz 3:50). The protesters spoke to the crowd over a megaphone, addressing the plight of police violence in Denver. They wore t-shirts with the same stylized image of Jessie as the *Virgen*, and carried a banner that read "RISE UP FOR JESSIE HERNANDEZ / QUEER LATINA TEEN MURDERED BY DENVER POLICE" (BranchingSeedz 3:50s).

The fact that the performance of the Queer Latina/o frame is more straightforward than analyzing the performance of the Ferguson-parallel frame does not diminish its significance. Throughout its actions for Jessie Hernandez, BSEEDZ made use of textual and spatial elements in performing the Queer Latina/o frame. In text, BSEEDZ made use of references that highly symbolic to, particularly, the Chicana/o community, not necessarily to all Latinas/os—a reminder of how multilateral Latina/o identity is. Not only is the use of the "*¡Presente!*" chant symbolic, the recurring black-and-white image of Jessie that is worn by BSEEDZ members and that is carried on signs requires extra consideration. Not only does the image refer to the *Virgen de Guadalupe*, it is stylized as if it were a mural commemorating Jessie. This is significant not only because of the fact that the Virgin herself is one of the most prominent figures in such murals (Favrot Peterson 46), the act of "superimposing" someone else's image "over the symbolic attributes of the Virgin" (Favrot Peterson 46) is a common and powerful way in which Chicana/o identity is displayed in such murals. On the symbolic value of murals to Chicanas/os, Calafell and Delgado comment that during the Chicano Movement, murals articulated a desire

for social change, represented positive role models, instilled ethnic pride, and raised cultural consciousness (4). BSEEDZ also performed the Queer Latina/o frame in its use of space, much like the Denver Freedom Riders did in performing the Ferguson-parallel frame. The actions that were staged at the LGBTQ conference and at the Denver pride parade took place there for two reasons; first because the venues themselves, of course, presented BSEEDZ with a relevant podium on which to exclaim its plight, and second, space provides an opportunity to be a disruptive force. However, it should be noted that the venues BSEEDZ chose are exclusively representative of Queer identity, not quite Latina/o identity. It remains unknown, then, why BSEEDZ did not organize an action at Denver's Cinco de Mayo festivities that year.

To say that the death of Jessie Hernandez went unnoticed by activist organizations is a serious mistake. However, the tension between the two organizations discussed above demonstrates that it was by no means easy to do so. The question whether or not these two movements can be considered part of a "Ferguson moment" for Latinas/os is in need of rephrasing, for both have sought to give meaning to Jessie's death in a different way, none of which gave rise to the possibility that these movements could operate as a unified movement. The Denver Freedom Riders performed frames that represent the African American experience in an attempt to give meaning to her death, while BSEEDZ focused more on Jessie's LGBTQ and Latina identities. The influence of the Black/White Binary paradigm on the Jessie Hernandez movement was limited to the first part of the Jessie Hernandez "moment," but is significant nonetheless. If the Denver Freedom Riders and BSEEDZ had been able to work together, their combined action potential may well have resulted in more actions, protests, and demonstrations in honor of Jessie Hernandez and in support of her family. In June 2015, DPD chief Robert White announced a change in the Department's code of conduct; from that day onward, the act of shooting at a moving vehicle would be all-but banned outright; only when the driver or a passenger of a car shoots from inside the vehicle would DPD officers be allowed to fire back (ACLU par. 1). In the end, then, the death of Jessica Hernandez did bring about change, which is ultimately the goal of any protest.

3. THE CASE OF ANTONIO ZAMBRANO-MONTES

On February 10, 2015, Antonio Zambrano-Montes was shot and killed at a busy intersection in Pasco, Washington. The incident was picked up on by local and national media and sparked protests in Pasco, much like what happened in Denver after Jessie Hernandez was killed. Despite the fact that this incident and its aftermath bear similarities to the shooting of Jessie Hernandez two weeks prior, there are noteworthy differences. By far the most important of these is the fact that the incident was captured on video by several onlookers, one of which depicts officers Flanagan, Wright, and Alaniz gun down Antonio Zambrano-Montes who appears to raise his hands, its high resolution and crisp audio leaving nothing to the imagination. Indeed, the graphic nature and online virality of this thirty-second clip has undoubtedly contributed to the media's interest in the case. But much like the news coverage of the Jessie Hernandez shooting, the media uses frames that draw attention to Antonio Zambrano-Montes' background and to the similarities this incident and its aftermath share with the Brown and Garner cases, and is therefore heavily influenced by the Black/White Binary Paradigm in its renegotiated form. The Antonio Zambrano-Montes protest moment, furthermore, is marked by two entities struggling to perform opposing frames, a disagreement that is similar to the Jessie Hernandez protest.

In its first section, this chapter focuses on the position of Latinas/os in Pasco and its surroundings, rather than on an overview of the previous conduct of the Pasco Police Department with regard to the use of deadly force. This is largely because too little information exists on this subject aside from the fact that Antonio Zambrano-Montes was the fourth person killed by the PPD since July, 2014 (Dahl par. 1, 7*). By focusing instead on the socio-economic position of Latinas/os in Pasco and their representation in city government, this section provides insight into the tensions that were simmering between Pasco and its Latina/o community at the time Antonio Zambrano-Montes was killed. The incident on February 10 is described thereafter, which is followed by a frame analysis of the response that this incident generated in the local and national media. Using content analysis, the three frames that the media relies on in shaping a portrait of Antonio Zambrano-Montes are exposed. This analysis reveals the use of a Ferguson-Parallel frame, a Mexican Background frame, and most notably, the Immigrant/Threat frame, each of which contributed to the strong influence that the Black/White Binary paradigm exerted on the media's coverage. In its final part, this chapter incorporates the notion of performance in

exposing the frames that are used by the protest movement that responded to the incident, Tri-Cities Community Solutions. This analysis concludes that the death of Antonio Zambrano-Montes was protested primarily through the performance of an overarching Peace and Justice frame that focuses on condemning the *acts* of police brutality rather than on the ethno-racial context of such acts.

