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# Toward Refusal

Thinking the Future of Nebraskan Protest Following  
Demonstrations for Kenneth Jones

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escape into a form-of-life that no longer needs to break free of the fort but, rather, can refuse to be governed by it.

This escape suggests that the surround might have a liminal existence. The surround resists the fort from without and within. It is an ever-present counterforce to the state and economy's oppressive use of power. To be more precise, even when one is within the city, which we have argued before is designed specifically to guarantee the perpetuation of state politics and the circulation of capital, one acts in defense of the surround by using the city's terrain against itself. Thus, the city's infrastructure and resources can be redirected or reappropriated to sustain rebellion.

As we draw to a close, we want to again eschew theoretical language in order to be as helpful and practical as possible. The police should not dictate the terms of the demonstration. The police tape line is a visible limit to what is deemed acceptable public/political space by the state. Avoid meeting the police according to this limit, because it places the demonstration under the immediate control of the police. To ensure success, it is imperative that the conditions of conflict be set by those who wish to resist, rather than those whose task it is to perpetuate capitalism and white supremacy. We hope to resume this conversation as resistance continues to develop in Nebraska, but, for now, we must conclude.

## **Account of the November 20th Protest in Omaha**

On November 19, 2020, many of us in Nebraska heard the news that the Omaha Police Department had shot and killed Kenneth Jones, a Black man, during a traffic stop. The details of the event have been widely reported, so we will not recount them here. We, of course, believe that the state has no right to kill in any context; Kenneth Jones' life mattered; and Black lives matter.

With this in mind, we are interested in the demonstrations that followed the murder of Jones. Specifically, we want to examine the protests at the Omaha Police Headquarters that persisted for three days after the shooting, beginning on November 20th. We will first provide a narrative account, focusing on the first day of protest when several demonstrators were arrested and many were beaten, maced, or shot with less-than-lethal munitions. Based on the description of these events, we will then sketch out the way city-space can be used more tactically and argue that a different strategic practice is necessary if these demonstrations are to succeed in out-maneuvering the police.



part of the game of rights and rules of the militarized and murderous form-of-life lived within the settler's fort.

These observations have been made plain throughout the George Floyd Rebellion. Most notably, in Minneapolis, the city government declared it would disband the city's police. Months later, that victory would be walked back to a slight decrease in the police budget (the Minneapolis police still have \$179 million under the "reduced" budget) and no reduction in staffing (Forliti).

In Omaha and Lincoln, city governments barely had to pretend to concede to demands for police accountability. It was activists who assured us that attending meetings and signing petitions would erode the power of the police. Yet, the Omaha police received no budget cut, even though the proposed cut was a mere \$2 million out of its \$161.3 million budget, and even though the budget hearing occurred within days of the Omaha police murdering Kenneth Jones (Ristau). Even worse, in Lincoln, police officers could not even be kept out of schools (Reist).

Now, Omaha has announced that a grand jury will be convened to review Jones' shooting, and the footage will be released in concert with this jury. But there is a catch. Due to the COVID-19 pandemic, the jury cannot convene until a later date. In this sleight of hand, the city simultaneously met the demand while avoiding meaningful action in the near-term that might elicit further mobilizations. The convenient excuse of the pandemic rings hollow considering no such delay was required after the murder of James Scurlock in June; or, considering that eviction court, despite the CDC's moratorium, continues to be held.

Are these infinite deferrals all we are capable of? Can we only achieve false promises that are rescinded as soon as well-meaning liberals are mollified and distracted? Or can we open our eyes to the fact that the fort is already surrounded? By us.

