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## **The N-word**

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It has been called the nuclear bomb of racial epithets. The filthiest, dirtiest, nastiest word in the English language. A word that has an undisputed pedigree of hate. The word? Nigger.

A Boulder jury recently convicted Phillip Martinez of beating an African- American college student but declined to find Martinez guilty of ethnic intimidation despite testimony that he had yelled the word during the altercation.

The outcome shocked many who followed the trial, but it reveals what some say is a complex and confusing evolution of an emotionally charged word that is appearing more frequently in popular culture.

Jurors in the trial later told prosecutor Amy Okubo there is a common use of the word that is meant as an insult, but not a racial one.

"I could never in a million years think that it could be a derogatory term but not a racially derogatory term," Okubo said. "It was a shock."

And it is a revelation to many who came of age in the civil rights era. To them, there is little room for any meaning beyond one of racial hatred.

"We have been hung with that word," said the Rev. Paul Bursleson, president of the Greater Metro Denver Ministerial Alliance. "We have been discriminated against in housing, medical care and education. And now it's going through an evolution? It's just beyond me."

Linguists say that young adults, influenced by hip-hop music and popular culture, have a more nuanced view of the word - one that can be positive, negative or neutral depending on how it's used.

In the Boulder hate-crime trial, none of the jurors thought the use of the word during the confrontation was positive or even neutral, said Kevin Hotaling, who sat on the 12-member panel, which included one black member.

"The problem with it is that it's a derogatory term, but it could mean that you're a swindler or an a-----e or someone of lesser character," said Hotaling, 23, a recent University of Colorado graduate.

David Pilgrim, curator of the Jim Crow Museum of Racist Memorabilia in Michigan, said he thinks most people - even young people - know something about the history of the word.

Pilgrim, a professor at Ferris State University, said it's difficult to accept that anyone could see the word as anything other than negative.

"What I'm struggling with right now is, maybe the word is evolving and for this generation, it doesn't have the same kind of venom," Pilgrim said.

### **Guessing attacker's intent**

In the early-morning hours of June 3, Andrew Sterling was walking through downtown Boulder, accompanying a female friend.

The 22-year-old mechanical engineering student had accepted a research internship and had been out celebrating at a Boulder bar.

The pair were near the Wild Oats grocery on Arapahoe Avenue when a man in a passing van yelled the n-word and profanities, according to Sterling and witnesses.

In a subsequent court hearing, Sterling said he was offended, angry and scared. And he yelled back at the van.

"If you have something to say, get out and say it," Sterling said, according to accounts of the court hearing.

Phillip Bernard Martinez, who was then 38 years old and had a record of about 40 prior arrests, got out of the van.

Hotaling, the juror, said that part of the difficulty jurors had in discerning whether racial hatred was involved was that witness accounts varied on who said what and when they said it.

There was some evidence, Hotaling said, that someone else in the van had shouted the word. And one of Martinez's companions in the van told jurors the word Martinez uttered was actually "nigga" and it was said in a "hip-hop" way, according to an account in the Daily Camera.

What is undisputed is that Martinez punched Sterling twice, breaking his jaw. Sterling will have a titanium plate and four screws in his jaw for the rest of his life.

Shortly after the attack, Sterling told The Denver Post that some of the details of the altercation were fuzzy, but he clearly remembered the hatred.

"That was a first time for me," he said at the time. "I've never been the victim of just pure racism out of nowhere before."

Martinez was charged with second-degree assault and ethnic intimidation. Colorado law says ethnic intimidation is committed when a perpetrator causes bodily harm and harasses or intimidates a victim because of that person's racial or ethnic background.

Jurors deliberated for 10 hours, Hotaling said, spending about half the time debating whether there was enough proof that Martinez said the word during the assault and attempting to discern his intent if he did.

Deliberations often were tense, he said, with jurors getting into shouting matches about whether the word ever could be used without being a racial insult.

"It was Martinez's direct motivation that was important," Hotaling said. "If he wasn't thinking, 'He's black; he deserves to get it,' we can't say it's racial."