3.1 Latinas/os in Pasco: Status and Representation

The incident in Pasco on February 10 is unique to its community, because not a single other incident has garnered as much as a fraction of its attention, but despite this attention, scholars have not zoomed in on the societal context that created the circumstances for the case of Antonio Zambrano-Montes to happen. When the incident in Pasco is referred to by scholars, they often do not feel the need to contextualize this particular incident (see Embrick 840 or Weitzer 476) because this incident is part of a greater, national argument on police violence against people of color in the US. In this scholarship, Antonio Zambrano-Montes ‘happens’ to be Latino and this fact makes little if no difference to the national argument; the community’s response to his death is considered similar enough to be equated to Ferguson and New York. Indeed, some writings only talk about an incident in Pasco (see Epp, Maynard-Moody, and Haider-Markel 168) and do not refer to Antonio Zambrano-Montes by name. An encyclopedia entitled *Latinos and Criminal Justice* does contextualize the case by providing a bit of information on the demographics of Pasco and the apparent under-representation of Latinas/os in the city’s government (Morín 60). However, its statement that the incident took place “on the heels of” (Morín 60) the killing of Michael Brown—who was killed on August 14, 2014—displays the zealotry with which scholars have sought to consider the death of Antonio Zambrano-Montes the textbook case of an incident involving the death of a Latino that has had Ferguson-style consequences, and not much more than that.

Although drawing attention to the similarities between the death of Antonio Zambrano-Montes to the deaths of Eric Garner and Michael Brown is not necessarily incorrect, doing so risks reducing the death of Antonio Zambrano-Montes to this comparison, while instead its significance extends well beyond the Ferguson parallel. As Kate Brown observes in a piece for *Time*, Latinas/os in Pasco have a lot of anger, which “has been building for generations, in part

because the marginalization of minorities in Pasco has a long history” (“Part of the Story” par. 2). This history began at the close of World War II, when construction began on the world’s first nuclear reactor, mandated by the Manhattan project. The site was to be built roughly forty miles upstream on the Columbia river from the Tri-Cities—that is, Pasco and the adjacent communities of Kennewick and Richland. In her book *Plutopia: Nuclear Families in Atomic Cities and the Great Soviet and American Plutonium Disasters*, Brown writes that an incredible amount of labor was needed to build and operate the Hanford site, officially called the Hanford Nuclear Reservation, resulting in a labor shortage (26). As such, the contracting company hired black and white laborers, and later on also Mexican bracero workers (Bauman 124), but because of strong segregation, non-white workers were often not allowed to live on site, forcing them to settle in Pasco, for Kennewick and Richland also did not allow non-white residents (Bauman 126). As such, Pasco ghettoized rather quickly, because “people who had choices left,” and “people who didn’t stayed” (Brown, *Plutopia* 154).

Consequently, differences in class and crime rose sharply in the Tri-City area; while Kennewick and Richmond “continued to be predominantly white and middle-class into the twenty-first century” (Brown 154). Pasco fell behind, as it was the only place where non-whites were allowed to settle, and statistics confirm that this is noticeable to this day. Between 2000 and 2010, Washington’s Latina/o population grew by 70% or 300,000 people, an increase that dwarfs the state’s 14-percent overall growth during this decade (Schaeffer par. 6). This increase in Latina/o residents is particularly evident communities that already have a strong minority presence, such as Pasco (Schaeffer par. 6). Today, Pasco is a so-called majority-minority community; it is 1.8 percent African American, 38.5 percent non-Latina/o white, and 55.4 percent Latina/o of any race (*Data USA*). Across the bridge over the Columbia River, Richland is 79.4 percent non-Latina/o white (*Data USA*). The income gap between Pasco and Richland is significant; Pasco’s average household income is \$55,319—slightly above the national average—while Richland’s is \$67,483 (*Data USA*). In Pasco, 18.8 percent of the population lives in poverty, with Latinas/os accounting for 44 percent of that figure, or 9,716 people. In Richland, 10.6 percent of the population lives below the poverty line, of which 20.1 percent is or 1,311 people are Latina/o.

These statistics demonstrate that Pasco is a community that has fallen behind when compared to its next-door neighbor, which becomes all the more significant when considering the underrepresentation of Latinas/os Pasco's government structure. In 2016, the Washington chapter of the American Civil Liberties Union filed a lawsuit against the City of Pasco for violating the Voting Rights Act with its electoral system, which makes it all-but impossible for Pasco Latinas/os to elect Latina/o City Council members (*Glatt v. Pasco* 2). In fact, at this time of writing, no Latina/o candidate has ever been elected to Pasco's seven-seat City Council (*Glatt v. Pasco* 4). Pasco's general election is staggered, meaning that every two years either three or four seats are up for election (*Glatt v. Pasco* 4). Five of Pasco's City Council seats are so-called residency seats, while the remaining two are so-called at-large seats (*Glatt v. Pasco* 4). Generally, a residency seat can only be won by a candidate who runs on behalf of a corresponding voting district where they reside, and can only be elected by the voters in this district (*Glatt v. Pasco* 4). In Pasco's primary elections for the city council, candidates for districts 1-5 are nominated by voters in their respective districts—seats 6 and 7 are at-large and these candidates are nominated by the entire electorate (*Glatt v. Pasco* 4). Following that logic, the candidates who make it to the general election in a residency district should only receive votes from within that district during the general election. This is not the case in Pasco, because during the general elections, all seven seats are ultimately elected at large, meaning that everyone in Pasco can vote across all districts (*Glatt v. Pasco* 4). Pasco's voting districts are set up in a way that make it very difficult for a Latina/o candidate to win a primary election due gerrymandering, plus Latinas/os do not have a majority in the voting-age population despite the fact that Pasco is a majority-Latina/o town (*Glatt v. Pasco* 5). Even if a Latina/o candidate makes it to the general election in a district, the vote has always gone to a non-Latina/o white candidate (*Glatt v. Pasco* 5). Despite there being two Latinos on Pasco's City Council, Saul Martinez as of 2010 and Chi Flores as of 2016, both Councilmembers were appointed to a vacated seat and thereafter ran without facing an opponent (*Glatt v. Pasco* 7, *Tri-City Herald* "2nd Latino" par. 2). As such, Latinas/os in Pasco themselves have never been able to elect a representative to the City Council.

