

SAGGING PANTS

CRIMINALIZATION AND RACIALIZED ADORNMENT

BY ERIC DARNELL PRITCHARD

In the continuity of the introduction, Eric Darnell Pritchard examines how sagging pants in the United States tend to become the target of discursive, political, and sometimes even legalist racism. In fact, these pants whose only characteristic are to be worn low, mostly by African American young men, embody not only the fetish of association with criminal behavior, but they are sometimes **criminalized** by local legislation.



"Thou shalt not wear sagging pants," so sayeth the Lord, or so

Councilman Frank Goodman of the Dadeville City Council in Alabama wants us to believe. Invoking the metaphorical fashion police, Goodman, a confessed opponent of sagged pants, was quoted in a September 2013 report in the Daily Beast as saying the city should adopt a ban on sagged pants because God said so. Recalling how the heavenly Father revealed to him that sagged pants must come to an end, Goodman said "He [God] would show me this saggy pant — it's one of the things He did not do... It is not in His orders to do that to gain eternal life." To make it plain: God didn't wear sagging pants so neither should anyone else? Good news for Birkenstock's and their Jesus sandals, bad news for basically everything else in fashion. While I am of the mind that God has better things to do, Councilman Goodman, and thus the State, apparently does not.

Bans on sagged pants and other racializations of adornment are a way of forging distinctions that enable indirect attacks against people on the basis of race, class, age, gender or other identities. Doing so, individuals who seek to criminalize sagging pants open up new avenues for the State to criminalize and penalize Black, brown and young lives. As such, sagged pants as style choice, criminalized fashion, and moral scapegoat, sits historically and contemporarily at the nexus of a plurality of matters of identity and social movements. These matters range from anti-queerness, and racist and classist surveillance, to policing desire, and imposing normative gender and sexual identities and expressions upon people.

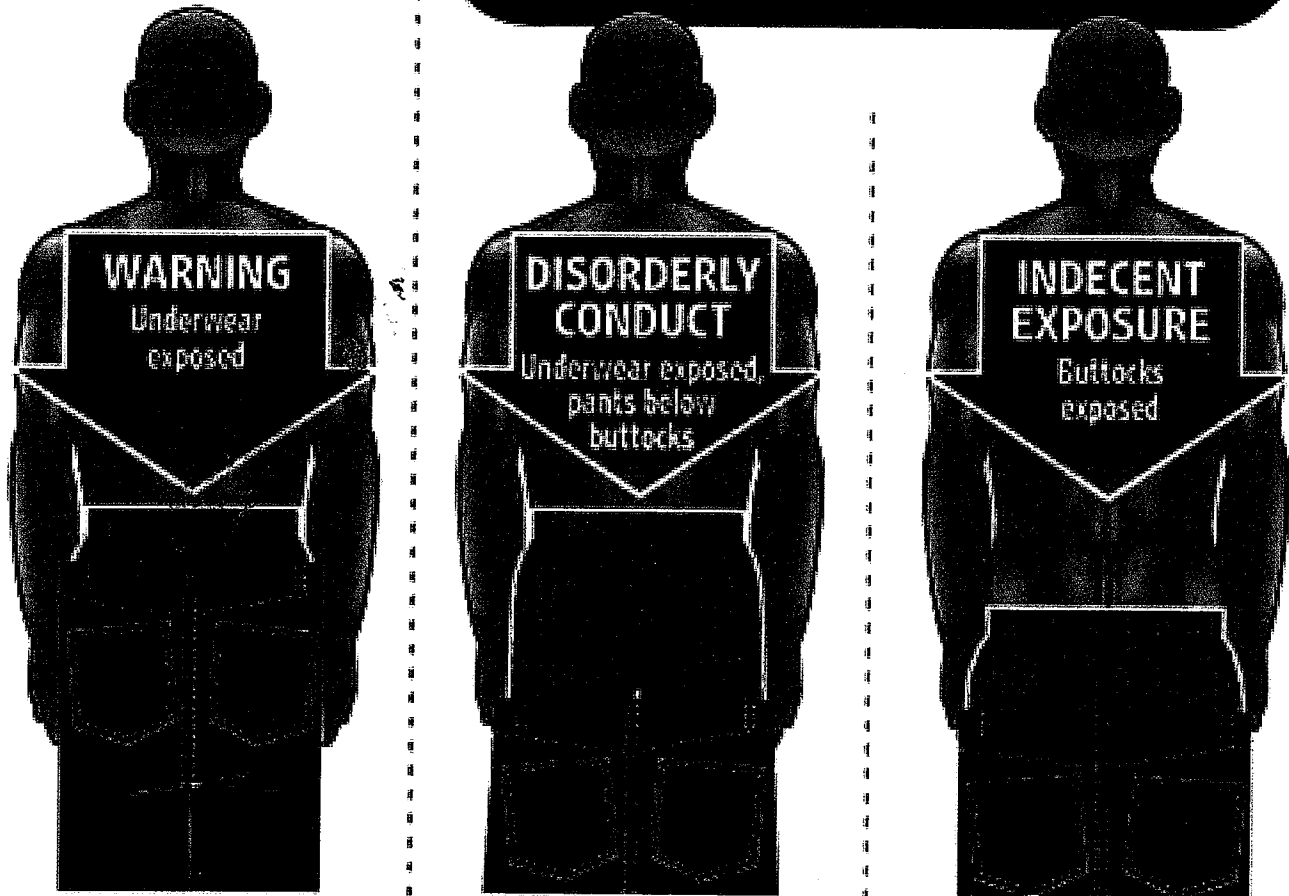
A 2014 National Public Radio news report noted that the earliest news stories about attitudes against sagged pants appeared around 1988. It is no surprise then that on the topic of sagging Councilman Goodman is not alone in his actions, as Dadeville is only among the latest in a growing trend of local municipalities establishing laws that criminalize sagging pants. In July 2013 Wildwood, New Jersey approved a sagging ban with \$200 in fines and 40 hours of community service among the penalties for offenders. The following year, in Ocala, Florida, city Councilwoman Mary Rich, had a brief victory after a five-year battle she led to establish a ban on sagging pants was unanimously approved. The Ocala ban included \$500 in fines and up to 60 days

