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USA

# Ferguson's Killer Cop Is Not Arrested

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**“Nearly two times a week in the United States a white police officer kills a Black person during a seven-year period ending in 2012, according to the most recent accounts of justifiable homicide reported to the FBI.**

“While the racial analysis is striking, the database it's based on has been long considered flawed and largely incomplete. The killings are self-reported by law enforcement and not all police departments participate, so the database undercounts the actual number of deaths... (T)he numbers are not audited after they are submitted to the FBI and the statistics on ‘justifiable’ homicides have conflicted with independent measures of fatalities at the hands of police.” (USA Today, August 15)

Darren Wilson, the killer of unarmed African American teenager Michael Brown in Ferguson, Missouri on August 9, continues to receive full pay and freedom. At the Ferguson police department many cops are wearing “I am Darren Wilson” bracelets to mock the chants of Black men and women who chant “I am Michael Brown” at city council meetings and on the street.

Cops and prosecutors assume that Wilson used “reasonable force” and only faces scrutiny because of the public outrage and protests. The struggle is between the historical pattern of African Americans shot by white cops, and the collective fightback to win justice. It is far from settled who will win this tug of war.

A twelve-person grand jury was convened on August 20. Grand Jury deliberations are secret, but generally follow the direction of the prosecuting attorney. St. Louis County Prosecuting Attorney Robert McCulloch has deep ties to the police, and has favored law enforcement in criminal cases. In his view cops always use “reasonable force” in doing their job.

Although the grand jury began meeting in August, it now reports it may not be able to decide until January whether Wilson should be indicted. On September 16, Wilson testified before the grand jury for more than four hours, and according to sources with knowledge of the investigation Wilson was “cooperative.” He was not obligated to testify.

It takes at least nine of the twelve grand jurors to issue an indictment. A tweet in late September by someone who knows a person on the Jury said there is no evidence yet to indict. This leak is a violation of the law and could lead to a new panel of jurors. The chief prosecutor said all evidence will be made public if there is no indictment.

## Claim of Self-Defense

The grand jury must be convinced that Wilson wasn't acting in self-defense (his claim) to make an indictment. Yet it does not have to call eyewitnesses or have an open hearing. Generally the cop declaring self-defense is the only “witness” testifying to the jury. The dead victim is voiceless.

The grand jury system is not democratic or fair. What's happening here is a classic case of turning the victim into the criminal, and the white killer cop into the “victim.” Where is the required police report after the shooting? In violation of Missouri Sunshine statutes, no information from the police (the Incident Report, for instance) has been made public.

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Wilson has been kept out of the public eye as his mostly white and conservative supporters denounce the protesters as "thugs" and Michael Brown as responsible for his own death. At protests in Ferguson since August 9, it's been the cops who are violent and disrespectful to mostly peaceful protesters demanding justice for Brown.

Police propaganda and corporate media are spreading the idea that if no indictment is issued, there may be "riots" by the community. The right wing and racist press (Fox News and conservative blogs) are running defense efforts and public support for Wilson. (An example is the conservervativebyte.com, September 25 piece that praised cops wearing the "I am Darren Wilson" bracelets.) More money has been raised for the Wilson Defense fund than for the Brown family.

Attorney General Eric Holder and the Department of Justice promised to launch a civil rights investigation. So far little has been done. The same DOJ's investigation of Trayvon Martin's killing in Florida has led to no federal indictment of George Zimmerman.

The arrogance of the Ferguson police was on display on September 25 when Police Chief Tom Jackson issued a video apology to the parents of Michael Brown six weeks after the killing that backfired. Jackson told the press he had been too busy working on the case and other aspects of his job to do so earlier. (Evidently the "apology" gambit came from a newly hired public relations firm.) Brown's parents responded to the apology by demanding that the Justice Department take over the case and arrest Wilson.

## What Next

African Americans are disproportionately arrested, convicted, and incarcerated because of the institutional racism of the justice system. Every Black male knows that being Black in itself can lead to your death if a cop decides you are guilty of unknown crimes. You might raise your hands (as Brown did) but it doesn't matter.

"The NAACP released a report Thursday, titled *Born Suspect: Stop-and-Frisk Abuses & the Continued Fight to End Racial Profiling in America* [1], that looks at the 20 states without laws explicitly prohibiting racial profiling and the 30 states with some form of racial profiling laws on the books.

"'Not much has changed' in the past decade, said Niaz Kasravi, the report's lead author and the NAACP's director of criminal justice. "I can't tell you how many parents have sat with me in their living rooms and talked about their sons or daughters who are no longer with us and flipped through photo albums. It's heart wrenching.'

"The NAACP and Urban League are committed to seeking justice on behalf of those families, [Urban League President Marc] Morial, said." (USA Today, September 15)

What happens next in Ferguson depends on the national and international spotlight. Reverend Al Sharpton of the National Action Network and an adviser to the Brown parents summarize best what must be done, "Whether they wear blue jeans or blue uniforms, criminals must be held accountable."

Collective pushback through civil disobedience and mass public actions is essential to hold the killer cop accountable.

*October 7, 2014*

[1] <http://www.naacp.org/pages/boon-sus...>