Not only has the historic marginalization and underrepresentation of Pasco's Latinas/os permeated the city's government, it also manifests itself in the PPD according to a 2016 report penned by the Police Executive Research Forum (COPS). The DOJ-commissioned report states

that “agencies should strive to have a workforce that reflects the community as closely as possible” (23), but in Pasco, this could not be farther from reality. Despite the fact that over 50% of Pasco’s residents speaks a language other than English at home, 14 of the PPD’s 76 officers identifies as Latina/o, while only 18 PPD officers speaks Spanish fluently (COPS 1, 20). That the PPD has spent little attention on reflecting its community becomes painfully evident when considering that out of the 76, there is but one female PPD officer (COPS 24). Considering this information, the fact that the Antonio Zambrano-Montes case marks the first high-profile incident in which a Latino was killed in an officer-involved shooting does not entail that no Latina/o fell victim to police brutality before that. Mike Carter of the *Seattle Times* reported that in PPD officer Ryan Flanagan was involved in a brutality case that involved a Latina in Pasco, Maria Davila-Marquez. The report reads that she was walking her way home after her shift when she was stopped by Flanagan and his partner, who had been looking for a teenager who was said to have caused a disturbance nearby (Carter par. 4). Because she did not understand English well, she had asked Flanagan and his partner to allow her to contact someone who could translate (Carter par. 6). The officers refused and instead “ridiculed her” (qtd. in Carter par. 7), and went ahead with her arrest. Flanagan pressed her face against the burning-hot surface of the hood of the squad car, which caused second-degree burns and left her face permanently disfigured (Carter par. 7). She was taken into custody, only to be released shortly after when a witness told the police that she was not the person for whom they were looking (Carter par. 8). Davila-Marquez was free to go, but was cited for obstructing the police in carrying out their work (Carter par. 8). The City of Pasco settled the lawsuit for \$100,000, but Flanagan and his partner did not face reprimanding (Carter par. 9, 11.).

3.2 The Events of Tuesday, February 10, 2015

On the evening of February 10, Antonio Zambrano-Montes was at a busy intersection in central Pasco. The following description of events was distilled from four eyewitness videos that depict the incident, which were posted to Franklin County’s YouTube channel. These were uploaded as “VIDEO0061,” “IMG 0993,” “IMG 4391,” and “IMG 0899,” respectively, but for clarity’s sake this section refers to these as videos #1, #2, #3, and #4. Video #1 depicts Alaniz and Flanagan apparently struggling to subdue Antonio; he can be seen scaring off the much taller

officer Flanagan by chasing him with a rock, his hand raised as if ready to throw (0:07s). The silliness of this scene elicits laughter from behind the camera (0:09s); indeed, the altercation comes across as a strangely petty, almost comical affair. Not much later, as seen on video #2, officer Wright arrives at the scene (0:35s). All four angles depict Antonio lunging forward at this point, throwing a rock in the direction of Alaniz and Wright (video #1, 0:55s, #2, 0:45s, #3, 0:04s, and #4, 0:17s). Wright, present at the scene for only eleven seconds at this moment, can be seen firing three shots on video #3, followed by Flanagan, who fires two (0:06s). Having missed Antonio, who can be seen running away, video #3 shows Wright engaging him in pursuit, followed by Flanagan and then Alaniz (0:08s). The pursuit has lasted ten seconds when Antonio stops running (video #3, 0:18s). Hesitant about what to do next, what with the police merely two yards in front of him, their weapons drawn, Antonio turns around with his hands not raised, yet clearly visible; Alaniz, Flanagan, and Wright respond by pulling their triggers once more, and Antonio collapses (video #3, 0:20). Video #4 shows more police arriving at the scene while the three officers are still pointing their guns at Antonio's dead body as if to suggest he might jump to his feet and carry on running at any moment (0:51s). From behind the camera, two men can be heard yelling, "it was just a rock!" to the group of officers, who appear to be deliberating a course of action (1:23s). Although it is not clear who at this stage, three officers can then be seen approaching Antonio's body (1:55s). Huddling over his back, the officers appear to search Antonio and then apparently proceed to lay his limp arms behind his back, handcuffing his lifeless body (2:00s). "He's already dead!" calls the voice from behind the camera (2:05s).

3.3 Analyzing the Media

As is outlined below, the media's representation of the Antonio Zambrano-Montes shooting is influenced by the Black/White Binary paradigm, albeit that the paradigm's influence can easily be read as an affirmation of a Latina/o moment in the wake of this incident on a superficial level. The Black/White Binary paradigm is used as a way to frame the story of Antonio Zambrano-Montes, so that it becomes the story of a mentally-disturbed and socially-estranged Mexican illegal, and the response to his death is made significant because of a forced comparison to the events in Ferguson. The media's coverage of Antonio Zambrano-Montes demonstrates that the paradigm exists in its renegotiated form; the coverage actively views

Latinas/os in Pasco but implies a strong sense of foreignness and criminal threat. Sensationalism and grief porn are present in this story, mostly by emphasizing Antonio Zambrano-Montes' erratic behavior and history with mental illness, but also through frequent references to the highly graphic eyewitness videos that depict Antonio Zambrano-Montes running away from the police, before being shot multiple times.

In crafting the news story of Antonio Zambrano-Montes, the media have made use of three key frames; the Immigrant/Threat frame, the Ferguson-Parallel frame, and a Mexican Background frame. Thirty-two news articles were analyzed, and all were written between February 10 and February 18, 2015. In gauging the use of the Immigrant/Threat frame, two separate codes were used that represent sub-themes within the more general notion that Antonio Zambrano-Montes was a criminal threat. The analysis yielded 214 unique instances where the Immigrant/Threat frame is used across all articles, the breakdown of which is explained in detail here given this frame's versatility and complexity. First, a total of 128 references are made to the act of throwing rocks and the size of these projectiles. The words that were coded are "rock," "rocks," "stone," "stones," and "softball" and appeared 128 times, cumulatively. Next, a total of 65 references are made to Antonio Zambrano-Montes's threatening or otherwise abnormal behavior and substance abuse, his mental illness and depression, and his occupation as farm worker and his work-related physical injury. Regarding Antonio's mental illness and substance abuse, the words "mental," "depression," "depressed," "meth," and "methamphetamine" were coded. Regarding his display of strange and threatening behavior, the words "strange," "erratic," "behavior," "threat," "threatened," and "threatening" were coded. Furthermore, the words "orchard," "wrists," and "homeless" were coded with regard to what he did for a living before his life fell apart. It should be noted that 10 articles refer specifically to the fact that Antonio was arrested a year before his death for hitting cars with a broomstick and for throwing a rocking-chair at a PPD officer (see, for instance Dahl par. 6* or Richardson "Depression" par. 5*). In these 10 articles, the words "rocking chair," "broom," "arrest," "arrested," "charge," and "charged" were coded and appeared 21 times. Regarding the Ferguson-parallel frame, a total of 58 references are made to well-known police shootings of Black men and subsequent protest events (i.e., direct mentions of "Ferguson," "Michael Brown," "Brown," "Eric Garner," and "Garner" were counted 58 times). It should be noted that the media begin using the Ferguson-Parallel frame on February 13; in other words, the use of this frame is not immediate. Finally, a

total of 136 references are made to Latina/o identity (i.e., the words “Latino,” “Latina,” “Hispanic,” “Mexico,” and “Mexican” were counted 136 times). Aside from references to Antonio Zambrano-Montes’ own Mexican background, the Latina/o Identity frame includes references to Pasco’s Latina/o character and all references to Mexican diplomats and leaders responding to the incident.