in jail for offenders, but was overturned just one month later in a 4-1 vote with Rich as the lone dissenter, after the National Association for the Advancement of Colored People (NAACP) created a campaign to challenge the local ban, arguing that it was yet another instance of racial profiling targeting Black men, and particularly Black youth. Additionally, Opa-Locka, Florida, Pikeville, Tennessee and Jefferson Parish, Louisiana each established their own laws criminalizing sagging pants. But how and where do such responses to this style of dress show us where the work of redressing oppression and marginalization lie?

With no end to municipalities seeking such bans in sight, and certainly no end to the perennial respectability police demonizing sagging pants on the horizon, it appears politically expedient to mine the terrain of discussions about this sartorial choice for its utility as critical jumping off point for solidarity among interconnected quests for social justice on various fronts. What is not new here are the intersections of clothing and politics manifested in the regular practice of people disparaging others on the basis of self-expression through clothing choice. We saw this with the birth of the mini-skirt, when men began wearing their hair long, and women's trousers and pantsuits became a trend. Each of these were moments where a number of people offered these stylistic choices as evidence for their arguments about the ruin of societal morality, the end of human decency, and the cause of any number of matters socio-political-economic ills from illiteracy and poverty, to high school drop out rates and teenage pregnancy. What is new, however, is that individuals are now turning to the State to criminalize people based upon racialized adornment, as evidenced in the ways sagging pants is used as a way to criminalize Black and Brown men and women, as well as youth. The emergence and reoccurrence of this practice shows the ways that white supremacy is always putting forth new ways to harm and penalize individuals in those groups.

It's a crime to wear saggy pants in Flint. Here's the price you could pay:

Punishment for either is 93 days to a year in jail and/or up to \$500 in fines.

