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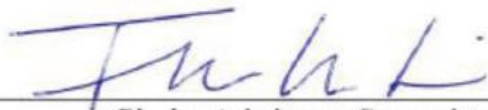
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The Justified Lawman:
Cowboy Killings in the Modern Era

GRADUATE THESIS

By
Joel F. Harman

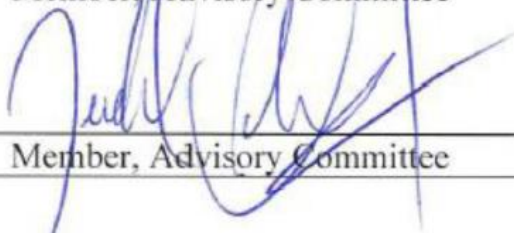
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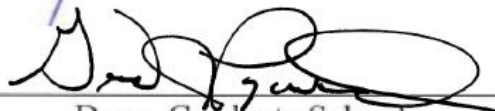
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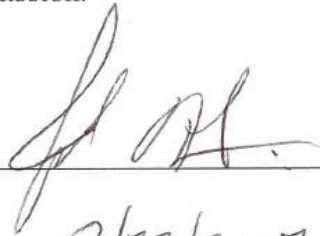


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Date

3/23/2017

The Justified Lawman:
Cowboy Killings in the Modern Era

By

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Bachelors of Science
Eastern Kentucky University
Richmond, Kentucky
2014

Submitted to the Faculty of the Graduate School of
Eastern Kentucky University
in partial fulfillment of the requirements
for the degree of
MASTER OF SCIENCE
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DEDICATION

This thesis is dedicated to my parents

Gene and Cathy Harman

for their unwavering support.

ACKNOWLEDGMENTS

I would like to thank my mentor, Dr. Travis Linnemann, for his guidance, patience and the depth of knowledge he added to this project from the beginning. Also, his endurance in working with me at the sacrifice of his own time. I would also like to thank the other committee members, Dr. Victoria Collins and Dr. Judah Schept, for their frame of mind and assistance over the past four years. I would like to express my thanks to, Kimberlee Taylor, for her understanding and patience also for her courage in uprooting and moving to Kentucky for school. I would like to thank the several employers that hired me for giving me the means to stay in Kentucky while I pursued this personal goal. Also, heartfelt thanks to all of my coeds whose empathy and insights helped me endure the master's program as well.

ABSTRACT

Stereotypes advanced by the popular media, do not necessarily have the power to directly determine an individual's ways of thinking, but do help frame and reinforce already existing cultural beliefs, particularly within the context of the seemingly innocuous narrative fictions of cable television. These narratives not only simplify complex ideas, but also can further entrench or justify harmful social relations. My contention here, is that the popular television program *Justified* does precisely this by normalizing police violence and the ways that the police underpin and reproduce profoundly disparate class and racialized social order. While in many ways a typical police procedural, *Justified* is a particularly unique and hence useful case for analysis because its setting and subject matter focuses almost wholly upon the transgressions of the mostly white, rural poor as opposed to other popular examples from the genre such as *The Wire* which are routinely set in so-called urban ghettos. The justified violence of police in this particular context then, offers insight into a unique cultural script depicting how largely white rural poor are swept up in a moral and spatial purge deemed altogether necessary because of their cultural and perhaps biological failings.

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CHAPTER I

Introduction

On September 13, 2014, Jesse Gibbons a 29-year-old man was shot and killed in Richmond, Kentucky by eight members of two local police departments. The events that culminated in Gibbons' death began in Lexington, Kentucky with a domestic dispute between Gibbons and his mother. Gibbons' mother reported to police that her son took her dog and shoved a door against her, which for police translated into charges of misdemeanor assault and second-degree burglary. Later, when Gibbons, who had a petty criminal history and bipolar disorder, was found and confronted by officer Winter of the Lexington Police Department (LPD) Gibbons reportedly said "I'm not going back to jail for something my mom said," and a physical confrontation ensued (Kocher, 2015). During the confrontation, Winter's stun gun fell into Gibbons' vehicle as he made his escape. In the pursuit which eventually ended in Richmond Kentucky, officers were warned that Winter's stun gun could be in Gibbons' vehicle, thereby making him "armed and dangerous" (Kocher, 2015).

After lodging his vehicle on a small embankment near a gas station on the Eastern Bypass in Richmond, Gibbons reportedly exited his Jeep and aimed "what appeared to be a gun" at the officers at the scene (Kocher, 2015). Police would later insist that Gibbons' position, stance, and general mannerisms were threatening (Kocher, 2015). A collection of LPD and Richmond police then opened fire, knocking Gibbons to the ground. While on the ground the police and Gibbons came to an impasse where he did not relinquish his weapon. After several more barrages of bullets and commands from police, Gibbons

eventually surrendered, but later died shortly before midnight at a hospital in Lexington (Kocher, 2015). Some sources report he laid on the ground for 34 minutes before he was placed in an ambulance and taken to University of Kentucky Hospital (n.a., 2015). After the incident 67 shell casings were collected from the scene. A Madison County grand jury met in April and decided not to indict anyone involved in the shooting (Kocher, 2015).

The violent death of a young man at the hands of police is a story of increasing familiarity. In fact, many of the details of Gibbon's death mirror other police killings that have littered the US news media in recent years. That Gibbons' body was left on the ground while the scene was processed, of course invokes the killing of Michael Brown who was left out on the street for hours as police "secured the scene." The 67 rounds fired by police also echoes the circumstances in the killings of Sean Bell, Amadou Diallo and others.