Of the three frames that are analyzed, the Immigrant/Threat frame is most prevalent in the news coverage of Antonio Zambrano-Montes—it is used 6.5 times on average—and while it is similar to the media’s use of the Illegal Threat in the case of Jessie Hernandez in that it draws attention to the criminal behavior of the *suspect*, there are differences to be observed. First, the Immigrant/Threat frame focuses primarily on the act of throwing rocks on February 10, which is the reason why Antonio Zambrano-Montes was shot dead. The particular emphasis on the size of the rocks—one of which apparently was “softball-sized”—has functioned to leave open the question whether or not Antonio posed a deadly threat to the police officers. There is no question that officers Flanagan, Wright, and Alaniz would have been able to take Antonio down without using deadly force, simply because of his short height; something that is apparent in the video evidence most articles refer to. “I’m 5-foot-3,” Antonio’s cousin told the press, “so I would say he’s a little bit shorter than me . . . I probably could have took [*sic*] him down,” adding that Antonio could not have been taller than 5-foot-1, perhaps even five feet—a little over 150 centimeters (King “Trust Us” par. 8*). The use of the Immigrant/Threat frame here obscures the fact that Antonio was of short stature and leaves little room for the questioning of the PPD’s use of deadly force, and in cases where it *is* questioned, readers are split on the issue. “Don’t throw rocks at people with guns, it really is that simple,” a reader commented (*OregonLive**). “Montes was a criminal,” another reader commented on the website of the *LA Times*, “He assaulted officers with rocks, large rocks at that . . . but don’t just shoot every person who commits a robbery or is having a mental breakdown, and then tell the public the criminal was dangerous” (Queally*). Despite the salience and scale of the online dialog on the Antonio Zambrano-Montes shooting, it is the internet trolls who get the last laugh; “I’ve been to Pasco,” read a comment on the *LA Times*’ website, “All I have to say is good riddance!” (Quealley*).

But the Immigrant/Threat frame does more than emphasize the act of throwing projectiles at law enforcement, it exposes and highlights Antonio Zambrano-Montes’ flaws in an attempt to

make sense of his death. The analyzed news articles overwhelmingly portray Antonio Zambrano-Montes as a low-life farm worker—on some occasions he is simply referred to as “the orchard worker”—who migrated from a notorious part of Mexico and tragically lost touch with reality. It is this part of the Immigrant/Threat frame that, although often meant to invoke tragedy and sometimes even sympathy, reduces Antonio Zambrano-Montes to a deranged Mexican national who was illegally present in the US. A respondent on *OregonLive* asked, “So why wasn't Zambrano-Montes deported the first time when he was arrested for assaulting a police officer?” (*OregonLive**). Indeed, while his legal status is never explicitly referred to, his occupation connotes illegality and his demeanor connotes threat. As Embrick observes, “violence toward Latino/as by the police are routinely dismissed as Latino/as are often seen as “illegal” in the US and therefore criminal, and deserving of whatever punishment they receive—as seen in the case of Antonio Zambrano-Montes” (840).

Furthermore, the Ferguson-Parallel frame and the Mexican Background frame should be understood as two frames working together to present the Antonio Zambrano-Montes case as the Latina/o version of an otherwise Black-versus-White issue, with the City of Pasco taking center stage as the Latina/o equivalent to Ferguson. The workings of the Ferguson-Parallel frame in the media is similar to how the frame was used in scholarly works as demonstrated by Epp, Maynard-Moody, and Haider-Markel. In the articles that were analyzed, the frame draws attention to similarities that the response to the Antonio Zambrano-Montes shooting bears to the responses to the Garner and Brown incidents and to Black Lives Matter. The Ferguson-Parallel frame, then, is not entirely different from the Ferguson-parallel frame. However, while the Ferguson-parallel frame relied on the performance and imitation of Black protest, the Ferguson-Parallel frame relies on the assumption that the incidents in Pasco and Ferguson can be equated, despite the fact that the Pasco protest took on an entirely different tone and character than what had happened in Ferguson. The Ferguson-parallel frame is used less than the Immigrant/Threat frame and the Mexican Background frame. This is due to the fact that the media did not establish the parallel until the first sign of protest in Pasco, which was February 13. From this point onwards, the conversation begins to shift from a focus on what happened *on* February 10 to what happened *after* February 10. The increase in the use of the Ferguson-Parallel frame was paired with an increase in background information aimed at informing readers why Pasco’s residents began taking to the streets. As such, media began focusing more on Antonio Zambrano-Montes’

Mexican heritage, the response from US Mexican communities and the Mexican authorities, as well as Pasco's Mexican Latina/o character. But the increased use of the Mexican Background frame serves to isolate the Pasco incident as *the* shooting death of a Mexican. Consider, for example Anna King's use of the Mexican Background frame in a piece for *NW News Network*, "This all happened in old-town Pasco near a popular big-box Mexican grocery store. Down the street are Mexican dress shops, bakeries and taquerias. Migrant farm workers came to southeast Washington, stayed, bought houses and set up businesses here. Zambrano-Montes died on the sidewalk" ("Trust Us" par. 6*). In four short sentences, King uses the Mexican Background frame to imply that Pasco is a Mexican enclave of sorts, but does not draw attention to, for example, Pasco's tensions or the fact that Latinas/os, too, may face ethnic profiling and are subject to police violence. In other words, while the Ferguson-Parallel frame links Antonio Zambrano-Montes to Eric Garner and Michael Brown, the Mexican Background hinders the media from talking about the Pasco incident in more broad, national terms, allowing the death of Antonio to remain subjugated to the Black/White Binary paradigm.

