

Black Gay Male Criminalization and the Case of Michael Johnson

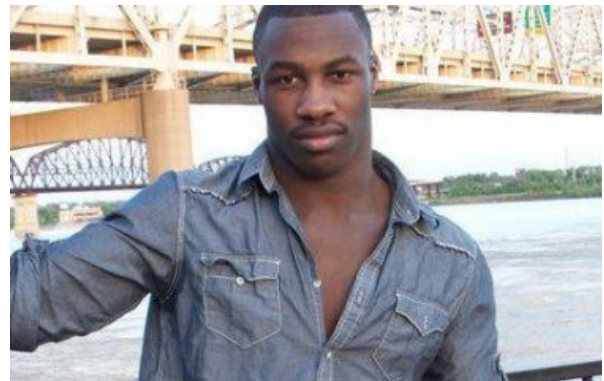
by Charles Stephens

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So many of us know all too well the anxiety of hearing sirens and the terror of being halted by the police. So many of us know all too well the fear of having our lives ripped away from us—targeted, criminalized, and murdered, a fear that has animated our current media landscape and racial discourse, particularly as we bear witness to what’s happening in Ferguson, Missouri.

This fear is very familiar. For Black gay men, the spectacle of being handcuffed and carried away, of being punished, either at the hands of the state or from our own communities, for who we are and how we love, is a real one indeed. So when we read about a case like Michael Johnson (aka Tiger Mandingo), the angst and insecurity of being Black and male and queer in this society stops us in our tracks.



Michael Johnson, a college wrestler who's been charged with "recklessly infecting another with HIV," offers us a lens through which to examine how Black gay men are particularly vulnerable to HIV criminalization. (Facebook / Tiger Mandingo)

This is how it all started: Johnson, then a student and college wrestler at Lindenwood University, located in St. Charles, Missouri, signed a form acknowledging he had been diagnosed with HIV in January 2013. Later that month, he had sex with a fellow student; they had sex at least twice. The fellow student ended up testing positive for HIV and contacted the police several months later, in May 2013, alleging that Johnson told him he was HIV-negative. The police spent about five months building a case against Johnson, culminating in his arrest on October 10, 2013. The *St. Louis Post-Dispatch* reports that several additional individuals then came forward to claim that they too were exposed to HIV via Michael Johnson. He was charged with recklessly infecting another with HIV and four counts of attempting to recklessly infect another with HIV—both felonies in the state. (Currently, 32 states have an HIV-specific criminal statute on the books, and all are felonies, except for in Maryland.) It’s unclear if any of those additional individuals also became HIV-positive.

According to Steven Thrasher, in his remarkably reported article for BuzzFeed on the case, Johnson’s lawyer has declined to state whether Johnson let his partners know he was HIV-positive, but his mother says that Johnson told her he did.

With these allegations, the burden of proof is placed on Johnson, who has to fight present and historical notions of Black men as sexual predators, on top of homophobia and HIV stigma. It’s his word against his accusers’.

Johnson is currently awaiting trial.

Though the full truth of what happened between Johnson and the partners involved in this case will likely not be known for some time, if ever, we can use the case to examine how Black gay men are particularly vulnerable to HIV criminalization, both because of our Blackness, which all too often marks us as criminal, historically and even today, and because of our queerness. Only through examining the case from a historical and an intersectional perspective, can we better understand this injustice.

The media response to Michael Johnson's case has been swift and varied, though mostly ahistorical, not particularly intersectional, and often sensational. *The Daily Caller*, for example, appeared very interested in highlighting the videos Johnson allegedly recorded of himself having sex, in addition to how he found his partners, and could not seem to resist pointing out the "grossly ungrammatical post" on Facebook where he was "exhorting more gay men to bottom."

The *St. Louis Post-Dispatch* refers to Johnson's sexual partners, who were all consensual, as "victims." *Mused* magazine's coverage was more sympathetic to Johnson. The site published an opinion piece critical of the sex-negative slant of the media coverage; it raises the point that HIV is not a "sexual weapon." The most compelling and perhaps the most discussed article about the case, "How College Wrestling Star 'Tiger Mandingo' Became An HIV Scapegoat," published by BuzzFeed and written by Steven Thrasher, painted one of the most humane and complex pictures of Johnson to date.

Assessing the media and cultural landscape, there have been a variety of angles to the coverage of Johnson. There remains considerable room for more in-depth analysis around the history of Black gay male criminalization, and the intersectional nature of our relationship to criminalization. Such a perspective would offer a better lens to think through the case of Johnson and all HIV-positive Black gay men being charged under these laws.

To look at how Black same-sex-desiring men have been criminalized historically around sexual transgression—which again anticipates our current vulnerability, targeting, and criminalization under state HIV laws—we could start in the Harlem Renaissance, the first Black queer utopia of the 20th Century.

Harlem Renaissance writer Wallace Thurman, best known for his novel *The Blacker the Berry*, was arrested in the 1920s for having sex with a white male hairdresser. Augustus Dill, protégé of W.E.B. Du Bois, was arrested in 1928, in New York City, during a sting on "homosexual activity." This facilitated his departure from the NAACP's *Crisis Magazine*, where he worked as the office manager and assistant editor with DuBois.

This same fate would befall Civil Rights leader and organizer Bayard Rustin, who in 1953 was arrested on a charge of "vagrancy and lewd behavior" by Pasadena police officers. He was sentenced to 60 days in jail after pleading guilty to the misdemeanor charge. A decade later Rustin would be branded by Sen. Strom Thurmond (R-SC) as a "Communist, draft-dodger and homosexual." These historic cases paint a picture of the specific social location Black gay men occupied—have always occupied—where the threat of lynching and the criminalization of homosexuality served to silence and punish same-sex desires and sexual transgression.

It is not enough to only consider how lynching regulated the bodies of Black heterosexual men or how sodomy laws regulated gay men's sexual activities or even how HIV criminal laws today affect HIV-positive communities. We must consider how all of these forces collide, particularly in the lives of Black gay men.

The consequence of this collision of forces is that Johnson is thrice a villain, because he is Black, because he is gay, and because he is HIV-positive. This is why an intersectional lens is indispensable. Intersectionality is a consideration of how oppressions—racism, sexism, classism, heterosexism—cannot be examined as separate, but must also recognize the way they operate simultaneously.

This might help explain why Black gay men are vulnerable to incarceration around HIV criminalization laws. In his BuzzFeed article, Thrasher cites a study published in the journal *AIDS and Behavior* that suggests Black people were more likely to be convicted than white people around HIV exposure in sexual interaction and received longer sentences. Currently in the United States, there are 67 laws focused on people living with HIV that have been enacted in 33 states. These laws make HIV-positive Black gay men extremely vulnerable to incarceration.

HIV criminalization advocacy must be recast as not merely securing rights by the state, but securing freedom from the state in the realm of desire. Only through considering the historic and current role of multiple forms of oppression in reinforcing disparities both in health and criminal justice can we begin to more inclusively imagine a way to respond.