While some of these material conditions do sadly appear over and over again, the deaths of Brown, Gibbons, Bell, Diallo and so many others may also seem somewhat familiar because they routinely appear within the myriad filmic and televisual representations of the police. The television program *Justified* is just one example of how inconsequential lethal police violence appears in mainstream US television. The series opens in Miami, Florida, with protagonist, Raylan Givens (Timothy Olyphant) engaged in a showdown with a man named Tommy Bucks, in which Raylan issues the old west ultimatum, giving Tommy 24 hours to leave town. If Tommy refuses, Raylan promises to shoot him on sight. Such a scene, replete with familiar signifiers such as gun belts, steely-eyed glances and Givens' signature Stetson, places *Justified*, a modern cop drama also

within the lineage of the spaghetti Western. Here, Givens moral and legal authority is unquestioned, so too is his lethal violence when he finally kills Bucks in a seemingly unavoidable quick-draw showdown. While fanciful, Raylan's showdown with Bucks, in many ways mirrors contemporary police killings, in that the subject on the business end of the lawman's gun is almost always presumed somehow deserving of their fate. As Neal King (2010) has argued, police procedurals like *Justified* and films like *Dirty Harry* are representative of a widespread conservative cultural trope, which helps to normalize police violence and coercion.

Historically, lethal police violence has been normalized through an adjoining rhetoric focusing on the individual failings of criminals and the details of their acts themselves (Hirschfield and Simon, 2010). Over time, mediated depictions of crimes have become more violently graphic, (from the old west horse thief to Hannibal Lecter) and their impact has also become closer to home where sensationalized crime dramas routinely show hero police stopping the serial killer neighbor hiding in plain sight (Dowler, 2003). Obviously, mediatized fear cannot solely be to blame for the lethal relationship between the state and public, when in fact, thinkers from Hobbes to Weber long recognized that sovereign power and the monopoly on violence is the bedrock of liberal democracy. Narratives such as those of *Justified* then, simply reaffirm or occlude these troubling conditions (Legarre, 2006).

In order to investigate the cultural production of lethal police violence in the unique context of the supposedly white rural landscapes of the United States, this project presents a critical analysis of *Justified* which explores and illustrates several themes less discussed on contemporary critiques of the US police. Which is to say, the focus here is

on televisual representations of the indiscriminate and justified killing of the (mostly) white, rural poor. Attending to representations of Given's antagonists, which follow the dominant "Appalachian imaginary" (Peine and Schafft, 2012) and also holds in balance that the rural poor are dirty, ignorant, incestuous, racist, violent, atavistic, monstrous "white trash" (Wray, 2006) offers an analysis of the "enemy" figure of police and liberal democracy that is not often discussed in popular commentary or the academic literature. *Justified* presents a useful case for analysis then, as it hints at how economic domination is reproduced in the cultural sphere, while it also makes visible marginalized white ethnicities (Webster, 2008) and demonstrates how they too might also find themselves on the business end of wholly justified lethal police violence.

CHAPTER II

Police Power, Rurality and Whiteness

The legal scholar Marcus Dubber suggests “what defines the police power in the contemporary moment is not the aim of crime control, but rather the intent to police possession of prohibited materials and the threats these objects are thought to represent” (Dubber, 2001, 855). For example, when a cop shoots a bad guy on television or confiscates property, these acts are presented as the eradication of some form of threat. Therefore, the spectacle of continually producing the police power to kill, sanitizes the act while legitimates that power, and simultaneously delineates a killable class of people.

For Steve Martinot (2014) police power is seen as a series of actions when viewing police shootings as a whole instead of on the case-by-case basis that the media presents. What Martinot alludes to is the idea that the mere essence of a police officer giving a command is a literal demand for social compliance. This forced compliance is a culmination of social hierarchy, a violation of human rights, and a dismissal of due process, and is needed in order to justify the human rights abuses (Martinot, 2014). Given the power of police described by Dubber, and the constant reminder that the police have the power to kill, then the demand for citizens to comply with police wishes is literally an ultimatum to obey or die. Likewise, John Crank (1994) describes how myths have been imbued into the institution of policing and how they have been used by both sides of the political spectrum to justify the violence of police. This is a seemingly different power than that expressed to this point it is power expressed through consent not coercion.

Likewise, it exemplifies the malleability of myths like, how the police are seen as protectors, and how the community values are what are being protected (Crank, 1994).

Police of the televisual and cinematic imagination represent a template of how some sectors of society expect police to operate. Seeing the police in varied forms of media as street level bureaucrat, problem solver, protector and often executioner reflect the varied social conditions in which the police operate. Nevertheless, because they are inseparable broader understandings of social order, police are mostly represented as benevolent stewards of the community. For example, the differences between Al Pacino's character in *Serpico* and Clint Eastwood's character in *Dirty Harry* are innumerable however, they are still battling an enemy for the good of the community (Rafter, 2006).

Justified presents an interesting case as it seems to play upon or embolden the understanding of rural Kentucky and greater Appalachia as uncivilized, violent, and isolated, and in so doing characterizes several concepts germane to the study of policing and of broader understandings of race and place. Of particular importance here is the stale binary of a monstrous rural villain (Linnemann, 2016).