The three frames that the media incorporate are indicative of the fact that the Black/White Binary paradigm is present stronger than ever, and that it does not allow the issue of police brutality be applied to Latinas/os. The media's telling of the story demonstrates the Black/White Binary paradigm in its renegotiated form; there is a significant awareness of Latina/o identity in the case of Antonio Zambrano-Montes, but the three frames that are used do not allow the incident to escape the restraints of the paradigm. Instead of truly incorporating Latinas/os into the notion of police brutality, the media imply that the Pasco incident is far removed from, and in fact foreign to the actual issue in US society. The use of the Immigrant/Threat frame allows the media to create grief porn; Antonio Zambrano-Montes' flaws and mental illness take center stage in a story about a man who single-handedly made his life a mess. The emphasis on his mental instability and his criminal record serve to exclude him from this discourse, and even though the media never explicate his legal status, implicit markers such as "orchard worker" (Evans and Robinson*) and "Mexican national" (Winsor*) are enough for many readers to dismiss the case in its entirety: "Pasco is a town besieged by illegal Mexicans," an online comment reads, "Was the deceased, in fact, a U.S citizen?" (*Q13 FOX News**). The media's use of the Ferguson-Parallel and Mexican Background frames reinforces the Black/White Binary paradigm. The apparent similarity between the protests in Pasco and the unrest in Ferguson reduce the death of Antonio

Zambrano-Montes to the Latina/o version of ‘Ferguson,’ or indeed, the Ferguson Moment for Latinas/os.

3.4 Analyzing the Ferguson “Moment”

Various parties picked up on the death of Antonio Zambrano-Montes and its investigation; the ACLU focused on challenging Pasco’s government structure to have it represent Latinas/os more appropriately, Presente.org used its online presence to launch a petition calling for an independent investigation of the incident, and Colonel Felix Vargas, a prominent Pasco resident, personally called upon the US Attorney General to have the DOJ lead the investigation. In terms of direct action, one SMO was responsible for organizing protests and actions for Antonio Zambrano-Montes. This movement was called Occupy Tri-Cities before it changed its name to Tri-Cities Community Solutions (TCCS) as a response to the shooting. TCCS organized a substantial volume of demonstrations and actions in the wake of the incident; at least as thirty events were held as a response to the death of Antonio Zambrano-Montes. Due to this large number, the focus in this section lies on TCCS’ seminal event; the protest march held on Saturday, February 14, 2015. This action was organized with support of the Zambrano family and drew significant numbers. However, despite strong attendance during this action, TCCS struggled to maintain its momentum as time passed; it overwhelmed its audiences with many actions and protests, but its Facebook communication reveals that TCCS did not make optimal use of this social platform. In the analysis of the Antonio Zambrano-Montes moment, this section once more relies on frame analysis and incorporates the notion of performativity in exposing how TCCS protested the death of Antonio Zambrano-Montes.

But before this section turns to TCCS, the efforts made by Colonel Felix Vargas need to be addressed. Vargas is the chair of a group called *Consejo Latino*, a local, Pasco-based council for the city’s Latina/o business owners that aims to strengthen Pasco’s Latina/o community and its relationship with the rest of Pasco. During the aftermath to the shooting, the *Consejo* focused on advocating for an independent investigator to be appointed by the U.S. Department of Justice (Latino Rebels par. 8). In doing so, the *Consejo* took to writing letters expressing that they felt that there was bias in the investigation carried out by the Special Investigative Unit (SIU), which was comprised of officials from Kennewick and Richland’s police departments. An initial letter

penned by Vargas was addressed to Eric Holder, the US Attorney General at the time, and focused on distinct points such as the incident itself, the brutality case that involved Flanagan burning Maria Davila-Marquez' face, and the proceedings of the local investigation by the SIU (Latino Rebels par. 3-7). But before Vargas elaborates on these points, he talks about the *Consejo* at some length, stating that the group "is made up primarily of prominent members of the Hispanic community, a community which accounts for approximately 60 percent of the city and county population" (Latino Rebels par. 3). This demonstrates that Vargas saw the importance of framing his written statement as one that is Latina/o-centered and that goes beyond the death of Antonio Zambrano-Montes. Above all, Vargas' written protest demonstrates a sense of repose and collectedness that underscores the wish of the Zambrano family that the protest be civil and nonviolent, which is complicated during TCCS' Valentine's Day action.

Central to the way TCCS viewed the Antonio Zambrano-Montes protest movement is a frame that focuses on critiquing the PDP's action and calling for reform and justice, which can be observed when considering the movement itself. Occupy Tri-Cities began as a small-time, Southeast-Washington response to the wave of movements that followed the inception of Occupy Wall Street in 2011 (Lin-Jones par. 1), and evolved into a dominant movement responsible for mobilizing the protest movement for Antonio Zambrano-Montes. The Occupy Tri-Cities movement began on October 3, 2011, with the establishment of the group's Facebook page (Occupy Tri-Cities). The first post was a grainy, low-quality video, entitled "A Manifesto," depicting a hooded figure wearing a mask and mirrored sunglasses who called for all "slaves of the corporate system" to unite on October 15, 2011, in Richland, WA (see "A Manifesto). A single sheet of paper that spells "OCT. 15th" in permanent marker can be seen behind the figure (see A Manifesto). The Richland gathering, which eventually took place on October 6, drew eight people (Dupler par. 3). Despite the weak attendance during Occupy Tri-Cities' first event, its Facebook page remains active to this day, and while its namesake movement is out of the picture, Occupy Tri-Cities peaked in the aftermath of the shooting of Antonio Zambrano-Montes in 2015. In the wake of the shooting, the movement organized seventeen events for Antonio Zambrano-Montes, such as protest marches, town hall meetings, and seminars (Occupy Tri-Cities). By far the most significant of these actions, a protest march was organized four days after the incident on February 14, drawing an estimated 1,000 participants (Laughland "Protest" par. 2*). The Antonio Zambrano-Montes shooting marked a turning-point for Occupy Tri-Cities;

its effort to mobilize Pasco residents in the wake of the incident provided the movement with the opportunity to bring about real change in Pasco. As such, the Occupy Tri-Cities movement was rebranded Tri-Cities Community Solutions, or Soluciones para la Comunidad Tri-Cities (see “Timeline photo,” 10 Oct. 2015) A new Facebook page was launched, although it should be noted that the old Occupy Tri-Cities page was not deleted at this time. On the contrary, despite the fact that the TCCS was supposed to be a successor to Occupy Tri-Cities, the latter continued to post new event pages to its Facebook page, most of which—but not all—were co-hosted by TCCS.