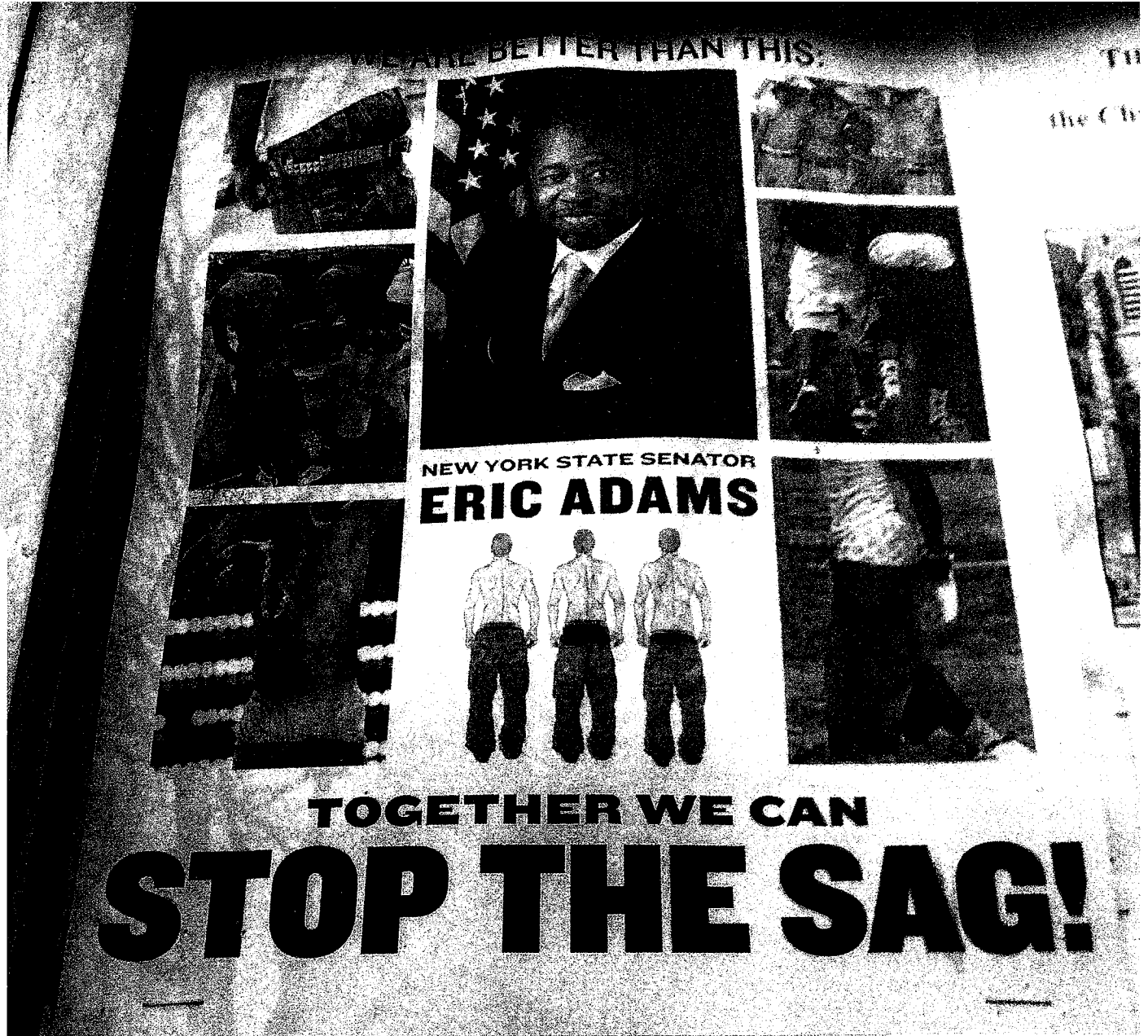


Communication diagram by Flint, Michigan Police Department (2008)

Certainly, the racializing of adornment as a way to target people or entire groups already reveals the presence of a politics that demonstrates that they would likely target those people anyhow simply because they do not like the individuals associated with those clothing styles. Thus, the fact of an anti-Black, anti-Brown, and anti-youth is evident, however what they do is use fashion as a medium that they join to a range of straw men justifications for racist, classist, anti-youth violence, such as saying bans against sagging pants are needed because it is an affront on the basis of religion, taking care of families, safeguarding children from inappropriate dress, disrespectful to elders, or just simply fails to meet an acceptable threshold of propriety.

Contextualizing sagging pants in a socio-political and historical continuum of sartoriality as defiance or performances of deviance as a form of resistance or redress, helpfully points toward a genealogy of racialized and gendered adornment practices. These critical events in history provide insights into how precursors to sagging pants as deviant adornment practices become legible to progenitors of the State as a medium to form justifications for the criminalization and other harmful targeting of Black and Brown people.

The style known as the 'zoot suit' is an example of a racialized adornment performance on such a genealogy. In the 1930s and 1940s, primarily poor and working-class Mexican-Americans and to a lesser degree African Americans and Filipino young people in and around Los Angeles, California adopted a style of dress in which oversized suit jackets were paired with suit pants with a much more slim, tapered fit. Like sagging pants, zoot suits became a shorthand for the Black and Brown youth who pioneered the style, and subsequently that these youth and their communities were menacing, violent, and immoral. The 1943 'Zoot Suit Riots' perhaps most evidences this framing. During the riot, which took place over four days, hundreds of off-duty White military personnel violently attacked Black and Brown zoot suit wearers, beating them, ripping off their clothes, and a number of other heinous acts. Reportedly, as Demby notes, even those Black and Brown people who were not donning zoot suits were assaulted by this mob.