The imagery of rural culture is represented on two main distinguishing platforms in mainstream culture. On the one hand, you have the pure "rural idyll", characterized by lush rolling pastures and hills and of the folks thought to inhabit them and on the other, "anti-idyll", landscapes as threatening as its inhabitants (Bell, 1997; Murphy, 2013). Those outside of the rural culture can have an abject unease about this area. Obviously these categories are not mutually exclusive and the reverse can be felt from inside the city and out. Popular film and television have had a hand in reproducing and invigorating such understandings through films like *The Texas Chainsaw Massacre*, *The Hills Have*

Eyes or *The Devils Rejects*, which have drawn upon a decidedly “Anti-Idyll.” Because of longstanding material conditions, namely the slave economy and the Civil War, the rural south is also imagined in binary terms as a landscape filled with backwoods racists, bigots and sexists (Foster and Hummel, 1997; Harkins, 2003). Yet within this backwards sexist, racist binary, the epithet “white trash” may also reveal the coordinates of intra-race distinction. As Linnemann and Wall (2013) have shown, mediated criminal justice programs focused on the drug methamphetamine, both reveal and produce distinctions between proper forms of whiteness and a racially inferior “white trash.” Programs like *Justified* continue the cultural lineage of the “white trash” as an immediately recognizable and particularly potent racial signifier, distancing the enemies of police from proper forms of whiteness. What this accomplishes then is twofold; first it justifies the violence directed at derelict white trash, while simultaneously making “white” and white privilege invisible (Wray, 2006).

CHAPTER III

Analysis

Producer Graham Yost developed *Justified* from Elmore Lenard's novella *Fire in the Hole* and it premiered on March 16, 2010, on the FX network. Olyphant's Raylan Givens is a quick-draw, steely eyed, Stetson-wearing lawman who links the southern Appalachian setting to the Old West through repeated allusions to an idealized past, stitched together by the settler colonial ideologies of Manifest Destiny.

Forced to leave Florida because of his shootout with Bucks, Givens is soon back home in Eastern Kentucky tangling with his childhood friends who are now major and minor underworld figures. Within the first episode Raylan encounters his outlaw doppelganger, his old friend, Boyde Crowder (Walton Goggins). Boyde cannot be considered the antagonist in this series, even though, in the first episode he is shown to be a deceitful, murderous, racist, after blowing up an African American church with a rocket launcher and later is shot in the chest. Because, among many other things this was his turning point, and, even though Boyd and Raylan are on two different sides of the law, much of the time they are very much in-tune with each other's thinking. The interesting suggestion here is that law cleanses those seen as less desirable. The gun, which usually for our gun slinging Marshall kills anyone in front of it, in this case changed our protagonists' counterpart and made Boyd appreciate being shot in the first place. In Boyd's words "the bullet missed my heart, but it struck my soul." For in the show *Justified*, life in the South has worse demons hidden in the hollers than a career bank robber and murderous racist.

Similar to the plot shift after Tommy Bucks is shot, the discussion shifts to the morality and justifiability of a lawman's power to kill. The utility of making Raylan a moral actor in the show not only justifies his use of murder, it also justifies that he did this to uphold an unnatural social order. The mere instance of the unsuspecting public in the show accepting Raylan's existence, with his cowboy-esque demeanor, is seemingly an example of how a pacified American populace can accept the existence of the state's monopoly on violence. Most importantly, *Justified* enables uncritical viewers, who consume this cultural script, to put themselves in the gunslingers' boots while reinforcing their interpretation of criminals as vicious "others", who deserve to die. This is an important critique to highlight because of the stereotypes that this show perpetuates about southern Appalachia and the rural poor that subjugates.

In the show Givens is a US Marshal, however, his character represents more than that. When he hangs his hat at the end of the day, makes questionable personal decisions, pisses off his boss, lets his hate for his father determine his life path or gets in a bar fight, it is a symbol of him being a person like anyone else. It is important to see this side of him first, because not only is he a fictional character, but also he represents those everyday police officers with whom real citizens come into contact. Facing this reality, his actions good or bad, can take on another meaning. It would not be hard to find a story about a questionable police practice or shooting that was explained away with the tired cliché "At the end of the day, I'm coming home." This subtle bit of ideological work helps to humanize police and thereby normalize police work as "just a job." Further, this view helps to normalize the violent masculinity inherent to the profession (Dubber, 2005).

Traditionally, this particular argument forces the conversation towards reform and the need for a better-trained or more professional police force, which is also addressed subtly by *Justified*. A highly proficient and lethal gunman, Raylan never seems to miss. Nevertheless, on a few occasions he denounces his ability. In season 2, episodes 2 and 3 this point is made fairly clearly:

[Jess Timmons]: You shoot me, you're gonna be spending the rest of the night cleaning up baby guts all over that fireplace there.

[Raylan]: Jess.

[Jess Timmons]: Yeah.

[Raylan]: Jess you ever hear of a spot snipers call, The Apricot? It's where the brain stem meets the spine. Hit a fellow there. He ain't gonna pull no trigger. It's just Lights out.

[Jess Timmons]: Oh, are you telling me you're that good?

[Raylan]: Me? (Shakes his head no, then symbols to Deputy Marshal Tim Gutterson, who was a sniper in the Rangers during the Iraq war)

[Jess Timmons]: Really... This how it's... (Jess is immediately silenced mid-sentence)

In the initial dialogue of episode 3, characters Tim Gutterson and Chief Marshal Art Mullins discuss this shooting, and during this conversation they reinforce the image that like Raylan's, Gutterson's abilities as a shooter should never be questioned:

[Art Mullins]: Well, I thought you both might want to know, AUSA has determined that the shooting of Jess Timmons was good. No surprise there.

[Raylan Givens]: Hell of a shot.

[Art Mullins]: Did you consider what might have happened if you'd missed?

[Tim Gutterson]: Can't carry a tune. I don't know how to shoot a basketball, and my handwriting is barely legible. But I don't miss.

[Art Mullins]: All right, that'll do it.