The Valentine’s Day protest was marked most strongly by the performance of an Anti-Police Brutality frame reinforced by a frame of Colorblindness and together these frames can be considered an overarching Peace and Justice frame. The Valentine’s Day protest remained nonviolent, as was intended by the Zambrano family and TCCS. The organization explicitly urged attendees to remain calm, to be respectful towards the police, and not to cause violence. In a YouTube video uploaded by the *Tri-City Herald*, several people can be seen addressing the crowd over a megaphone when people rallied at Volunteer Park, among whom a family member of Antonio’s, Maria Madrigal-Montes. “Before we do our walk,” she began, “I would like to ask all our supporters to be respectful, non-violent, and show people that even through this tragedy, we can rise above and be civil. Also, I would like to mention that this is not about race. It’s not about color. It’s about human rights. We want justice to be served” (1:46s-2:14s). With these words, then, Maria Madrigal-Montes alluded to the notion that police violence transcends boundaries of race, and that the color of Antonio’s skin is not relevant to the present protest. She therefore used a Colorblind frame to ask attendees to focus instead on the actions of the three officers on February 10. These frames are reflected by the protest signs carried by attendees, which overwhelmingly focus on this call for justice. Some of these signs can be seen in the *Tri-City Herald* video, such as “JUSTICE FOR ALL” (0:57s) “QUEREMOS JUSTICIA” (1:23s) “STOP POLICE BRUTALITY / IT WAS A ROCK”(1:49s), “WE BELIEVE IN THE LAW AND OUR LEGAL SYSTEM AND WE WANT JUSTICE / WE DEMAND THE ARREST OF / RYAN FLANAGAN / ADAM WRIGHT / ADRIAN ALANIZ” (3:43s), “WE / WANT / JUSTICE NOW” (4:09s) and “WE SUPPORT / COPS EXCEPT / THE 3 / MURDERERS” (3:45s). Together, the Colorblind frame and the Anti-Police Brutality frame can be considered an overarching Peace and Justice frame. Furthermore, it makes sense to consider the fact that the event took place on February 14 a necessity; after all, it was a Saturday, the first

Saturday after the shooting, allowing more people to partake in the event than on a regular weekday. Yet, Valentine's Day, for many Latinas/os, is about more than just romantic love; it is called *El Día del Amor y la Amistad* in Mexico, meaning The Day of Love and Friendship (Bonquin par. 5). Therefore, this date should be understood as underscoring the TCCS' intention to perform the Peace and Justice frame.

At the conclusion of the event, however, it became clear that not all attendees were satisfied with the organization's strong focus on the overarching Peace and Justice frame, and instead called for people to adopt a Ferguson-parallel frame. At the conclusion of the event, it became clear that there was a relatively small group of people who felt like the protest had been too timid and modest. This group consisted of people from out of town who supported anti-police and communist movements. Someone who was in this group wrote a report for *REVOLUTION*, the newspaper of Bob Avakian's RevCom party. In this report, *REVOLUTION* writes that at the conclusion of the event, an unknown woman of RevCom took to the microphone at Volunteer Park, which changed the focus of TCCS' event:

A revolutionary laid into [*sic*] and broke open how people need to stand up and not "stay calm." She linked the resistance around Antonio's murder with the struggle nationwide against the police murder of Black and Latino people and argued that people must not go home, or else this murder . . . would be swept under the rug . . . This struck a deep chord among people . . . The revolutionary called for people to do a die-in, which many did. Many people refused to go home despite leaders of the march telling people they should disperse . . . This whole movement must continue to go forward—in Pasco, Seattle, Ferguson, and everywhere. We must not let it get pushed back!!! (*Revolution Newspaper* par. 7-9, 12).

The group of RevCom supporters changed the direction of the protest by calling on people to abandon the Peace and Justice frame, and instead urging them instead to perform a Ferguson-parallel frame. The Tri-City Herald video depicts a textual reference to Black Lives Matter-style protest; a woman wearing a Bob Avakian t-shirt can be seen chanting the words, "No justice, no peace; no racist police" through a megaphone (6:17s). At the same time, a handful of protesters can be seen performing the die-in, a phenomenon that is very much tied to Black Lives Matter. This performance of the Ferguson-parallel frame refers to Black Lives Matter both in text and in

space; the act of lying down on the ground—the text—is a direct reference to a nation-wide trend of die-ins after Garner and Brown (Shaw par. 1), the word “die-in” being a play on “sit-in.” Space, however, is perhaps even more significant here, because as Endres and Senda-Cook argued (260), spaces themselves are rhetorical performances. It is no coincidence that the die-in was staged at 10th and Lewis, because most Black Lives Matter die-ins were held at places of great significance to the African American community. An example of a die in that received generous attention on Twitter was staged in front of the Lorraine Motel in Memphis, where Martin Luther King was assassinated (Shaw par. 4). Responders to the *Tri-City Herald* video, for their part, took notice of this change in frames. A user named Bad Guacamole commented, “I am sickened by the race-antagonizing out of town bussed in [*sic*] protestors [*sic*] that throw off the entire cause [of the protest],” while user named Lena Maure asked, “What does race have to do with this. [*sic*] Who is the woman with the megaphone and Revolution t-shirt on?” (see *Tri-City Herald*, “Rally in Pasco”).

Over the course of the next several months, TCCS was to host dozens more actions, ranging from rallies, marches, meetings, and seminars, and not only do all of these events represent a continued performance of the overarching Peace and Justice frame, their sheer volume and chaotic accompanying Facebook pages are indicative of TCCS’ limited social-organizational resources. The Valentine’s Day protest is but one of dozens of actions that TCCS organized for Antonio Zambrano-Montes; it was the third action that TCCS (at that time still called Occupy Tri-Cities) organized for Antonio Zambrano-Montes in one week (see Occupy Tri-Cities). As for other actions, on February 25, Occupy Tri-Cities organized a meeting at the police department in Kennewick (which spearheaded the SIU) to call for a fully independent, federal investigation; Nine people indicated that they would be attending on Facebook (see “You Can’t Police Yourselves!”). On February 28, a rally and march akin to the event on February 14 was organized, drawing eighty-two attendees on Facebook (see “#Justice4Antonio”). Another rally was organized on March 7, drawing thirty attendees on Facebook (see “#Justice4All Rally”). Sixteen people attended the Facebook event for a rally and barbecue event scheduled for March 22. At this point, TCCS took over on Facebook, but on many of its events, Occupy Tri-Cities is still listed as a co-host (see, for instance, “#JusticiaDeMayo”). This is also the point where the Facebook event pages start becoming more cluttered. The confusion that this caused as to what it is that TCCS is doing exactly speaks to its poor use of a Social-Organizational resource like