Breaking free of these traps is a physical and an ideological maneuver. In the same gesture that we depart from the precinct to exercise our power across the whole fabric of the city-fort, we also

The process of what is perceived as “justice,” then, is embedded in politics. One cannot receive justice without submitting to the fort. The citizen affirms this submission by using political space to stage “proper politics.” Indeed, this is one of the weaknesses of traditional protests, which affirm the authority of the city government. One need only look at how these struggles are so easily transformed into local election campaigns. However, if one rejects these roles and spatial relations, previously invisible possibilities—potential actions and relations—come to light, because we find a totally different way of living together in the surround. We again turn to Moten and Harney:

We’re already here moving. We’ve been around. We’re more than politics, more than settled, more than democratic. We surround democracy’s false image in order to unsettle it. Every time it tries to enclose us in a decision, we’re undecided. Every time it tries to represent our will, we’re unwilling. (19)

You can, thus, see how this practice of refusal throws into question how power is exercised. Refusing the politics of the fort as well as the validity of its political space makes possible different strategies and practices and problematizes the notion of being surrounded entirely. We cannot easily discern who surrounds who. Of course, when the cops shackle us, when polls and ballots and meetings solicit us, we are momentarily surrounded. But we remain surrounded only so long as we accept politics and policing as they are presently deployed against us, that is, if we agree to play by the rules. Let us, instead, recognize that we are always already in the surround, beyond the fort, escaping the clutches of the police and politicians who hound us. We need not stand at the courthouse, the capitol, the precinct and offer up demands for footage or names. They will never be given to us; and if they are it will not be on our terms. Such concessions are offered only as

Within minutes of the shooting of Kenneth Jones, dozens gathered at the scene. Community leaders and activists immediately began calling for protests in response to this tragedy.

The next day, ProBLAC, an Omaha-based anti-racist organization, organized a demonstration in front of the Omaha Police Headquarters. It was clear when we arrived that this protest was going to be different from the countless similar occupations held by local orgs in months past. The first thing we noticed was the composition of the crowd. The usual activists were, of course, present. But, unlike some of the recent protests that we have discussed, a sizable portion of the crowd were young people, not affiliated with local orgs. This was something that we had not seen since the George Floyd uprising in May. This contingent was not concerned with formal political organization. They seemed ready to fight.

We gathered in front of six cops who stood behind a tape line with rifles, pepper-ball guns, and batons. The crowd chanted and relentlessly heckled the several cops who stood in front of the headquarters.

ProBLAC’s lead organizer eventually halted the chants and gave a speech, urging everyone to march to the business district. People at the front carried signs that said, “OPD WHY,” and people chanted Kenneth Jones’ name loudly. The march was short, and we returned to the police precinct to resume chanting at and mocking the police. This time, however, we noticed some people passing eggs to folks around them. Some in the crowd began throwing the eggs at cops, and almost immediately police cruisers surrounded the crowd. It was ob-

vious that arrests were imminent, but most of us just stood there.

Clearly, this was a strategic error, but it was motivated by a desire to confront the cops who killed Kenneth Jones. As the police repositioned and distributed zip ties, a few people tore down the police tape. Immediately, the police circle collapsed upon us. Those of us who could broke off and fled across the street.

OPD indiscriminately struck protestors with their batons. Several activists were targeted for arrest. These arrest attempts were defied by others in the crowd. Instead of running from the mace, batons, and handcuffs, protestors rushed to help. There were at least two successful de-arrests that night. Still, many of us were maced, struck with batons, or shot with pepper balls. We were willing to endure police brutality to fight it.

Though this attempt at confrontation lacked an effective strategy to evade arrest and exhaust the police, this marked a significant change in approach from protestors. Most likely, this change was due to both frustration from months of marches with no visible results and the presence of working-class, non-activist people in the crowd.

## **Envisioning a Tactical Relation to the City**

We hope to reach the people who participated in these demonstrations, who clashed with OPD, and came face to face with the social antagonisms that are often obscured by political civility.