Subtly, *Justified* reinforces the notion of instrumental, if not precise, lethal violence. At this point the argument can be made that *Justified* is merely fantasy, which is true. However the message remains and it reads clearly: the police are sufficient and confident enough in their abilities to distribute violence, dispassionately, whenever necessary. This

is oddly stacked against a reality where Kentucky law enforcement officers are only required to qualify once a year with 55% accuracy (Law Enforcement Officers Safety Act of 2004). Alyssa Rosenberg speaks to the necessity of this inaccuracy in her five part series *Dragnets, Dirty Harrys and Dying Hard: 100 years of the police in pop culture* (2016). In it, she sequences the interplay of police and the media, and asserts that J. Edgar Hoover's show, "served Hoover's interests as much for what it didn't show as what it did" (Rosenberg, 2016). This does not necessarily speak to Graham Yost and Elmore Lenard's intentions for *Justified*, but, if the logical subjective intention for a producer or a writer is accuracy, at least for the purposes of an audience's attention and consumption, then as Rosenberg recounts when talking about *Dragnet*, "Authenticity was a major component of what Webb, as a producer and in his persona as detective Joe Friday, was trying to sell." (Rosenberg, 2016). More about this point later, but for our purposes now, at the benefit of the audience's objective reality the portrayal of Raylan as an lethal gunman, is essential to his character, as it is to the broader police imaginary.

Even for the casual observer of *Justified*, one theme becomes clear; Raylan approximates a modern day cowboy. From his attire, his swagger and speech, to the long and sordid history of the US Marshall service, care is taken to distance Raylan from the typical beat cop. On many occasions this connection is openly discussed in the show. Consider this dialogue between Raylan Givens and Curtis Mims, played by Page Kennedy:

[Raylan Givens]: Yeah. I'm looking for Travis.

[Curtis Mims]: Yeah. He's out. Wait, you that cowboy that he was talking about? I see you got the hat, the boots, the whole nine.

[Raylan Givens]: Who are you, exactly?

[Curtis Mims]: I'm the gardener. (looks around) Yeah, I'm just getting started.

[Raylan Givens]: You must have to cut a lot of lawns to pay for those gators.

[Curtis Mims]: Let me ask you a question. You like Westerns?

[Raylan Givens]: Used to.

[Curtis Mims]: Well, you know how in every Western, the guys will take to the street, and they wait to draw until they're both set? You think that's really how they used to do it?

[Raylan Givens]: Sometimes, maybe.

Not only does Raylan's Old West gloss serve as an ideological connection to a specific past, the hat, boots and cowboy mannerism themselves serve as a visual connection, assigning years of ideology that many have accepted and taken for granted. Stuart Hall's work on ideology and codes is germane here: "Certain codes may be so widely distributed in a specific language community or culture, and be learned at so early an age, that they appear not to be constructed..." "...but to be 'naturally' given. Simple visual signs appear to have achieved a 'near universality'" (Hall, 1980). Hall's theory reinforces the point that, Raylan, represents a particular cultural conglomeration. For instance, the cowboy identity can serve as a tool to help the viewer sift Raylan through the years of conceptual filters, of lawmen and lawlessness, further justifying his response to crime and social outcasts. One example being the very common association made from the show, Wyatt Earp and the mythical gunfight at the O.K. Corral. Through the figure of the Old West gunslinger, the lawlessness of contemporary criminality is contextualized to the past, thereby justifying Raylan's killings. While here it would be ridiculous to argue that all police see themselves as cowboys, a more natural argument would be to associate this modern day cowboy Marshal, who metaphorically is taming rural Appalachia, with the rhetoric used by police today as being the thin blue line between order and chaos.

To explain the thin blue line rhetoric and how it serves the purposes of the police it will be helpful to use the social contract theory. John Locke and Thomas Hobbes both take up this explanation in two different ways. For Locke, all men are inherently equal

and good. Therefore, the need for impartial governance arises when corruption infringes upon the others' property, and from there rises irreconcilable differences. For Hobbes however, all men are still inherently equal, but they are in competition for material and consistently threatened by one another. This necessitates the need for a supreme governance to ensure that men will not destroy each other. Both philosophers/authors suggest that social order is a means to self-preservation, but they differ in their explanation of that social order. Locke sees it as an impartial judge, and Hobbs sees it as a greater power to provide security and protection among men. (Hobbes, 1968; Locke, 1980). Here, the utility of using Hobbes is more natural because he does not presuppose a natural-law distinction between right and wrong, as does Locke. Tracing the thin blue line from here, fear and need for peace is an inherent human quality. This fear can be interpreted today as a fear of crime, fear of chaos, fear of death, fear of a monster or an enemy (Neocleous, 2016). Travis Linnemann and Corina Medley (2018) describes what this implies quite concisely:

The implication here, of course, is that it is fear and insecurity, not benevolence and security, which are most necessary to the fabrication of political legitimacy and social order. The state and its police require a constant state of insecurity in order to rule and without such a state, would be quickly revealed impotent and superfluous. (Linnemann & Medley, 2018, 6).

For these reasons, as Corey Robin (2012) suggests, the politics surrounding security is “the single most effective and enduring justification for the suppression of rights” (Robin, 2012, 118), rights in our case, being the right to live. From this standpoint, the cultural production of cop dramas reaffirm the necessity of lawmen of all kinds and in the specific case of *Justified*, the necessity of lawmen to tame unruly territories and populations of southern Appalachia (Calhoun, 1989).