Campaign poster against sagging in Brooklyn by New York State Senator Eric Adams / Photo by Matt Green (2012)

The assault of those wearing zoot suits already shows the ways racialization is at work, but the attack of other Black and Brown people not wearing the style clearly shows that the racializing of adornment allows for racist, xenophobic, and classist attitudes to justify white supremacist violence. Also, while the individuals are not the State itself, as off-duty servicemen, the presence of the State looms large through its progenitors. As a precursor to sagging pants the zoot suits of the 1930s and 1940s displays a racialization of adornment without codified criminality. Relatedly, as early as the mid 19th century, municipalities established laws that made wearing articles of clothing associated with a sex they were not assigned at birth a punishable offense. The punishment for offenders included monetary fines, jail time, and being made to enter mental health facilities unwillingly for so-called treatment. It is not until sagging pants, however, that racialized adornment choice becomes full on codified criminality.

The storied origins of sagging pants as a sartorial choice also provide useful terrain for examining its utility by the State for anti-Black, anti-Brown, anti-youth and gender-based violence. One story locates the origins of sagging pants in prisons, describing the style as one that emerged out of happenstance because prisoners did not have access to belts to hold up their pants, and so they were always sagged. Another story says that in prisons sagging pants was used to gesture to other inmates that you were interested in and available for homosexual sex. Neither of these origin narratives is known for sure, however. I maintain that even as myth the prison clothing narrative does important rhetorical work. For one, the myth is often used to argue why laws against sagging pants are not only needed, but also acceptable. That is, in connecting sagging pants to prisons opponents of sagging say it is ok to criminalize the racialized sartorial choice because, as it starts in prisons, it is thus already criminalized



because it emerges from the carceral space. The narrative of sagging pants as symbolizing interest in and availability for homosexual sex is often levied as a "fact" to deter young men from doing so. Opponents of sagging are placing their bets on homophobia and sexual shaming by presenting the possibility of communicating you are sexually available as a negative practice on which saggerers would not or should not want to be associated. Thus, the sagging pants as prison origin story, even if myth, shows the opportunity for certain segments of a population to col-
lude with the State in violence, even against their own self interest or the interest of individuals in a community to which they themselves belong.

Consider, again, Ocala, Florida Councilwoman Mary Rich, who was quoted in the press as saying her stance against sagging pants could not be anti-black because she herself is Black, her statement that saggerers do not respect themselves, and assumption that they do not have jobs, already show her internalized anti-Black and classist bias and bigotry. Rich exhibits then what political scientist Cathy Cohen calls "secondary marginalization," where the State is able to disappear into the violence propagated on its behalf by individuals in the community being targeted. It is also important to acknowledge, that even those who critique bans on sagging pants, despite their good intentions, can be gathered into a practice that works in the interests of the State and white supremacy. For example, in its campaign challenging the Ocala, Florida ban on sagging pants, the NAACP challenged the law on grounds of racial profiling. However, they were also quoted in news reports as arguing that while the government should stay out of it, sagging was a matter that could be dealt with by Black community leaders, churches, and families without government interference. This framing still locates sagging as being a problem, but also, it sets up an argument for things to be policed by people within the Black community.

Though sagging pants has been my focus, I want to part with a return to my point on the utility of being more conversant with the ways the racialization of adornment is being employed by individuals now turning to officially criminalize them on this basis. As we consider what this practice means for our current political landscape, and how clothes are a major terrain on which the State and its progenitors are legislating violence against people and groups, I would be remised to not speak to a large part of the transformative potential for a transnational movement for justice to coalesce around this issue, as current efforts to police sartorial choices are happening all over. Most notable is a 2004 French law that banned wearing headscarves, turbans, Islamic veils and any other items associated with religious wear in schools, followed by a 2010 French ban on people wearing any head-gear or other wears that cover the face in any public place, including burqas and niqabs worn by Muslim women. An analysis of clothing politics shows that we can and must build coalitions of interconnected justice against entities that persist in criminalizing fashion choices, and indeed public displays and observances of religious and spiritual identity and expression.



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