Facebook. For example, the first event hosted by TCCS and co-hosted by Occupy Tri-Cities was a town hall event on March 27, dubbed a “community listening session” (see “#NoEsJusto”) On the event page, a user named Fran Wilson expressed her confusion regarding the purpose of this event and her frustration regarding the volume of actions that are planned:

I feel so out of the loop... There are too many actions coming up, I can't keep it straight. Can someone explain who is supposed to be listening here? Or will I just be hearing the same people? Do we have speakers? Government officials? Who are the organizers? I only have an hour to decide if I am going or not, and it turns out that I don't think it is what I thought it is... Christine? Eddie? Jeremy? (“#NoEsJusto”)

“Eddie” responded to Fran’s public post by asking her for her number, to which Fran replied by posting her number, in full (“#NoEsJusto”). Several minutes later, she again comments, saying, “OK I get it. See you there” (“#NoEsJusto”). As another example hereof, TCCS posted a Facebook event scheduled for June 27, 2015, the event description of which still reads that the program for the day is to be announced soon (see “#ProtectPasco”). Furthermore, the top comment on this event page is from the day of the event and was posted by the official page for Occupy Tri-Cities, which reads, “Can someone swing by and pick me up ASAP?”, below which one response was posted, also from Occupy Tri-Cities. “It's EJ,” reads this response; clearly meant as a clarification of sorts (“#ProtectPasco)

Despite the fact that TCCS’ efforts included many Pasco Latinas/os and even relatives of Antonio Zambrano-Montes, it is evident that the protest did not challenge the influence of the Black/White Binary paradigm on shooting deaths of unarmed people at the hands of the police. The performance of the Peace and Justice frame relies on the colorblind argument that police violence is not linked to race, which allowed the protest effort to focus its attention exclusively on the notion of police misconduct. Indeed, Maria Madrigal-Montes effectively dismissed the notion of police brutality against people of color, let alone against Latinas/os. But when people who attended the Valentine’s Day protest objected to the modest and peaceful tone of the event, they instead called on people to perform the only other frame that they know; the Ferguson-parallel frame. Furthermore, TCCS organized dozens of events, but aside from the protest march on February 14, attendance remained low. The movement’s use of its primary medium, Facebook, was chaotic and caused confusion; its prolific use of this platform served only to add

fuel to the fire. But Antonio Zambrano-Montes' death was not only protested through direct action. Most notably, Felix Vargas used his prominent status to call upon the Attorney General in an attempt to have the protest be led by the Department of Justice.

CONCLUSION

The cases of Jessie Hernandez and Antonio Zambrano-Montes demonstrate that the Black/White Binary paradigm leaves little room for police killings of Latina/o Americans to be framed in ways that do not comply with the paradigm's systematic erasure of this vast population group's presence in US society. In the case of Jessie Hernandez, the media relied on framing Jessie's girlhood and her young age, while dominant frames in the news coverage of Antonio's death were Pasco's Mexican background and the Ferguson parallel. Most profoundly, the news media's coverage in both cases is marked the Immigrant/Threat frame; a frame that dismisses the argument that the person killed may have been the victim of a police murder by instead emphasizing their criminal behavior and by focusing on background information that connotes foreignness and legal status. The Immigrant/Threat frame reduced Jessie Hernandez to a hoodlum and a thug who attempted to recklessly run over a police officer, while in the case of Antonio Zambrano-Montes it served to render him a deranged psychopath whose death was imminent, and an illegal immigrant undeserving of the PPD's mercy.

But the news media were not the only actors responding to these incidents; by analyzing various local SMOs, the Denver Freedom Riders, BSEEDZ, and Occupy Tri-Cities/TCCS, this thesis has demonstrated that the Black/White Binary paradigm is deeply rooted in the way Latina/o police killings are protested. Although some of these SMOs performed frames that were informed by a strictly Latina/o, or rather, Mexican identity, all of these SMOs performed frames that divert attention away from this identity. The most visible of these frames, the Ferguson-parallel frame relied on emulating the style of protest that was introduced by Black Lives Matter in the aftermaths to the killings of Eric Garner and Michael Brown. Indeed, the performances of the Ferguson-parallel frame in the protest moments of Jessie Hernandez and Antonio Zambrano-Montes were marked by expressions of African American cultural signifiers that carry strong value to black people in the United States, as exemplified by the use of chants and protest signs, the performance of a Civil Rights-evoking die-in, or by reading from Assata Shakur.

There are, then, two conclusions to be observed regarding the public response to these incidents. First, the news media are unable to incorporate a frame of Latina/o identity in their coverage, due to the fact that the Immigrant/Threat frame is the enabling factor of the Black/White Binary paradigm. In other words, since the Immigrant/Threat frame renders

Latina/o people outsiders who are dangerous to the integrity of the US, as per Samuel Huntington, the notion that they, too, might fall victim to police brutality is all but readily discarded. Even when information that might connote the victim's Latina/o identity is provided, it in fact serves to empower the frames that, in turn, perpetuate the paradigm. As is demonstrated in the case of Antonio Zambrano-Montes, such information is limited to his inability to speak English and his occupation as an orchard "worker," which invokes the Immigrant/Threat frame. The Mexican Background frame, however easily misconstrued as serving to underscore Latina/o, or rather, Mexican identity, served only to liken Pasco to Ferguson and strengthened the Ferguson-parallel frame. In the case of Jessie Hernandez, the news media's few allusions to her being part of the 1.5 generation are limited to what special school she attended and how she lived in a trailer with her brothers and sisters, strengthening the Immigrant/Threat frame. In sum, the Immigrant/Threat frame enables the Black/White Binary paradigm and is the dominant frame in the news media response to both cases. It furthermore remains limited to the news media and sees no use in the SMO responses to these two cases.

Second, SMOs were unable to incorporate a frame of Latina/o identity in responding to the cases of Jessie Hernandez and Antonio Zambrano-Montes due to the sense of disagreement that was observed regarding the use of a Ferguson-parallel frame. In both cases, the frame(s) that were performed initially were met with the performance of a counter frame by another party. In the case of Jessie Hernandez, the Denver Freedom Riders performed the Ferguson-parallel frame, which is central to this movement's philosophy. The performance of this frame was subsequently challenged by BSEEDZ, which sought to perform a frame of Queer Latina identity. More or less the opposite happened in the case of Antonio Zambrano-Montes, where TCCS performed an overarching Justice frame, which was challenged by RevCom attendees who sought to perform a Ferguson-parallel frame instead. The disagreement that was observed in both protest moments demonstrates the difficulty of uniting in the wake these incidents. It also demonstrates the problems that arise when a Ferguson-parallel frame is performed; in both cases, the performance of this frame led to criticism; in the case of Jessie Hernandez this criticism stemmed from a perceived lack of queer Latina/o representation, while in the case of Antonio Zambrano-Montes it stemmed from opposition against turning the shooting into a racialized hate crime. Despite similarities in frame performance, no indications were found that the Jessie Hernandez case in any way informed the Antonio Zambrano-Montes case.