This is accomplished notably through the show's setting in Harlan County, Kentucky, widely known as a particularly "lawless" area of the region. Beyond the well-known history of the region, the lawlessness of Harlan County is signified by the speech practices and material culture of the show's many characters. In fact they are regularly mentioned throughout the series and meant to portray the historical significance of this place. In one important scene Mags Bennent, (Margo Martindale) and Carol Johnson, (Rebecca Creskoff) square off in a town hall debate on whether or not to allow a coal company (Black Pike) mine a mountain in that region.

[Mags Bennent]: Well, my people pioneered this valley when George Washington was president of the United States. And as long as we've been here, the story's always been the same. The big-money men come in, take the timber and the coal and the strength of our people. And what do they leave behind? Poundments full of poison slurry and valleys full of toxic trash

After a bit of back and forth between Mags and Carol:

[Mags Bennent]: Well, that's something to consider 'Cause it ain't an easy life here. No, ma'am. To an outsider, it's probably hard to understand why we're all not just lining up and saying, "Where do we sign?" But we got our own kind of food, our own music. Our own liquor. (People in the audience yell: Yeah! Whoo!) We got our own way of courting and raising children and our own way of living and dying. And to protect all that, we have got to say "No, thank you" to miss Carol Johnson here and Black Pike Mining.

Mags, the matriarch of the Bennent clan, in many ways gives voice to the people of eastern Kentucky. She connects a long-standing cultural history to the threat that the area has seen in the past. For example, this part of Kentucky has seen many cycles of support and loss due to big companies coming in and quickly becoming the main driver of its economy. The problem, once the company has depleted the resource/s that it came after, or this resource was no longer experiencing a boom in the national or global marketplace, it would naturally move on, devastating this rural economy and leaving those who cannot

afford to leave this area behind. In many other ways, Mags also hints to cultural traits, which have a lingering hint of social exclusion. This is easily classified as a history of isolation that many stereotypes cling to. Whether this isolation was due to the diffuse nature that rural communities themselves developed (due to agriculture and the accessibility of rivers or trains), being a socially excluded group that could not own land, or the loss of business, causing flight out of those areas, and leaving behind those without the means to travel. This isolation is deeply ingrained in the image of rural Appalachia (Peine and Schafft, 2012). To place Raylan's character, a cowboy marshal, amidst this isolation of the imagined un-industrialized Appalachia, the implication is that the old west and rural Appalachia are comparably untamable. This interpretation provides us with another tool to describe this setting. In his discussion of the film *Unforgiven*, Carl Plantinga (1998), describes Clint Eastwood's character as upholding a key Western mythos, violence as a purgative good. In many ways *Justified* upholds the "purgative violence" myth, with Raylan taking up the role of the lawman sent in to clean up an unruly territory. Like the Eastwood character in *Unforgiven* who dispatches a corrupt Sheriff, Raylan "embodies the civilizing of the wilderness, a building process in which savagery and anarchy are gradually replaced by law and order" (Plantinga, 1998, 69). Plantinga also describes how traditionally, communities in Westerns have been receptive yet unsure about the coming of civilization, suggesting that in Clint Eastwood movies the hero is usually in confrontation with the corruption that civilization brings (Plantinga, 1998, 67). Read into *Justified* then, we might surmise that this untamed impoverished area does not want to be civilized, brought out of poverty or brought into the contemporary moment. That Raylan still wears a Stetson hat perhaps signifies this.

From separate encounters in the first episode, the relationship between Raylan and the other actors of the criminal justice system sets the tone of jaunty opposition. This is seen in the relationship between Raylan and two separate bosses:

[Raylan's boss in Miami, Dan Grant]: How's the hat? I was wondering if it shrunk, you know, got a little too tight, you had to take it off your head and now you're suffering from sunstroke.

[Raylan's boss in Kentucky, Art Mullen]: You look the same as you did at Glynco. Same coat, same boots.

[Raylan Givens]: The boots are fairly new.

[Raylan's boss in Kentucky, Art Mullen]: Don't tell me that hat is.

However, the laughable nature of Raylan still in his Stetson draws a serious connection when considering Raylan as the extension of the state's power to enforce social order. If accepting the hat as one symbol, it stands to reason that the implication that producers are providing is a critique against the means of justice in rural Appalachia. This is not to suggest that the producers are providing a critical critique of institutional or progressive means of justice, but following Plantinga, we might conclude that retributive violence is the only means to provide justice in this area. Again, this is reinforced, by the trope of the antagonistic relationship between Raylan and his boss. For example, when Art Mullins, Raylan's boss, tells Raylan "You're a bad marshal, a good lawman, but a bad marshal". This is a frequent stereotype in police dramas, and one that can help explore how culture understands the work of police in their jurisdiction.

Rosenberg (2016), explains the rise of one particular type of opposition or contempt, from police, towards civilian oversight. In her analysis of *Dirty Harry* for instance, she notes that oversight is always seen as a hindrance to police work. Even though, the movie never directly needed to state this opinion, the message was read and understood at the time as political backlash from the police, who viewed the decision of

Miranda v. Arizona and the idea of civilian oversight as a deterrent to their work (Rosenberg, 2016). This more or less structures Raylan's need for action as a necessity, and bureaucracy as a hindrance to that action. Similarly, this is also seen in the way Raylan's boss Art Mullins is routinely ridiculed and used as a comic relief.

Plantinga (1998) also argues that films like *Unforgiven* and older "Spaghetti Westerns" "chronicle moral decent and the loss of principles" (Plantinga, 1998, 71). Therefore, painting a picture of the idealized rural community can help explain this moral decent and loss of principles that culture is so infatuated with portraying.