We would like to make clear that this analysis stems from the shared frustration of all who were present for these nights, rather

Here we would like to draw upon a concept that has been taken up by Fred Moten and Stefano Harney that allows us to reimagine spatial relations in a way that refuses to accept normative politics and the power exercised by the police. The state's attempt to surround and capture life, especially Black life, and life's tendency to escape this capture have been compellingly addressed by Moten and Harney in *The Undercommons*. They pay special attention to the idea of "the surround," challenging the illusion of total constraint that the state imposes upon Blackness and rebellious forms-of-life. They take up the question of the surround by borrowing an image from settler-colonial cinema: a colonial fort, surrounded by violent natives, requiring self-defense on the part of the settlers. Moten and Harney affirm that the fort is, in fact, surrounded, but they contend that it is not surrounded by a mob which threatens the settlers. Rather, those who surround the fort must be defended from the continuous encroachment of the settlement. To put it differently, the fort is always hunting the life that it has not yet incorporated into its order; it seeks to violently include that which exists beyond it. As Moten and Harney put it, the fort, "enclos[es] what it cannot defend but only endanger" (18).

Thus, from within the fort, incursions are staged. These incursions are the movements of soldiers and police; incursions like the cops encircling us, posing with zip ties on the peripheries of the protest. But these physical incursions, these police maneuvers against our surround, are not all there is to fear. Because from the fort comes another sort of incursion.

When we are brought into citizenry within the fort, we are granted access to its laws and rights—what is called justice. As we have already said, we, the aggrieved citizens, are given the right to speak and be heard, to perform the ritual of the demand. We are given a worthless token called politics with which to redress grievances (in the U.S. these grievances are almost invariably anti-Black violence).



than from the standpoint of opposition. From our observations, a fatal error occurred the first night of protests when demonstrators left the precinct only to return moments later.

We must ask: Why did the crowd leave and return to the precinct? What was there to gain in a ten-minute dispersal that resulted in a return to a terrain where the police hold the most advantage?

In our second piece, "A Movement Without Mobility," we argue that we must develop a tactical relation to the city if future mobilizations are to overcome the police's repressive strategies. We feel that this argument must be reemphasized after witnessing the events of late November in Omaha. Those who assembled to protest the murder of Kenneth Jones unfortunately did not use the city's terrain to subvert OPD's control. Instead, OPD kettled the demonstrators and used shock tactics to demoralize the crowd.

## The Question of the Surround and Practices of Refusal



specific space in our context is the police precinct. In this way, many of our contemporary protests (including the recent protest in Omaha) can be said to perform a traditional political ritual. The individual enters the public space and addresses politicians or political institutions: "I, a citizen, have been unjustly aggrieved. You, the ones who govern and are capable of acting, must correct this wrong." This performance reconstitutes already existing social relations between the governed citizen and the governing politician/institution. The one who is governed announces themselves as such by appealing to the governor—thus also verifying the identity and status of the governor—who exercises power. We might say, therefore, that the demand (i.e., "correct this wrong") crystallizes a relationship in which the citizen represents their will from the position of weakness while the politician/institution is capable of exercising power directly. Moreover, the citizen accepts and reconstructs this relationship by continuously restaging the ritual of the demand. Here the state has the monopoly, not only on violence as is typically argued in political philosophy, but on action as a whole.

Now, on the basis of this understanding of the use of political space, we would like to be explicit. By thinking of space in the terms we have so far, we hope to draw attention to a double maneuver. The state attempts to contain action through both physical and ideological means. The police function to surround and violently demarcate the limits of political space and the protest, and the ritual of the demand, requires the use of designated public/political space and reinscribes the governed/governor relation.

To evade these operations, we advocate a practice of refusal. As we have said before, we should refuse the logic of the city and traditional political space. We should remain mobile during protests, making sure the police do not surround us. We should give up staging political plays with the city. They respond with violence even when we attempt to abide by their rules. Instead, we should use the city and its resources for ourselves.

An image of protesters with signs that displayed, "OPD WHY," circulated on Twitter. However, these photos were taken during a ten-minute march that led directly back to the precinct. When protestors returned to the precinct, they abandoned the strategic advantages they had while marching in the streets, because the police used the ten-minute interval to reposition themselves to cut off the streets leading away from the building. As we have already said, the crowd here was more willing to be confrontational, but they lacked the strategic wherewithal to out-maneuver the police.