When jurors returned their verdict this month, they found Martinez guilty of assault but not guilty on the hate-crime charge. An ethnic intimidation conviction would have carried a one- to three-year prison term.

Hotaling said Martinez's background as a lower-income person who was exposed to jail culture made it plausible that he was using the term in a general, derogatory way without racial meaning. That's because the word is frequently used that way among people similarly situated, Hotaling said.

"I grew up in New York and I know plenty of black people and I've seen plenty of fights and I've seen this word used in many situations," he said.

Sentencing on the assault charge is scheduled for April, and Martinez faces from five to 16 years in prison.

Okubo said she was stunned that the jury didn't convict on racial intimidation.

"It was said over and over, and it was said in the context of smashing his jaw," she said. "I really don't know what more you need to prove ethnic intimidation."

### **Epithet's buried origins**

The etymology of the n-word is often traced to the Latin adjective "niger," which means black.

Scholars have argued that the word's use in describing dark-skinned people of African descent did not originate as a slur but became an insult over time.

Pilgrim, the Ferris State professor who curates the Jim Crow Museum, contends that by the early 1800s, the word was firmly established as an epithet meant to demean.

John Rickford, a linguistics professor at Stanford University, said there are definite generational differences in how people today use the word.

People in their 20s who are familiar with pop-culture references to it in music and film may not be sufficiently aware of how negative and powerful the word is and where it comes from, Rickford said.

"To me, that word only has meaning if you give it meaning," said Travis Ogle, 19, an international studies major at the University of Colorado at Boulder. "I don't use the word. I'm not comfortable using it. But it doesn't mean 'hate' necessarily. It can, but it doesn't have to."

And for those immersed in hip-hop culture as portrayed in urban music and film, using the word can be a way to transform a hateful term.

Academics call this "inversion," laying claim to the power of a horrible word by changing its meaning and the rules of using it - meaning blacks within the same group can use it with each other, but outsiders dare not.

Rickford said the word can be a term of endearment among people who know each other and perhaps are smiling, laughing and speaking with mellifluous voices.

But overwhelmingly, he said, the word provokes a visceral reaction among African-Americans. Most very distinctly remember when they've been called that name, he said.

"People just go foaming-at-the-mouth mad over that word," Rickford said. "Black people who have been on the receiving end of this word never react like it's OK."

The introduction of the word was a pivotal point in the O.J. Simpson murder trial.

Revelations that a detective in Simpson's case used the n-word dozens of times became a focal point of Simpson's defense, which ultimately prevailed.

In a passionate and famous argument to the jury in the case, prosecutor Christopher Darden called it a dirty, filthy word. And he said the defense was attempting to use it to upset black jurors and make them pick sides.

The power of even the perception of the use of the word was in full evidence in 1999 when an aide to Washington, D.C., Mayor Anthony Williams used the word "niggardly," a synonym for stingy, in a conversation with two aides.

"Niggardly" is an old English word with no racial connotation, and eventually the aide was rehired. But the incident prompted a national debate on racial sensitivity and perception.

The force of the word was uniquely described by journalist Farai Chideya as "the all-American trump card, the nuclear bomb of racial epithets."

Common use of the word ultimately will exact societal costs, wrote Harvard University professor Randall Kennedy in his critically acclaimed book "Nigger," which traces the evolution of the word.

He says that as it is more widely used, it will become more difficult to censure even hateful use of it.

"This tendency will doubtless, in certain instances, lead to unfortunate results, as decision makers show undue solicitude toward racists who use the rhetoric of complexity to cover their misconduct," he wrote.

University of Colorado student Laura Garcia agreed that even as the word gains common currency, its use traverses dangerous territory.

"Growing up, you listen to hip-hop music, and it's in there," said Garcia, 25. "You're told that only black people can use it, but you kind of wonder why only they can use it."

These days no one, she said, should be able to claim ignorance of the word's power.

"If you do use that word, you can't be surprised by the reaction that you get," Garcia said. "If someone calls you a racist for using it, you can't be surprised."

*Staff researcher Monnie Nilsson contributed to this report.*

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