In the imagined world of *Justified*, many of the crimes portrayed are of the "victimless" or "vice" variety, which in its own way, marks the distinct depravity of the area. As Rosenberg (2016) might attest, the development of cultural products that represent the death of the community servant may have been formed from accurate animosities and anxieties from real policing movements like "community service to crime prevention and crime-fighting". Cop dramas staged in the city like *Dragnet* and *Naked City* might represent this change when compared to *Dirty Harry* (Rosenberg, 2016). Likewise, this same comparison can be made when viewing how *The Andy Griffith Show* stacks up against *Justified*. Linnemann (2016) would argue "whether urban or rural, the core logic of the police power is security, which is produced and maintained through everyday interactions with the public and the physical presence of officers as those [that] patrol streets and skies" (Linnemann, 2016, 117). Mazerolle (2013) supports this view, and suggests that police/citizen interaction can promote legitimacy if the police are more respectful and explain they are just being procedurally just. Potentially, the same images of moral fixtures in the community, resonate with the public just as strongly

as they do with the police, depending on social strata and the shared communication between these social classes (VanCraen, 2013). Linnemann (2016) explains “In this way, police are a condensation symbol, tying various and oft-disparate cultural meanings into a single affective field, reminding of the potentialities of criminal victimization and a means of protection simultaneously” (Linnemann, 2016, 117).

This can present a scary idea when considering that political discourse in America has been on a trend of harsher punishment since J. Edgar Hoover ran under the “war on crime” metaphor. Tim Newburn and Trevor Jones (2005) suggest that political leaders run under a tough on crime narrative to get elected, which hitherto has pushed and strengthened the sanctions against criminals. This can also force, different, more applicable means, to deal with this social dilemma in the background, and further vilify individuals who are considered the “others” (Newburn & Jones, 2005).

This harshening, also has particular importance for rural communities, which are much less autonomous than before (Scott, Hogg, Barclay, & Donnermeyer, 2007). The increasing of electronic communication has lessened the gap between rural and urban (DeKeseredy & Schwartz, 2009; Ritzer, 2013). As Donnermeyer and DeKeseredy (2014) explain that Ritzer’s book on McDonaldization refers to globalization’s homogenizing influence on the growing linkage of cities and rural areas and the likelihood for a future of rural dependency on the urban (Donnermeyer and DeKeseredy, 2014, 5). Linnemann (2015) likewise describes this blurring of boundaries in the terms of technology and transportation (Linnemann, 2015). As Matt Wray argues in *Not Quit White: White Trash and the Boundaries of Whiteness* (2006), the term white trash “conjures images of poor, ignorant, racist whites: trailer parks and wife beaters...” “...and not enough government

cheese” (Wray, 2006, 1). *Justified* contains all of these components and re-distributes them in many ways. This is a powerful idea, and it simultaneously gives an opening on how the social reality of crime deals not only with communities but race as well.

A main point that has been hinted to but not openly stressed, is the essential use of the lawman as a symbol of state power stacked against the enemy (Linnemann, 2016). This idea is emphasized with vigor in the show *Justified*. In the first season alone, Raylan shoots and kills eleven men, wounds two and shoots to scare one. All of these riveting killings show the over-emphasis of state sanctioned killings in cop dramas, not to mention the average Marshal can likely go an entire career without shooting an individual (Dawidziak, 2012). This over-emphasis on “purgatory violence” and under-emphasis on legal ramifications is one of many replicated symbols produced in the United States (in areas like media and politics); to lead, not necessarily intentionally, to Americans classifying these symbols as police being an accepted means for protection, but as a means to relegate individuals to their respective spaces. Shows like *Justified*, also tend to produce an idea of the vicious “other,” an individual so at odds with society that they must be dealt with or policed to protect the status quo. In a series of dialogues this relationship is stressed, in the first few episodes. Even though this association is made countless other times within this series, these associations continue to frame the discussion about the purgatory power of police in this identifying framework.

[Boyd Crowder]: See, I recruit skins. They don't know no more than you do. And I have to teach them that we have a moral obligation to get rid of the Jews. See, it was in the Bible.

[Raylan Givens]: Where?

[Boyd Crowder]: In the beginning. It's part of creation. See, in the beginning, right, you had your mud people. They were also referred to as beasts because they had no souls, see? They were soulless. And then Cain You remember Cain, now?

Well, Cain, he laid down with the mud people, and out of these fornications came the Edomites. Now, do you know who the Edomites are?

[Raylan Givens]: Who?

[Boyd Crowder]: They're the Jews, Raylan.

[Raylan Givens]: You're serious?

[Boyd Crowder]: Read your Bible as interpreted by experts.

In this dialogue, between Boyd Crowder and Rayland Givens, the idea of “otherizing” is expressed by Boyd as a way for neo-Nazis not only to understand their social reality, but as a way for the viewer to understand Boyd, and by association other neo-Nazis in rural Kentucky. Likewise, by the show representing Boyd in this stereotypical fashion, it is reinforcing and connecting a long-standing stereotype that rural Appalachia is predominantly racist. By simple implication, the ripple effect of this racist southerner stereotype is from the outside understood as a rural problem, but on the inside it is sanitized and ignored as a nearly invisible, if not individual, part of the community. However, the ripple does not end there, it serves to perpetuate not only an idea, but it ignores the structural racism or “racism by consequence” tailored so neatly in the fabric of America society (Guess, 2006). Consider this dialogue between Dewey Crowe and Raylan Givens, who sees Dewey as a vicious “other”.

[Raylan Givens]: Your old dad's never crossed the state lines, but he's been up to Manchester, hasn't he? He's seen the inside of the Kentucky State Prison. You got an uncle who came out of there, and another did his time in McCreary. I think we'll skip seeing any of your kin this trip.