First, the very space in which the protesters assembled created limitations based on a relationship of political space and physical disadvantage. The demonstration, by fixing itself to the police precinct, allowed OPD to predict and obstruct the crowd's actions. In fact, while the crowd marched, cops immediately began preparing to kettle the marchers when they returned. Demonstrators must learn to mobilize in ways that exhaust the capacities of police in whatever spaces they find themselves. As much as possible, avoid direct confrontation with police (only collide when there are enough numbers). Instead, maintain distance from the police line and try to always have multiple escape routes available when it becomes necessary to flee and regroup. Swarm warfare suggests that the most effective strategy is to create an effect of asymmetry by converging only on gaps in police presence, refusing to fix the point of conflict to a single space. The point of conflict, therefore, should be entirely mobile. As Tom Nomad reminds us, conflict must be understood as "a complex dynamic, one operating through action and contingency, and one both existing within space and structuring space" (57). This means that conflict itself transforms space (in this case the city), rather than space dictating the terms of conflict. Future strategy, then, should not be the occupation of a point or target. Rather, a disruptive force must be potentially anywhere. This requires secure communication channels (e.g., Signal or Telegram) and tactical creativity.

Be water: When a spot is compromised, erect a barricade that slows the authorities down, and/or dip out to the next spot. Start marching, redecorate and rearrange space in the city while on the move (art and slogans throughout the city leave traces of the event that endure beyond the night). Try to imagine how traffic flows, take the streets, and figure out where it makes sense to stop or end a demonstration. Recognize that you can reappropriate the city's tools and resources for collective use. Assign temporary roles to one another to sustain the group or obstruct the police. Do not meet the police on their terms. Keep them guessing. If you do encounter direct confrontation, act quickly and disperse.

This strategic fluidity is meant to shake the police's confidence, to deprive them of the ability to dictate the rules of play. They will only negotiate when they realize they no longer have the upper hand. But even then, offers by the state to "make things right" should be rejected. It is clear that OPD has no remorse for their anti-Black violence. Regardless of one's position on reformism, the strategic use of space and tactics of spontaneity are crucial if anything is to be achieved beyond mocking the cops or getting arrested. If protesters want to see things change, map out how to disrupt the flow of capital, mobilize, and create an atmosphere where victory is possible—even if only for the night. Do not march in a rigid formation; instead, expand, break off, return, and have each other's backs whether you agree with everyone's actions or not. Movement, speed, surprise, fluidity, and sticking together are recipes for a joyful night. Moreover, this spontaneity will deter political enemies, such as the blue lives matter grifters who staged a counter-protest the second night, from attempting to disrupt demonstrations. What is safer to a police supporter than a police station? Deprive them the comfort of friendly territory.

## **On the Problem of the Political and the Demand**

In keeping with our commitment to critically reassessing how we think about and use space, we would like to return to some of the ideas we took up in a previous essay: the problem of the city and the arrangement of space in a democratic society. We are taking this brief detour in order to show that the limits certain spaces impose on protestors are not only physical, but also political and ideological. Let us, therefore, imagine a somewhat dated image, the town square. We need not concern ourselves too much with historical accuracy; simply consider the way a town square is designed to serve as a hub for the town's people. It is a space in which one can represent one's political will, that is, can voice a public opinion or attempt to persuade citizens and political leaders alike. It is this use of political space that we want to revisit and explicate here.

We will not take up the question of representation as such, nor will we assign it any qualitative value. Such questions, despite their persistence in our milieu, are irrelevant for our purposes. The force of representation, rather, plays a crucial role in our discussion of the relation between protest and politics. In other words, we are not arguing that representation is good or bad, but that a specific form of representation (demands by protestors to political institutions) performs a particular operation, namely, it sublimates the will of protestors into political normativity. Sublimation ensures that the protest does not exceed the bounds of "proper politics." Thus, an acceptable form of political protest must be staged in order to give voice and be heard.

Here we can begin to draw out the logic of the abovementioned "town square." By evoking the image of the "town square," we mean to suggest a traditional example of public space within democratic societies where the citizen can speak. It is the public forum—the