Whether it be the use of the Immigrant/Threat frame in the media, or the tug-of-war discussion surrounding the Ferguson-parallel frame among the SMOs, the Black/White Binary paradigm is at the heart of the inability to truly incorporate a frame of Latina/o identity in the responses to these cases. Regarding the police killings of African Americans and Black Lives Matter, Judith Butler has remarked that “it is true that all lives matter, but it is equally true that not all lives are understood to matter which is precisely why it is most important to name the lives that have not mattered, and are struggling to matter in the way they deserve” (Yancy and Butler par. 8). The cases of Jessie Hernandez and Antonio Zambrano-Montes have demonstrated that in order for the lives of Latinas/os to matter, there is the extra challenge of doing away with the Immigrant/Threat and Ferguson-parallel frames, which speaks to the broader challenge of disabling the Black/White Binary paradigm at large, the latter challenge was recognized by Perea, who called upon the academic community to move beyond the paradigm.

In order to move beyond the paradigm, the role that it plays in US society is in need of complete exposure, which is why I offer three suggestions for further research. First, there is a significant body of scholarship dedicated to citizen journalism and the act of taping and spreading videos depicting police violence or police killings. In the case of Antonio Zambrano-Montes, there are several videos that depict his death, and these videos bring forth several questions. One such question could focus on whether or not the Immigrant/Threat frame is used as a way to excuse the violence depicted in these videos and as a way to point blame to Antonio Zambrano-Montes for behaving in a life-threatening fashion. By extension, secondly, the role that videos in general play in the police killings of Latinas/os needs investigation, for example regarding the case of Nicolás Sánchez, whose death was caught on bodycam on February 21, 2017, or the shooting of Ruben Villalpando, which was caught on dashcam on February 20, 2015. Analysis of such videographic evidence and its impact, finally, might provide an answer to the question of whether or not a snowball effect can be observed in the responses to these cases.

Secondly, while the Ferguson-parallel frame exposed the role of appropriation in the responses to the deaths of Jessie Hernandez and Antonio Zambrano-Montes, future research might reveal how appropriation functions in responses to other deaths of non-black people of color, which could further complicate the influence of the Black/White Binary paradigm. For instance, on February 10, 2015—hours before Antonio Zambrano-Montes was shot and killed—

three UNC students were murdered in Chapel Hill. As a response to the murder of these students, who were Muslim, #MuslimLivesMatter began to trend on Twitter, which led to a heated debate on whether or not Muslim Americans can lay claim to a Lives Matter-style hashtag.

Finally, additional research is needed to fully understand how the Black/White Binary paradigm influences the response to police killings of, specifically, queer Latinas/os. The Queer Latina/o frame that was observed in the SMO response to the death of Jessie Hernandez might be applicable to other cases, although further research might reveal a possible alternative reading of this frame. For example, in the case of Jessie Hernandez, an alternate reading of the Queer Latina/o frame might disentangle it to reveal to separate frames; a strong Queer Identity frame and an arguably weaker Latina/o Identity frame. The motivation behind this disentanglement, then, is that while BSEEDZ focuses on Denver's queer Latina/o youth, its performance of queer identity in the Jessie Hernandez moment is separate from, and arguably stronger than its performance of Latina/o identity. BSEEDZ' use of space demonstrates that its direct actions for Jessie Hernandez were held at venues that represent an LGBTQ voice, and not a Latina/o voice. No actions were staged, then, at Denver's considerable Cinco de Mayo festivities that year, which is striking given the fact that the action at the LGBTQ conference and the shutdown of the parade were staged six months apart from each other. Further research might reveal an additional challenge for this minority, which is the difficulty for the LGBTQ and Latina/o communities to unite in the wake of a police killing.

It should be noted, though, that the academic discourse surrounding the Black/White Binary paradigm faces two immediate challenges. Not only has the discourse has limited in scope in that it originated as a critique on race and ethnic studies in the US, rather than as a new way to make sense of Latina/o exclusion from US society, there is also a sense of disagreement among academics. Deliovsky and Kitossa argue that the paradigmatic approach is not appropriate in talking about the US tradition of framing race and ethnicity in terms of black and white. They argue that to talk about a Black/White Binary paradigm "limit[s] or obscure[s]" the historic "processes of race, racism and racialization" of Black people (159). The notion of "moving beyond" this paradigm, they find, is "a faulty and politically harmful epistemological framework for African-descended people" (172). More pressingly, they conclude that the urge to move beyond the Black/White Binary paradigm "sets up blackness . . . as an impediment to the

laudable goals of a multiracial coalition” (172). Instead, they argue that academics ought to use a more appropriate framework, namely that of a Black/White Manicheanism (160).

Deliovsky and Kitossa understand that focusing on the exclusion and oppression of one particular group of people must not cause the erasure of an equally excluded and oppressed group of people. Their message is crucial; it is imperative that the discourse continues to critique all forms of oppression against ethnic and racial minorities in the US. The responses to the killings of Jessie Hernandez and Antonio Zambrano-Montes demonstrate the difficulties that US society has had in making sense of the death of someone who is neither white nor black, someone who may or may not speak a language other than English, someone who, for instance, worked at an orchard or attended a school for first- and second-generation kids—a queer *Latina*; a *Mexicano*. Indeed, Butler remarks, “not all lives are understood to matter” (Yancy and Butler par. 8). By naming the lives of Jessie Hernandez and Antonio Zambrano-Montes, this thesis offers the debate surrounding police brutality with a different perspective, one that, hopefully, paves the way for all lives to truly matter.

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This list has been subdivided into five sections; journal articles and book chapters, books, social media, news sources, and statistics and webpages. The news articles that were used in the content analysis that have been quoted from in the text appear in this list, as well as the Appendix. These articles have been designated by a superscript asterisk (*).

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Appendix

This appendix consists of a reference list that includes citations for the articles that were used in the content analyses of the news media's responses to the two case studies. If a news article was quoted from directly, it appears also in the works cited list. These articles have been designated by a superscript asterisk (*).

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Signed

A handwritten signature in black ink, appearing to be 'R.J. Doomernik', with a long horizontal line extending to the right.

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