[Dewey Crowe]: My uncles are both dead.

[Raylan Givens]: By gunshot, huh? You understand how I see your people?

(A short fist fight ensues)

[Dewey Crowe]: You gonna report what I did?

[Raylan Givens]: I don't take what you did personally, you understand?

This conversation frames the viewer in Raylan’s mindset, and may also help elaborate how the consumer understands Dewey. Raylan simply understands Dewey and his people as violent criminals. This is a common judgment placed on rural Appalachians. Anthony

Harkins (2004) traces the development of this violent stereotype as a cultural product. In his book *Hillbilly: A Cultural History of an American Icon*, Anthony Harkins describes how the development of this icon changed from just “unremarkably rural folk, to picturesque survivors of an earlier era, to dangerous moonshining and feuding savages who needed to be reformed” (Harkins, 2004, 14). He describes that this image of violence has always existed under the surface, but was not really seen as a threat to civilization until the post antebellum period of the 1880s-1900. During this time moonshining was used as a commodity for farmers to trade, to help increase their meager incomes. After the moonshiner’s battles with revenueurs became thrust into the media spotlight, the image of moonshining hillbilly became stamped on the minds of many Americans. This violent myth took hold in eastern Kentucky where the media would focus on the sensational encapsulation of the interfamilial violence between these rural people, one particular example were the Hatfield and McCoy feuds. Even though, these were antidotal accounts, these ideas are represented in *Justified* in the feud between Givens family and the Bennett family who just happen to make apple-pie moonshine. Harkins (2004) continues to trace their development to the “mid-1880s” where this violent caricature was dragged from a stereotype about the south, to a stereotype characterizing Kentucky, to a stereotype about southerners living in the mountains (2004, 35). The producers have kept this longstanding stereotype alive in Rayland’s understanding of Dewey. By saying that he did not take what Dewey did as personal, it suggests that he has bought into the myths of the violent genetic traits that have been passed down in the rural genes from violent Irish ancestry. Harkins (2004) makes note of the genetic decadency by bringing attention to newspaper accounts in the mid 1880’s of this style of thinking. Papers like the

“Democratic Louisville (Ky.) *Courier-Journal* and the Republican *New York Times*, condemned the people of the mountains as degenerate barbarians whose conflicts stemmed not from political or economic disputes but from cultural, or even genetic traits inherited from their wild Scottish highland ancestors” (Harkins, 2004, 35).

Dewey Crowe characterizes much of the white trash stereotype in *Justified*. When Dewey first appears on screen it is hard for the audience not to typecast him as a dimwitted, racist in a wife beater (Figure 1). In the series as his character grows he becomes more of a nuisance and a pawn for the more legitimate characters.



Figure 1. Dewey Crowe (This picture represents the first interaction that Raylan Givens has with Dewey Crowe. In this scene, Dewey, lifts his shirt proudly displaying a swastika tattoo. Even though the show doesn't make explicit reference to the "Heil Hitler" tattoo prominently displayed on his neck, along with a smattering of other Nazi tattoos on his body, the viewer is hard pressed not to notice them.)

In this scene, Dewey portrays a slowwitted lackey coming to collect Eva Crowder, for his current employer Boyd Crowder. Dewey is portrayed as a bumbling idiot throughout the series, who compared to Raylan, cannot get his point across except

through the threat of violence, which in many cases he is too incompetent to follow through with. Dewey stands as comic relief, someone not to be taken seriously and therefore executable. His character is mainly a symbolic representation of how a stupid southerner or white trash is usually characterized in mainstream media. From here, this character expression of the rural imbecile deserves a deeper inspection. Harkins (2004) describes this longstanding stereotypical characterization of stupid mountain folk. He explains that the image of the poor white idiot has been around since colonization of America and reflects an archetypal British character “Hodge”. Development of “Hodge” into characters like “Rip Van Winkle” were likely due to region-to-region animosities during a time of intense economic/social change and rapid growth. To continue he explains this was likely to solidify the new social order by denigrating rural people and an agricultural way of life many had left behind. Also, this shift is likely born from the increasing tensions of the potential abolition or spread of slavery from those with social and cultural power (Harkins, 2004, 14). However, this has not been a static change, the hillbilly stereotype itself has an amorphous character. Examples of Daniel Boone spawn from this post antebellum/preindustrial era, and tended to characterize a noble frontiers man, as a regal cultural type that came from the romanticism of nineteenth century magazines marketed to the urban middle-class, whose readership were far removed from the represented culture. However, today this character type serves as a source of pride for many in rural areas (Harkins, 2004, 29). During this period, the rural imbecilic made a stark comeback in character illustrations being depicted in a derogatorily stupid cartoonish manner. Harkins warns this character imagery should not be seen as a serious inquiry into the reemergence of this stupid stereotype (because it has been around for 200

years prior), but its comeback has been presented in a cartoonish manner ever since (Harkins, 2004, 29).

The term white trash denotes another meaning. Where white obviously entails whiteness the term trash evokes a powerful boundary marker to typecast people into a hierarchy of class. Matt Wray (2006) explains this term emerged for “socially downcast whites by the 1830s” (Wray, 2006, 22). In much the same way that Harkins traces the development of Hillbilly stereotypes, Wray develops an explanation of the term white trash. Starting with the colonial development of terms like “Lubber” Wray describes the typecast of laziness was associated with moral inferiority due to the ideals of industry in British and early colonial society (2006, 26). Of particular importance for the development of white trash as a class signifier was the increasing dependence on African slave labor. Wray notes this caused free-white wage labor to become unnecessary further casting this group into a social system where they could not own land or work for a living. “Although, it is impossible to determine where the term was first coined and in what specific context it was used as a class signifier, upper-class whites found the term worth using” (Wray, 2006, 43). It is important to note that even though whites in this time period were superfluous and economically excluded, their skin color still served as a form of a “psychological wage” giving them the benefit social capital. From there the term was appropriated and given social meaning, and used to “diminish the quality of life for poor whites” (Wray, 2006, 43). Wray explains that it was an opinion at the time, that the problem with slavery was not with the slave masters and their property. But the white trash who were the “social dynamite” and the cause of racial and social conflict (Spitzer, 1975). After Reconstruction, Abolitionists and Secessionists had two differing theories

about the caste system in particular how poor whites fit into that system. Abolitionists argued that poor whites had been tricked into supporting a system that kept them in servitude, and Secessionists believed that society needed different levels of social class. They would argue that poor whites could not handle the responsibility of respectable white Americans. Still within this logic, between both Abolitionists and Secessionists, the causes of being poor was still seen as a hereditary trait tied to laziness which socio-economic forces had nothing to do with shaping. This logic carried on into the ideas of Darwin's theory of evolution during the intellectual and scientific discourses of the nineteenth century (Wray, 2006, 73).

CHAPTER IV

Conclusion

Since Gibbons' shooting has so many resonate themes, it begs the question why does one episode generate more public scrutiny than another. Some suggest that the fact that police lack civilian oversight lets gross misconduct run rampant (Bobb, 2003). This protection from public scrutiny, is questioned when an event becomes widely visible by the community (Bobb, 2003). Usually the response is that the police take appropriate action to monitor their own, or simply go through the motions until the public scrutiny has waned.

Some critique the ability for police to represent themselves to the media. Police routinely withhold vital information from journalists; influence journalists to print favorable articles to ensure a continued working relationship; and pass along messages that enact some culturally accepted rhetoric to spin the tide of critique in their favor (Chibnall, 1977; Chermak, & Weiss, 2005). In Gibbons' case, information was withheld for so long that by the time public scrutiny had waned, the actual details of the case were lost, and the only truth that remained was the initial takeaway that the public received. For example, after information came out that he did not have a gun, the new information was inconsequential and the original script remained. In the end the community would inevitably translate this event as a crazy man from Lexington stole a cop's gun and got in a shootout with the police, causing this event to be self-justifying and in no other need of critique. This view of the infallible police officer is apparent across all forms of our

culture. However, this alone is not the only message portrayed by our consumption of culture.

Another resonating theme, however hidden to some it may be, is the perpetual system of exclusion (Parenti, 2008). This systematic oppression is by nature designed to perpetuate an undesirable class of people, which in turn perpetuates that system itself (Parenti, 2008). The catch is the popular understanding of that system, that only the truly criminal are persecuted and prosecuted. Some refer to this system with the endearing label the “American Dream” suggesting it is possible for anyone to work hard succeed, no matter their lot in life, and it is specifically because of that system that they can do so (Merton, 1938). They use anecdotal aggrandizement to reaffirm their beliefs as proof, and assume that the ones who did not make it simply did not play by the rules, or were stereotypically deficient in one way or another. This naïve rhetoric borders on demagoguery, and similarly perpetuates the colorblind system that has been constructed and socially reinforced around them (Ferber, 2007; Harris, 2000).

Coupled with the idea of a colorblind system is the nullification of whiteness. Being a white, wealthy, male is comparatively the gold standard that all others are held to. This gold standard is however not in the mainstream discourse, even though, it is the overarching framework that gives homogenized meaning and understanding to issues. It gives the ability to use codified ideology and stereotypes to link crime to race (Roberts, 1992). This ideology works to perpetuate the system of oppression in America by linking an individual who does not partake in the system of white supremacy to an otherized individual who is a threat to mainstream society. A great example of the nullification of the white race is found in the above-mentioned cases. Jesse Gibbons was a white male, in

the news stories about him his actions were neutralized through the explanation of him having bipolar disorder (Kocher, 2015). This is just one benefit of being white, the media and others explain this as an individual action usually due to some insufficiency or psychological lapse. This explanation of criminality prevents the message from applying itself to the entire race. On the other hand, for Michael Brown, after his death the media reported on past indiscretions and demonized him, justified his killing, and the event became extensible to the African American population, again linking this race to crime (Roberts, 1992).

However, looking at whiteness in terms of race only limits its message; calling attention to the stereotypes of the rural poor may help bring greater attention to how white supremacy and privilege operates, while simultaneously bringing more clarity to a colorblind audience. To be clear, this is not to perpetuate the colorblind rhetoric that sanitizes racial domination. It should not be understood as a fair system because anyone can be caught up in its gaze. Likewise, it is important to understand that white supremacy is currently deeply intertwined with capitalist social order. Any change to this system, may seem to threaten this order or may be thought of as an un-American sentiment, it is not, that reasoning is a remnant of misguided indoctrination. By being deeply tangled in capitalism, white supremacy makes those who reject it, those who do not conform to its invisible gold standard, or those who break away from the caste system in search of their own means of capital to become swept up in this system (Leichtman, 2008; Fogelson, 1977). Even though many who are swept up idolize the American Dream, similar to the gold standard, they are repurposed to serve the system of oppression and themselves become a form of capital (Parenti, 2008). This system of domination can also apply to the

rural south. Poor southern whites are considered social pariahs who are assigned culturally specific stereotypes. These stereotypes are used to exemplify this group who has tarnished the white supremacy power structure and repudiate them for not conforming to societal standards.

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